

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND  
3<sup>rd</sup> MILITARY POLICE GROUP (CID)  
78<sup>th</sup> MILITARY POLICE DETACHMENT (CID) (FWD)  
BAGHDAD, IZ  
APO AE 09342

CIMPR-FR

3 Aug 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI -0164-04-CID259-80220-  
/5C1A/5C2/5Y2E/6X1 SA/SM3

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 2 JUN 2004/0515 - 2 JUN 2004/0618 HRS; UNKNOWN HOLDING AREA,  
BAGHDAD, IZ

DATE/TIME REPORTED: 14 Jun 2004, 1745 HRS

INVESTIGATED BY: SA [REDACTED] b7C-1, b6-1, b2 SA [REDACTED] b7C-1, b6-1, b2  
SA [REDACTED] SA [REDACTED]  
[REDACTED] b7C-1, b6-1, b2 [REDACTED] b7C-1, b6-1, b2

SUBJECT: 1. (UNKNOWN); (NFI); [AGGRAVATED ASSAULT (UNFOUNDED)] [SIMPLE  
ASSAULT (UNFOUNDED)] [CRUELTY AND MALTREATMENT (UNFOUNDED)]  
[CONSPIRACY (UNFOUNDED)]

2. (UNKNOWN); (NFI); [AGGRAVATED ASSAULT (UNFOUNDED)] [SIMPLE  
ASSAULT (UNFOUNDED)] [CRUELTY AND MALTREATMENT (UNFOUNDED)]  
[CONSPIRACY (UNFOUNDED)]

3. (UNKNOWN); (NFI); [AGGRAVATED ASSAULT (UNFOUNDED)] [SIMPLE  
ASSAULT (UNFOUNDED)] [CRUELTY AND MALTREATMENT (UNFOUNDED)]  
[CONSPIRACY (UNFOUNDED)]

4. [REDACTED] b7C-5, b6-5  
[REDACTED] IZ; IZ; (NFI); [FALSE OFFICIAL  
STATEMENT]

5. [REDACTED] b7C-5, b6-5  
[FALSE OFFICIAL STATEMENT]

5. VICTIM: 1. [REDACTED] b7C-4, b6-4  
[REDACTED] IZ; IZ; (NFI); [AGGRAVATED ASSAULT  
(UNFOUNDED)] [SIMPLE ASSAULT (UNFOUNDED)] [CRUELTY AND MALTREATMENT  
(UNFOUNDED)] [CONSPIRACY (UNFOUNDED)]

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2. [REDACTED] (NFI);  
[SIMPLE ASSAULT (UNFOUNDED)] [CRUELTY AND MALTREATMENT (UNFOUNDED)]  
[CONSPIRACY (UNFOUNDED)]

3. U.S. GOVERNMENT (A COMPANY, 312<sup>TH</sup> MILITARY INTELLIGENCE  
BATTALION, CAMP CUERVO, IZ); [FALSE OFFICIAL STATEMENT]

#### INVESTIGATIVE SUMMARY:

On 14 Jun 04, this office was notified by CW2 [REDACTED] Operational Management Team (OMT) 26, 1<sup>ST</sup> Brigade Combat Team, Ironhorse Base, Iraq, that Mr. [REDACTED] and Mr. [REDACTED] alleged they were abused after they were detained by U.S. Forces.

Investigation established the offenses of Aggravated Assault, Simple Assault, Cruelty and Maltreatment, and Conspiracy did not occur as alleged by Mr. [REDACTED] and Mr. [REDACTED]. The medical examinations of Mr. [REDACTED] and Mr. [REDACTED] disclosed no injuries consistent with their allegations. All interviews of the personnel present at the detention facility during the timeframe of the incident disclosed the offenses alleged by Mr. [REDACTED] and Mr. [REDACTED] did not occur.

Further investigation established probable cause to believe Mr. [REDACTED] and Mr. [REDACTED] committed the offense of False Official Statement when they provided statements to A Company, 312<sup>th</sup> Military Intelligence Battalion, Camp Cuervo, IZ, which they knew to be false.

#### STATUTES:

Article 128, UCMJ: Simple Assault (Unfounded)  
Article 128, UCMJ: Aggravated Assault (Unfounded)  
Article 93, UCMJ: Cruelty and Maltreatment (Unfounded)  
Article 81, UCMJ: Conspiracy (Unfounded)  
18 USC 1001: Statements or Entities

#### EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigation Report (AIR) of SA [REDACTED] 28 Jul 04, detailing the receipt of the initial complaint; interviews of 1LT [REDACTED] and SGT [REDACTED] coordination with MAJ [REDACTED] CPT [REDACTED], CPT [REDACTED] and CPT [REDACTED], and review of AR 15-6 investigation.
2. Waiver Certificate and Sworn Statement of 1LT [REDACTED] 16 Jul 04, wherein he denied the allegations made by Mr. [REDACTED] and Mr. [REDACTED] and further stated he never witnessed any abuse against any detainee by U.S. Forces.
3. AR 15-6 investigation, 9 Jun 04, which disclosed no evidence of any abuse or maltreatment, directed against Mr. [REDACTED] or Mr. [REDACTED].

Not Attached:

Retained in the files of 1<sup>ST</sup> Brigade Combat Team, Camp Cuervo, IZ:

4. Summary Interrogation Reports of Mr. [REDACTED] and Mr. [REDACTED]

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The originals of Exhibits 1 and 2 are forwarded with USACRC copy of this report. The original of Exhibit 3 is maintained in the files of the Office of the Staff Judge Advocate, 1<sup>st</sup> Cavalry Division, Camp Victory, IZ.

STATUS: This is a Final Report. Commander's Report of Disciplinary Action Taken is not required.

Report Prepared By:

b7c-1, b6-1, b2

Special Agent,

Report Approved By:

b7c-1, b6-1

Special Agent in Charge

Distribution:

1-DIR, USACRC, 6010, 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506 (original)

1-Thru: CDR, 22<sup>nd</sup> MP BN (CID), APO AE 09342

Thru: CDR, 3<sup>rd</sup> MP Group (CID)

To: CDR, USACIDC, ATTN: CIOP-ZA, Fort Belvoir, VA 22060

1-USACIDC, ATTN: Ms. [REDACTED] (email only)

1-PMO, MNF-I (e-mail only) b7c-1, b6-1

1-CID LNO, MNF-I, APO AE 09335 (e-mail only)

1-Office of the Staff Judge Advocate, III Corps, ATTN: CPT [REDACTED] (email only) b7c-3, b6-3

1-File

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**BASIS FOR INVESTIGATION:** About 1745, 15 Jun 04, this office was notified by CW2 [REDACTED] 67C-3, b6-3  
[REDACTED] Operational Management Team (OMT) 26, 1<sup>st</sup> Brigade Combat Team, Ironhorse  
Base, Iraq, that Mr. [REDACTED] 67C-4, b6-4 and Mr. [REDACTED] 67C-4, b6-4 alleged they  
were abused after they were detained by U.S. Forces.

About 1415, 16 Jul 04, SA [REDACTED] 67C-1, b6-1 advised 1LT [REDACTED] 67C-4, b6-4, A  
Company, 2<sup>nd</sup> Squadron, 5<sup>th</sup> Cavalry Regiment, Fort Hood, TX (deployed to Iraq), of his legal  
rights, which he waived, and provided a sworn statement wherein he denied the allegations made  
by Mr. [REDACTED] 67C-4, b6-4 of Mr. [REDACTED] 67C-4, b6-4. (See Waiver Certificate and Sworn Statement for  
details) 67C-4, b6-4

About 1510, 16 Jul 04, SA [REDACTED] 67C-1, b6-1 interviewed [REDACTED] 67C-3, b6-3, A  
Company, 2<sup>nd</sup> Squadron, 5<sup>th</sup> Cavalry Regiment, Fort Hood, TX (deployed to Iraq), who stated he  
did not remember Mr. [REDACTED] 67C-4, b6-4 and Mr. [REDACTED] 67C-4, b6-4 in particular; however, he stated he  
never witnessed or otherwise gained knowledge that anyone committed any of the allegations  
made by Mr. [REDACTED] 67C-4, b6-4 and Mr. [REDACTED] 67C-4, b6-4

About 1530, 16 Jul 04, SA [REDACTED] 67C-1, b6-1 coordinated with MAJ [REDACTED] 67C-3, b6-3, Operations  
Officer, 1<sup>st</sup> Battalion, 12<sup>th</sup> Cavalry Regiment, Camp War Eagle, IZ, who stated he was appointed  
as the Investigating Officer for the allegations made by Mr. [REDACTED] 67C-4, b6-4 and Mr. [REDACTED] 67C-4, b6-4  
[REDACTED] MAJ [REDACTED] 67C-3, b6-3 stated his investigation disclosed no evidence existed to support the  
allegations.

About 1600, 16 Jul 04, SA [REDACTED] 67C-1, b6-1 coordinated with CPT [REDACTED] 67C-3, b6-3, Office of the  
Staff Judge Advocate, 1<sup>st</sup> Cavalry Division, who stated the legal review of the investigation  
conducted by MAJ [REDACTED] 67C-3, b6-3 supported his findings.

49C-3, b6-3 About 1300, 26 Jul 04, this office received a copy of the investigation conducted by MAJ  
[REDACTED] A review of the investigation disclosed the interviews of the personnel involved did  
not support the allegations made by Mr. [REDACTED] 67C-4, b6-4 and Mr. [REDACTED] 67C-4, b6-4. (See 15-6  
Investigation for details)

**AGENT'S COMMENT:** Due to the classification level of the Summary Interrogation Reports of  
Mr. [REDACTED] 67C-4, b6-4 and Mr. [REDACTED] 67C-4, b6-4, they were not included with the 15-6 Investigation.

About 1300, 28 Jul 04, SA [REDACTED] 67C-1, b6-1 briefed CPT [REDACTED] 67C-3, b6-3, Chief of Criminal Law,  
Office of the Staff Judge Advocate, III Corps, Camp Victory, IZ, on all aspects of this  
investigation. CPT [REDACTED] 67C-4, b6-4 opined sufficient evidence was present to establish the offenses of  
Assault, Aggravated Assault, Cruelty and Maltreatment, and Conspiracy did not occur as alleged.  
CPT [REDACTED] 67C-4, b6-4 further opined probable cause existed to believe Mr. [REDACTED] 67C-4, b6-4 and Mr. [REDACTED] 67C-4, b6-4

SA [REDACTED] 67C-1, b6-1, b2	78 <sup>th</sup> MP Detachment (Forward) (CID)
Special Agent, [REDACTED]	Baghdad, Iraq APO AE 09342
Signature: [REDACTED]	Date: 28 JUL 04
	Exhibit: 1

CID Form 94

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b7c-1, b6-1  
[REDACTED] committed the offense of False Official Statement when they provided statements which they knew to be false.///LAST ENTRY///

b7c-1, b6-1, b2

SA [REDACTED]	78 <sup>th</sup> MP Detachment (Forward) (CID)
Special Agent, [REDACTED]	Baghdad, Iraq APO AE 09342
Signature: [REDACTED]	Date: 28 JUL 04
	Exhibit: 1

CID Form 94 / FOR OFFICIAL USE ONLY

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**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
For use of this form, see AR 190-30: the proponent agency is ODCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>Camp Eagle, IZ</u>	2. DATE <u>16 JUL 09</u>	3. TIME <u>1415</u>	4. FILE NO. <u>67C-4, 66-4</u>
5. NAME (Last, First, MI) <u>[REDACTED]</u>	8. ORGANIZATION OR ADDRESS <u>A Company</u> <u>215 Cavalry</u> <u>Fort Hood, TX (reployed to Iraq)</u>		
6. SSN <u>67C-4, 66-4</u>	7. GRADE/STATUS <u>O2/AD</u>		

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command (CID) as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Aggravated Assault, Cruelty and Maltreatment, Conspiracy

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

**5. COMMENTS (Continue on reverse side)**

**Section B. Waiver**

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. [REDACTED] 67C-4, 66-4

<b>WITNESSES (If available)</b>		3. SIGNATURE OF INTERVIEWEE <u>[REDACTED]</u> <u>67C-4, 66-4</u>
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PH		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED]</u> <u>67C-1, 66-1</u>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR SA <u>[REDACTED]</u> <u>67C-1, 66-1</u>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 78 <sup>th</sup> Military Police Detachment (CID) Baghdad, IZ

**Section C. Non-Waiver**

1. I do not want to give up my rights.

☐

I want a lawyer.

☐

I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA form 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881 NOV 80

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**EXHIBIT # 2**

# PART II - RIGHTS WARNING PROCEDURE

## THE WARNING

### 1. WARNING - Inform the suspect/accused of:

- a. Your official position
- b. Nature of offense(s).
- c. The fact that he/she is a suspect/accused.

### 2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

- a. "You do not have to answer my questions or say anything."
- b. "Anything you say or do can be used as evidence against you in a criminal trial."
- c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights

## THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

## SPECIAL INSTRUCTIONS

### WHEN THE SUSPECT/ACCUSED REFUSES TO SIGN THE WAIVER

CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

### IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:

In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

### PRIOR INCRIMINATING STATEMENTS:

- 1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

- 2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

REVERSE OF DA FORM 3881  
871/02685

\*U.S. Government Printing Office, 1990-261-

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION <u>Camp Eagle, TX</u>	DATE <u>16 JUL 72</u>	TIME <u>1457</u>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <u>[REDACTED]</u>	SOCIAL SECURITY NUMBER <u>[REDACTED]</u>	GRADE/STATUS <u>02/AD</u>	

ORGANIZATION OR ADDRESS  
A Company, 2/5 Cavalry Regiment, Ft Hood, TX (deployed to Iraq)

[REDACTED] 67C-4, 66-4 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

We detained the two brothers and brought them back to CAMP EAGLE to the detainee center. They were kept segregated and placed into different cells. They were each interrogated by [REDACTED] and [REDACTED]. During this time, either myself or CPT [REDACTED] were in the room with the interrogators. After the two interrogations were completed we took them and their belongings to the Cuervo BHA. [REDACTED]

Q: SA [REDACTED] 67C-1, 66-1

A: 1LT [REDACTED] 67C-4, 66-4

Q: Were the interrogations at the two detainees conducted simultaneously?

A: NO, at different times.

Q: Did you observe anyone hit either detainee or by his legs?

A: NO

Q: Did you observe anyone point a pistol at either detainee?

A: NO

Q: Did you observe anyone strike a detainee?

A: NO

Q: Were the detainees restrained in any manner?

A: Flexcuffs and blindfolds

Q: Were the detainees seated or standing?

A: 1st detainee was standing, the second on the ground

Q: Were there any chairs for the detainees to sit upon?

A: I think there was one or two chairs, however, I don't remember either detainee sitting in one. [REDACTED]

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>[REDACTED]</u> <u>67C-4, 66-4</u>	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823  
1 JUL 72

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EXHIBIT # 2



STATEMENT OF/ LT

TAKEN AT Camp War Eagle

DATED 16 JUL 04

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

Q: Did you transport these detainees to Camp Cuerno?

A: YES

Q: At that time, did you observe any injury to either detainee?

A: NO

Q: During the interrogations you witnessed, ~~there~~ <sup>b7c-4, b6-4</sup> was there anyone who had a pistol inside the interrogation room?

A: NO

Q: What language were the interrogations conducted in?

A: ARABIC

Q: Do you understand arabic?

A: NO

Q: Other than the two linguists you named above, was any other Iraqi allowed access to the detainees?

A: NO

Q: Was there a time during the interrogations where the linguists were alone with the detainee(s)?

A: NO b7c-4, b6-4

Q: ~~Do you have anything~~ Did you strike any detainee?

A: NO

Q: Did you point a pistol at either of these detainees during their interrogations?

A: NO

Q: Did you throw either detainee to the ground during their interrogations?

A: NO

Q: Do you know the names of either detainee? b7c-3, b6-3

A: NO, THEY ARE [REDACTED] RELATIVES

Q: Do you have any thing else to add to this statement?

A: NO /// END OF STATEMENT /// b7c-4, b6-4

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

b7c-4, b6-4

PAGE

2

PAGES

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EXHIBIT # 2

STATEMENT OF 1LT [REDACTED] b7C-4,66-4  
TAKEN AT Camp [REDACTED] Eagle 72 FILE NUMBER: b7C-4,66-4  
DATED 16 JUL 04 CONTINUED: [REDACTED]

STATEMENT (Continued)

NOT USED

**AFFIDAVIT**

[REDACTED] b7C-4,66-4 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b7C-4,66-4  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of July, 2004 at Camp [REDACTED] Eagle 72

ORGANIZATION OR ADDRESS

[REDACTED] b7C-1,66-1  
(Signature of Person Administering Oath)

Sgt [REDACTED] b7C-1,66-1

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136, UCMJ

(Authority To Administer Oaths)

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INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-4,66-4

PAGE 3 OF 3 PAGES

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EXHIBIT # 2

# Page(s)

11-42

## Referred to:

U.S. CENTRAL COMMAND  
7115 SOUTH BOUNDARY BLVD  
ATTN: CCJ6-DM  
MACDILL AIR FORCE BASE  
FLORIDA 33621-5101

MS. JACQUELINE SCOTT  
scottj@centcom.smil.mil  
(813) 827-5341/2830

0164-04-C10295-80220

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

[illegible]

LAW ENFORCEMENT SECTION

02

TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY
1745, 14 Jun 04 [REDACTED] b7c-1, b6-1	BASIS FOR INVESTIGATION: About 1745, 15 Jun 04, this office was notified by CW2 [REDACTED], Operational Management Team (OMT) 26, 1 <sup>st</sup> Brigade Combat Team, Ironhorse Base Iraq, that Mr [REDACTED] and Mr [REDACTED] alleged they were abused after they were detained by U.S. Forces.
1030, 15 Jun 04 [REDACTED] b7c-1, b6-1 15 JUN 04 [REDACTED] b7c-1, b6-1	Assembled case file. Drafted Initial Report. To SAC for Review. SAC Review: FBI/ST Dispatched. Good IP. Follow IT. b7c-1, b6-1 TO SA [REDACTED]
24 JUN 04 [REDACTED] b7c-1, b6-1 24 JUN 04 [REDACTED] b7c-1, b6-1	Response to SAC Review: Noted. Coordinated with 38 <sup>th</sup> MP Det and was informed the 545 <sup>th</sup> MP stated they are conducting no convoys until 29 JUN 04 at earliest. C/A must find another means to convoy to Camp Cuervo.
24 JUN 04 [REDACTED] b7c-1, b6-1	Contacted CW2 [REDACTED] who stated he did not have any personnel conveying to or from Camp Victory. Requested CW2 [REDACTED] Contact C/A if any convoys become available in the next few days.
29 JUN 04 [REDACTED] b7c-1, b6-1 29 JUN 04 [REDACTED] b7c-1, b6-1	Notified that all routes outside Camp Victory to outlying camps are classified as Red. No convoys until after 4 JUN 04. Coordinated w/ TITAN operations office and was informed they were able to search the database by CAT I, CAT II, ect. Must determine where the linguist is from first. Scheduled meeting for MDO. Additionally, was informed Mr. [REDACTED], Green Zone, maintained listing of all Iraqi CAT I Linguists.
29 JUN 04 [REDACTED] b7c-1, b6-1 30 JUN 04 [REDACTED] b7c-1, b6-1	TO SAC for review. SAC Review: 1. Threat level is too high for travel in Baghdad region 2. Update your AIR w/ AAS entry: 29 JUN 04. 3. Continue efforts w/ IP. 4. Ensure all docs have ROI/FWD b7c-1, b6-1 TO SA [REDACTED]

03

0164-04-CID 259-80220

TIME, DATE, AND AGENT

## SUMMARY OF INVESTIGATIVE ACTIVITY

30 JUN 04

b7C-1, b6-1

Response to SAC Review:

1. Noted.
2. Will update ATR
3. Noted.
4. Will do. b7C-3, b6-3

30 JUN 04

b7C-1, b6-1

Coordinated w/ [REDACTED] TITAN Corporation, Green Zone, Baghdad, IZ, who stated the listing of CIA/I by us was maintained at his office; however, they did not have access to SIPRNET and could not provide the information telephonically. Stated CIA must come to office in person.

Coordinated w/ 58th MP DET (CID) & discussed convoy scheduled to go to Camp Cervo on 8 JUL 04.

7 JUL 04

b7C-1, b6-1

Attempted to coordinate w/ 58th regarding convoy. No answer at office phone.

7 JUL 04

b7C-1, b6-1

Made several attempts to contact 38th which met w/ negative results.

7 JUL 04

b7C-1, b6-1

Coordinated w/ SA [REDACTED] 38th, who stated he would have the agent going to Camp Cervo contact CIA this afternoon.

7 JUL 04

b7C-1, b6-1

Coordinated w/ 38th. Convoy departs @ 0700, 8 JUL 04. Staging time 0840, 8 JUL 04 @ 38th MP Det's office.

7 JUL 04

b7C-1, b6-1

Coordinated w/ 38th. Due to priority investigation, convoy was changed to go to Taji.

8 JUL 04

b7C-1, b6-1

Notified CW2 [REDACTED] will not arrive today for interviews.

8 JUL 04

b7C-1, b6-1

Coordinated w/ SA [REDACTED] 38th, who stated he would have a convoy to Camp War Eagle on 12 or 13 JUL 04 and would contact CIA with time.

10 JUL 04

b7C-1, b6-1

Coordinated w/ SA [REDACTED] 38th, who stated convoy to Camp War Eagle had already departed and another was not scheduled at this time.

12 JUL 04

b7C-1, b6-1

Scheduled convoy to CPA to obtain information regarding linguists. Convoy scheduled for 16 JUL 04 @ 0900.

13 JUL 04

b7C-1, b6-1

## TIME, DATE, AND AGENT

## SUMMARY OF INVESTIGATIVE ACTIVITY

13 JUL 04

b7c-1, b6-1

To SAC for review.

14 JUL 04

b7c-1, b6-1

SAC Review:

1. Continue efforts w/ IP

To SA

b7c-1, b6-1

16 JUL 04

b7c-1, b6-1

Conveyed to Camp War Eagle to conduct activity.

16 JUL 04

b7c-1, b6-1

Advised LT [redacted] of his legal rights, which he waived, and provided a sworn statement denying the allegations. (See AFR for details)

16 JUL 04

b7c-1, b6-1

Interviewed SGT [redacted] who stated he never witnessed any abuse of any detainee. (See AFR for details)

16 JUL 04

b7c-1, b6-1

Coordinated w/ CPT [redacted] who stated SGT [redacted] witnessed the apprehension of Mr. [redacted] but did not participate in the transport of Mr. [redacted] or the interrogations.

16 JUL 04

b7c-1, b6-1

Coordinated w/ MAJ [redacted] Operations Officer, 1/12 CAU, Camp War Eagle, who stated he conducted a 15-6 investigation regarding these allegations which disclosed no criminality was present.

16 JUL 04

b7c-1, b6-1

Coordinated w/ CPT [redacted], SJA, 1 CAU, who stated the OJSA, 1 CAU, had reviewed the 15-6 conducted by MAJ [redacted] and supported his findings. CPT [redacted] stated he would send the 15-6 to this office via SIPRNET.

19 JUL 04

b7c-1, b6-1

Coordinated w/ SAC who stated he did not receive any information from CPT [redacted]

20 JUL 04

b7c-1, b6-1

Sent email to CPT [redacted] requesting he re send 15-6 to this office.

20 JUL 04

b7c-1, b6-1

Rec'd email from CPT [redacted] who stated he would drop off a hard copy of the 15-6 with the Chief Justice, 1 CAU, on 21 Jul 04

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LAW ENFORCEMENT



TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY
22 JUL 04 [REDACTED] b7c-1, b6-1	Coordinated w/ 38 <sup>th</sup> MP DET (12) and was informed LTC [REDACTED] was the Chief Justice, 1 CAU, and his office was located across the road from 38 <sup>th</sup> . b7c-3, b6-3
22 JUL 04 [REDACTED] b7c-1, b6-1	Coordinated w/ NUTS [REDACTED] who stated he did not have the 15-6. b7c-3, b6-3
23 JUL 04 [REDACTED] b7c-1, b6-1	Sent email to LTC [REDACTED] regarding 15-6. b7c-3, b6-3
23 JUL 04 [REDACTED] b7c-1, b6-1	Rec'd email from LTC [REDACTED] who stated the 15-6 was provided to CPT [REDACTED] b7c-3, b6-3
24 JUL 04 [REDACTED] b7c-1, b6-1	Attempted to obtain 15-6 from CPT [REDACTED] was informed he will return on 20 JUL 04. b7c-3, b6-3
26 JUL 04 [REDACTED] b7c-1, b6-1	Obtained 15-6 from CPT [REDACTED] b7c-3, b6-3
26 JUL 04 [REDACTED] b7c-1, b6-1	Reviewed 15-6. All statements contained in 15-6 state allegations did not occur.
26 JUL 04 [REDACTED] b7c-1, b6-1	Discussed w/ SAC. Will coordinate with CPT [REDACTED] and obtain agree. b7c-3, b6-3
27 JUL 04 [REDACTED] b7c-1, b6-1	To SAC for review.
28 JUL 04 [REDACTED] b7c-1, b6-1	<p>SAC Review:</p> <ol style="list-style-type: none"> <li>1. Good work.</li> <li>2. Good efforts to obtain 15-6.</li> <li>3. Get w/ STA, then generate 2<sup>nd</sup> STAT to unfold the offense, add subjects, then return to me for dispatch</li> <li>4. Then generate Final Report</li> </ol> <p>TO SA [REDACTED] b7c-1, b6-1</p>

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TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

23 JUL 04

[REDACTED]

b7C-1, b6-1

28 JUL 04

[REDACTED]

b7C-1, b6-1

29 JUL 04

[REDACTED]

b7C-1, b6-1

29 JUL 04

[REDACTED]

b7C-1, b6-1

3 AUG 04

[REDACTED]

b7C-1, b6-1

4 AUG 04

[REDACTED]

b7C-1, b6-1

11 AUG 04

[REDACTED]

b7C-2, b6-2

Response to SAC Review:

1. Noted.
2. Noted.
3. Will obtain opine & prepare 20 STAT.
4. Noted.

Briefed CPT [REDACTED], 1st Corps, on all aspects of this investigation. CPT [REDACTED] opined the offenses previously reported were unfounded and the [REDACTED] committed False Official Statement. b7C-3, b6-3 b7C-5, b6-5

Drafted 20 Status Report. To SAC for review

Reviewed 2<sup>nd</sup> STAT. Dispatched Report. Generate FINAL Report

To SA [REDACTED] b7C-1, b6-1

Drafted Final. To SAC for review.

Rev'd. File to distro. b7C-3, b6-3

1. Need SSIV for MAT [REDACTED] (Agent)
2. Forward file to [REDACTED] for distro. b7C-2, b6-2
- No 4833 Required
- No Evidence collected

DISTRO DONE

Copy all files of original marked originals to CRC

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

17

CW2

From: [REDACTED] CW2  
Sent: Friday, 11 June 2004 10:06  
To: [REDACTED] SA; [REDACTED] CW3  
Subject: FW: 1BCT Detainees

b7c-1, b6-1  
SA [REDACTED]

Thank you for speaking with me a couple of days ago when I called. b7c-1, b6-1  
Please read the below e-mail, which came back undeliverable to SA [REDACTED] with whom I have spoke with on other occasions on other matters.

Bottom Line Up Front -- Detainee abuse is a recurring theme, and needs to be addressed.

Currently, we still have [REDACTED] at the BHA, while [REDACTED] was released for transport by 2-5. This PPT was produced by the 2-5 S2 yesterday (although it is dated 2 JUN), and provided to us due to the fact that he wants [REDACTED] re-detained and re-engaged by my interrogators.

Also attached is copies on [REDACTED] CPA Apprehension Form and the related SS by the capturing unit, which I would like for you to review. b7c-4, b6-4

Know that I am the senior Counterintelligence Technician (Agent and SAEDA Investigator) for the Brigade, and have worked very closely with CID previously, and have a duty to make you aware since it's your lane.

Thank you again for your attention to this matter. In light of recent events in AG, I appreciate any advice or assistance you could provide.

v/r CW2 [REDACTED] b7c-1, b6-1  
(Again, if you see CW3 [REDACTED], tell him I said hello.)

b7c-1, b6-1  
[REDACTED] pt [REDACTED] b7c-1, b6-1

[REDACTED] CW2) b7c-1, b6-1

-----Original Message-----  
From: [REDACTED] CW2  
Sent: Sunday, 06 June 2004 17:34  
To: b7c-1, b6-1 [REDACTED] W01 (1CD SA)  
Cc: [REDACTED] SA  
Subject: 1BCT Detainees b7c-1, b6-1

sworn statements til

b7c-1, b6-1  
SA [REDACTED]

Please see attached Sworn Statements of [REDACTED] b7c-4, b6-4 and [REDACTED] b7c-4, b6-4. They were detained by elements of 2-5 Cavalry, and according to their CPA Apprehension Form, were held for questioning only--not for illegal acts. They were relatives of the target subject, who was not found during the operation. Allegedly, the Iraqis referenced in the SS are Category One linguists (Titan Corp) assigned to CP Eagle. They are both currently DETAINEES at our Brigade Holding Area (BHA). My soldiers are interrogators at the 1 Brigade (1BCT) BHA and forwarded me these SS, executed with the S-2, 1-82 Field Artillery, at Camp Cuervo.

In the recent past, I have spoken to a CID agent, who was conducting an investigation about other detainee abuse, and I wanted to make you aware of this one as well. My soldiers and I feel very strongly about treating detainees humanely, and within the prescribed regulatory and SOP guidance. Today, my soldiers made me aware of their questioning by an appointed 15-6 officer, who they believe is just going through the motion. [REDACTED] CW2] (The officer was from 2-5, and according to my soldiers, seemed disinterested in what they had to provide) b7c-1, b6-1

147 INFOCORN SENT 6/11/04

08

... your attention to this matter. Please advise.

(And tell [REDACTED] to give me a yell sometime out here on this side of the Tigris.)

Respectfully, [REDACTED] b7c-4, b6-4

CW2 [REDACTED]

Counterintelligence Technician

Operational Management Team (OMT) 26

1BCT, Ironhorse Base

Iraqna

DNVT 531- [REDACTED] b7c-4, b6-4

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**Page(s)**

10-25

**Referred to:**

U.S. CENTRAL COMMAND  
7115 SOUTH BOUNDARY BLVD  
ATTN: CCJ6-DM  
MACDILL AIR FORCE BASE  
FLORIDA 33621-5101 -

MS. JACQUELINE SCOTT  
scottj@centcom.smil.mil  
(813) 827-5341/2830

RECEIVING ACTIVITY <b>1 BCT BRIGADE HOLDING AREA</b>	LOCATION <b>CAMP CUERVO</b>
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <b>OWNER</b> <b>b7c-4, b6-4</b>	ADDRESS (Include Zip Code)
<input checked="" type="checkbox"/> OWNER	
<input type="checkbox"/> OTHER	

LOCATION FROM WHERE OBTAINED <b>1 BCT BRIGADE HOLDING AREA</b>	REASON OBTAINED <b>SAFEKEEPING</b>	TIME/DATE OBTAINED <b>1245/2 JUNE 04</b>
---	---------------------------------------	---

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Rings, metal construction
2	1	IRAQ CURRENCY, 50 DINAR BILLS
3	1	address book w/ pictures & Arabic writing
4	2	mini-cards
5	1	Paper w/ various colors & Arabic writing
6	15	colored photos
7	1	set of stickers, gold writing in Arabic
8	1	pair blue pants w/ white stripes on side
9	1	blue shirt
LAST ITEM		

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 THRU 9	2 JUNE 04	SIGNATURE <b>b7c-4, b6-4</b>	SIGNATURE <b>b7c-3, b6-3</b>	
		NAME, GRADE OR TITLE <b>b7c-4, b6-4</b>	NAME, GRADE OR TITLE <b>b7c-3, b6-3 SPC</b>	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

20

FORM 4137, 1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75

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DOCUMENT

USAPPC V1.00

DATA REQUIRED BY PRIVACY ACT

AUTHORITY

Title 10, United States Code Section 3012 (g)

ROUTINE USES:

Your social security number and other personal information are used as an additional/alternate means of identification to facilitate and retrieval.

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

DISCLOSURE: Disclosure of your social security # is voluntary

1. Rec Code:	2. Action Code:	3. Date:	4. Ref to Case:	5. Control:	6. Sequence #	7. Year:	8. Office	9. ROI #	Offense:
					0164	04	CIDTS9		80220

INDIVIDUAL DATA

10. Last Name:			11. First Name:			12. Middle Name:			13. Grade/Rank:		
[REDACTED]			[REDACTED]			[REDACTED]			LT 02		
14. Social Security Number:			15. Other ID Number:			16. Date of Birth:			17. POB City:		
[REDACTED]			[REDACTED]			[REDACTED]			[REDACTED]		
20. Sex:	21. Race:	22. Ethnic:	23. Height:	24. Weight:	25. Hair:	26. Eye Color:	27. Citizen:	28. Educ:	29. Prior Record:	30. Marital:	
M	C	Co	70	180	BRN	BRN	US	110	N/A	S	
31. MOS:			32. Job Description/Location:			33. MC:			34. Security Clr:		
71A			Intelligence			SEC					
37. Alias/Nicknames:						38. Alias/Nicknames:			39. Alias/Nicknames:		
N/A									[REDACTED]		
40. Unit/ Organization:						41. Unit Phone Number:					
A Co 2/5 CAV						[REDACTED]					
42. Military Service:			43. Sub Unit:			44. Fort/City:			45. State:		
						Fort Hood					
48. Home Address:			49. City:			50. State:			51. Country:		
									16544		

SPONSOR'S DATA

53. JUV:		54. Family Rel:		55. Last Name:		56. First Name:		57. Middle Name:	
58. Social Security:				59. Grade/Rank:		60. MC:		61. Unit:	
62. City:		63. State:		64. ZIP/APO:		65. Phone:		66. Wk:	

OFFENSES

66. Offense Code:	67. UFC:	68. Offense Code:	69. UFC:	70. Offense Code:	71. UFC:	72. Offense Code:	73. UFC:

ADMINISTRATIVE DATA

Telephone:		ETS:		PCS/DEROS:		Date / Time Interview START:	
						Date: Time:	
Place of Interview:						Date / Time Interview END:	
						Date: Time:	
Disposition:							

PROPERTY/VEHICLE DATA

74. Category:		75. Type:		76. Recovered:		77. Value:		78. Insurer:		Policy:		Year/Date Exp:	
				Yes: <input type="checkbox"/> No: <input type="checkbox"/>								/	
81. Model:				82. Vehicle Style:				83. # of Doors:		84. Color:		85. Size:	
86. VIN:				87. License Plate:				88. State:		89. DOD Decal Number:			

NOTES:

Tattoo: [REDACTED] 67C-4, 66-4

HOME OF RECORD STREET ADDRESS:

LAST HIV TEST:

DOD FORM 44-R-E

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# INVESTIGATIVE WORKSHEET

## DATA REQUIRED BY PRIVACY ACT

AUTHORITY

Title 10, United States Code Section 3012 (g)

ROUTINE USES: Your social security number and other personal information  
Are used as an additional/alternate means of identification  
to facilitate and retrieval.

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with  
means by which information may be accurately identified.

DISCLOSURE: Disclosure of your social security # is voluntary

1. Rec Code:	2. Action Code:	3. Date:	4. Rel to Case:	5. Control:	6. Sequence #	7. Year:	8. Office:	9. ROI #	Offense:
					064	04	259	80220	

## INDIVIDUAL DATA

10. Last Name:	11. First Name:	12. Middle Name:	13. Grade/Rank:
67C-3160-3	67C-3160-3	67C-3160-3	Sgt/15
14. Social Security Number:	15. Other ID Number:	16. Date of Birth:	17. POB City:
67C-3160-3	67C-3160-3		67C-3160-3
18. POB St:	19. POB Zip:	20. Sex:	21. Race:
67C-3160-3	67C-3160-3	M	HISP
22. Ethnic:	23. Height:	24. Weight:	25. Hair:
	5'7"	150	BRN
26. Eye Color:	27. Citizen:	28. Educ:	29. Prior Record:
BRN	US	12	N/A
30. Marital:	31. MOS:	32. Job Description/Location:	33. MC:
5	11B	Integrity	SEC
34. Security Clr:	35. Physical Marks/ Tattoos:	36. Spouse Military:	Branch:
		Yes <input type="checkbox"/> No <input type="checkbox"/>	
37. Alias/Nicknames:	38. Alias/Nicknames:	39. Alias/Nicknames:	
N/A			
40. Unit/ Organization:	41. Unit Phone Number:	Home:	Cell/Pager:
A Company, 2/5 CAV Fd Hozel			
42. Military Service:	43. Sub Unit:	44. Fort/City:	45. State:
			67C-3160-3
46. Country:	47. Zip Code/APO:	48. Home Address:	49. City:
	67C-3160-3	67C-3160-3	67C-3160-3
50. State:	51. Country:	52. Zip Code/APO:	
67C-3160-3			

## SPONSOR DATA

53. JUV:	54. Family Rel:	55. Last Name:	56. First Name:	57. Middle Name:
58. Social Security:	59. Grade/Rank:	60. MC:	61. Unit:	
62. City:	63. State:	64. ZIP/APO:	65. Phone:	Wk: Hm:

## OFFENSE

66. Offense Code:	67. UFC:	68. Offense Code:	69. UFC:	70. Offense Code:	71. UFC:	72. Offense Code:	73. UFC:

## ADMINISTRATIVE DATA

Telephone:	ETS	PCS/DEROS:	Date / Time Interview START:
			Date: Time:
Place of Interview:	Date / Time Interview END:	Date: Time:	
Disposition:			

## PROPERTY/VEHICLE DATA

74. Category:	75. Type:	76. Recovered:	77. Value:	78. Insurer:	Policy:	Year/Date Exp:
		Yes <input type="checkbox"/> No <input type="checkbox"/>				
81. Model:	82. Vehicle Style:	83. # of Doors:	84. Color:	85. Size:		
86. V.I.N:	87. License Plate:	88. State:	89. DOD Decal Number:			

## NOTES:

- never witnessed any abuse of any detainee
- never witnessed anyone strike detainee w/ pistol
- never witnessed finger put in a hand of any detainee

HOME OF RECORD STREET ADDRESS:

LAST HIV TEST:

DD FORM 44-R-E

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FOR ENFORCEMENT SENSITIVE



# Page(s)

29-32

## Referred to:

U.S. CENTRAL COMMAND  
7115 SOUTH BOUNDARY BLVD  
ATTN: CCJ6-DM  
MACDILL AIR FORCE BASE  
FLORIDA 33621-5101 -

MS. JACQUELINE SCOTT  
scottj@centcom.smil.mil  
(813) 827-5341/2830

