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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
62d Military Police Detachment (CID)
4871 Netherly Street, Fort Drum, New York 13602-501

21 Jul 2004

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0100-2004-CID452-63608 -
5C1N / 5Y2D2

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 AUG 2003, 0001 - 31 MAR 2004, 2359; U.S. FORCES SAFEHOUSE,
AL-QUAIM, IRAQ

DATE/TIME REPORTED: 17 MAY 2004, 2313

INVESTIGATED BY:

SA [REDACTED]
SA [REDACTED]

b7c-1, b6-1, b2

SUBJECT:

1. [REDACTED], PVT; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]; MALE; OTHER; C CO 2-14 INF BN 10TH MTN DIV (L), FORT DRUM, NY
13602; FC ; AGGRAVATED ASSAULT, DERELICTION OF DUTY

b7c-5, b6-5

VICTIM:

1. UNKNOWN EPW, ; AGGRAVATED ASSAULT (NFI)
2. U.S. GOVERNMENT; FORT DRUM, NY 13602; DERELICTION OF DUTY

INVESTIGATIVE SUMMARY:

On 17 May 04, the Military Police Desk Sergeant, Fort Drum, New York (FDNY), reported PV2 [REDACTED] had photographs depicting suspected maltreatment of enemy prisoner's of war (EPW), while PV2 [REDACTED] was deployed to Iraq.

b7c-5, b6-5
b7c-5, b6-5

On 17 May 04, Mrs. [REDACTED] (FM/W: PV2 [REDACTED]), was arrested by the New York State Police following a domestic violence incident between her and her husband. In a subsequent interview with Military Police Investigations, FDNY, Mrs. [REDACTED] reported

b7c-5, b6-5
b7c-4, b6-4

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her husband had a photograph of himself pointing a gun at the head of an bound and hooded EPW in Iraq.

Investigation established probable cause to believe PV2 [REDACTED] committed the offense of Aggravated Assault, when he pointed a pistol at an EPW he was guarding while deployed to Iraq. *b7c-5,66-5*

STATUTES:

Article 128, UCMJ: Aggravated Assault
Article 92, UCMJ: Dereliction of Duty

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigative Report (AIR) of SA [REDACTED], 28 Jun 04, detailing the notification, subject interview, witness interviews, collection of evidence, and receipt of crime lab reports. *b7c-1,66-1*

2. Waiver Certificate and Sworn Statement of PV2 [REDACTED], 18 May 04, detailing him being photographed with a BB gun pointed at a detainee's head. *b7c-5,66-5*

3. Consent to Search (CID Form 87-E), authored by PV2 [REDACTED], 18 May 04, pertaining to a search his barracks room (Building 10114, Room B250), his unit classroom (Building 10114), and his quarters [REDACTED]. *b7c-5,66-5*

4. Sworn Statement of CPT [REDACTED], 19 May 04, detailing his role as C Company Commander during operations in Iraq. *b7c-4,66-4*

5. Sworn Statement of SGT [REDACTED], 19 May 04, detailing his role as PV2 [REDACTED] Team Leader during operations in Iraq. *b7c-5,66-5*

6. Sworn Statement of SSG [REDACTED], 02 Jun 04, detailing his role as PV2 [REDACTED] Squad Leader and Platoon Sergeant during operations in Iraq. *b7c-4,66-4*

7. Sworn Statement of SGT [REDACTED], 03 Jun 04, detailing his role as PV2 [REDACTED] Team Leader during operations in Iraq. *b7c-5,66-5*

8. Sworn Statement of 1LT [REDACTED], 07 Jun 04, detailing his role as PV2 [REDACTED] Platoon Leader during operations in Iraq. *b7c-4,66-4*

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b7c-4,66-4

9. Sworn Statement of SPC [REDACTED] 15 Jun 04, detailing that he had no knowledge of PV2 [REDACTED] conduct with EPW's during operations in Iraq. *b7c-5,66-5*

10. US Army Criminal Investigation Laboratory (USACIL) report, 2004-CID131-0981, 15 June 04, pertaining to the enhancement, development, and analysis of photographic images from the 35mm negatives seized from PV2 [REDACTED], allied compact disk 04-0981 (compact disk - *b7c-5,66-5* USACRC copy only).

b7c-1,66-1

11. AIR of SA [REDACTED] 19 May 04, detailing law enforcement coordination's and witness statements.

12. New York State Incident Report, 18 May 04, detailing a domestic disturbance between PV2 [REDACTED] and Mrs. [REDACTED] on 17 May 04. *b7c-5,66-5*
b7c-4,66-4

13. Sworn Statement of Mrs. [REDACTED], 18 May 04, obtained from SPC [REDACTED], Military Police, FDNY. *b7c-6,66-6*

b7c-4,66-4

14. Sworn Statement of Mrs. [REDACTED] 18 May 04, detailing her knowledge of the photograph of PV2 [REDACTED] pointing a weapon at an Iraqi prisoner and her motive for reporting it. *b7c-5,66-5*

15. Consent to Search (CID Form 87-E), authored by Mrs. [REDACTED], 18 May 04, pertaining to a search of her quarters [REDACTED]. *b7c-4,66-4*

16. Sworn Statement of PFC [REDACTED] 19 May 04, detailing that he had no knowledge of PV2 [REDACTED] conduct with EPW's during operations in Iraq. *b7c-5,66-5*

b7c-1,66-1

17. AIR of SA [REDACTED], 02 Jun 04, detailing his interview of Mr. [REDACTED]. *b7c-4,66-4*

b7c-4,66-4

18. Sworn Statement of Mr. [REDACTED], 02 Jun 04, detailing his role with PV2 [REDACTED] while conducting operations in Iraq. *b7c-5,66-5*

19. AIR of SA [REDACTED], 17 Jun 04, detailing his interview of SFC [REDACTED]. *b7c-4,66-4*
b7c-4,66-4

20. Sworn Statement of SFC [REDACTED], 17 Jun 04, detailing his role with PV2 [REDACTED] while conducting operations in Iraq. *b7c-5,66-5*

b7c-1,66-1

21. AIR of SA [REDACTED], 1 Jul 04, documenting coordination with the Trial Counsel, SJA, FDNY, who rendered a probable cause opinion pertaining to PV2 [REDACTED]. *b7c-5,66-5*

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22. Crime Lab Examination Request, 26 May 04, requesting examination of submitted evidence. (USACRC and file copies only)

23. Evidence/Property Custody Document, Document Number (DN) 027-04, 18 May 04. (USACRC and file copies only)

Not Attached:

Retained in the Evidence Depository, this office.

24. Photograph depicting PV2 [REDACTED] pointing a weapon to a detainee's head (PV2 [REDACTED]), Item #1, DN 027-04. *b7c-5, 66-5*

25. Photographic negative, original of Exhibit 24 (PV2 [REDACTED]), Item #2, DN 027-04. *b7c-5, 66-5*

The originals of Exhibits 1, 4 through 11, and 13 through 20 were attached to the USACRC copy of this report. The originals of Exhibits 2 and 3 were retained in the files of this office pending adjudication. The original of exhibit 12 was retained in the files of the New York State Police, Watertown, NY. The original of Exhibit 22 was retained on file at USACIL, Ft. Gillem, GA. The original of Exhibit 23 was retained in the files of the Evidence Depository, this office.

STATUS: This is a Final (C) Report. Commander's Report of Disciplinary Action (DA Form 4833) is pending.

This investigation was terminated IAW para 4-17(a)(4), CIDR 195-1, wherein the supported staff judge advocate or prosecutor was of the opinion sufficient admissible evidence was available to prosecute the subject for the offenses; additional investigation would produce only cumulative and unneeded evidence; and the identification of additional subjects or offenses was unlikely. As a result of early termination, efforts to locate, fully identify, and interview [REDACTED] (NFI), as identified in the statement of Mr. [REDACTED] were not accomplished. *b7c-4, 66-4*

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REPORT PREPARED BY

b7c-1,66-1

[REDACTED]

SA
Special Agent, [REDACTED]

REPORT APPROVED BY

b7c-1,66-1

[REDACTED]

(Special Agent-in-Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA (originals)

THRU: CDR, 2-14 INF BN, FDNY (with exhibits)

TO: CDR, C Company, 2-14 INF BN, FDNY (with exhibits)

SJA, CHIEF CRIMINAL LAW, (CPT [REDACTED]), FDNY (with exhibits)

b7c-3,66-3

DES RECORDS SECTION (electronic distribution)

PM, 10th MTN DIV (LI) (electronic distribution)

SGS/CMD GROUP, 10th MTN DIV (LI) (electronic distribution)

THRU: CDR, Washington District, 3rd MP Grp (CID), Fort Meyer, VA (with exhibits)

THRU: CDR, 3rd MP Grp (CID), Ft. Gillem, GA (with exhibits)

TO: CDR, USACIDC, ATTN: CIOP-ZA, Fort Belvoir, VA (with exhibits)

FILE (with exhibits)

AGENT'S INVESTIGATIVE REPORT

ROI NUMBER

0100-04-CID452-63603

CID Regulation 195-1

PAGE 1 OF 2 PAGES

DETAILS

About 2313, 17 May 04, the Military Police Desk Sergeant, Fort Drum, New York (FDNY) 13602, reported PV2 [redacted] C CO 2-14 Infantry (INF) Battalion (BN) 10th Mountain Division Light (L) had photographs depicting enemy prisoner's of war (EPW) being abused taken while PV2 [redacted] was deployed to Iraq. *b7c-5, 66-5*

At 2342, 17 May 04, the undersigned requested the Military Police Desk Sergeant (MPDS) FDNY, send a Military Police Patrol and collect the photograph and or photographs on a Evidence/Property Custody Document (DA Form 4137), and obtain the biographical information on PV2 [redacted]. The MPDS related PV2 [redacted] and Mrs. [redacted] are *b7c-5, 66-5* currently in the process of obtaining and divorce and got into a verbal argument, which turned physical when Mrs. [redacted] pushed PV2 [redacted]. Subsequently, the New York State Police were notified and Mrs. [redacted] was *b7c-5, 66-5* arrested for assault. While being interviewed by the NYSP concerning the assault, Mrs. [redacted] contacted the MPDS FDNY to report PV2 [redacted] has photographs depicting EPW abuse. *b7c-5, 66-5*

Agent Comment: the undersigned briefly interviewed Mrs. [redacted] over the telephone and confirmed the above story. *b7c-5, 66-5*

About 0700, 18 May 04, the undersigned obtained a photograph and negative provided by PV2 [redacted] from INV *b7c-5, 66-5* Military Police Investigations (MPI), FDNY, as annotated on the DA Form 4137. The photograph depicted PV2 [redacted] pointing a pistol at an unidentified EPW whose hands were tied, head was hooded, and who *b7c-5, 66-5* appeared to be sleeping (See DA Form 4137). *b7c-4, 66-4*

At 1056, 18 May 04, the undersigned interviewed PV2 [redacted] who was advised of his legal rights, which he waived and rendered a sworn statement wherein he admitted to being photographed pointing a BB gun at a detained prisoner during a deployment in Iraq (See Waiver Certificate/Statement of PV2 [redacted], 18 May 04). *b7c-4, 66-4*

At 1522, 18 May 04, the undersigned obtained a Consent to Search authorization from PV2 [redacted] and subsequently searched his belongings which were stored in the company classroom and room B250 of building 10114 with negative results (See Consent To Search Form of PV2 [redacted], 18 May 04). *b7c-5, 66-5*

Agent Comment: Investigative Intern [redacted] this office, assisted in the search and witnessed the search authorization. *b7c-6, 66-6*

At 0945, 19 May 04, the undersigned interviewed CPT [redacted], C Co, 2-14, INF BN, FDNY, who rendered a sworn statement detailing his role as C Company Commander during operations in Iraq. (See Sworn Statement of CPT [redacted] for details). *b7c-4, 66-4*

At 1330, 19 May 04, the undersigned interviewed SGT [redacted] C Co, 2-14 INF BN, FDNY who rendered a sworn statement detailing his role as PV2 [redacted] Team Leader during operations in Iraq (See Sworn Statement of SGT [redacted] for details). *b7c-4, 66-4*

At 1030, 2 Jun 04, the undersigned interviewed SSG [redacted] C Co, 2-14 INF BN, FDNY, who rendered a sworn statement detailing his role as PV2 [redacted] Squad leader and Platoon Sergeant during operations in Iraq (See Sworn Statement of SSG [redacted] for details). *b7c-4, 66-4*

At 0830, 3 Jun 04, the undersigned interviewed SGT [redacted], C Co 2-14 INF BN, FDNY, who rendered a sworn statement detailing his role as PV2 [redacted] Team leader during operations in Iraq (See Sworn Statement of SGT [redacted] for details). *b7c-4, 66-4*

| | | | |
|--|--|--|--------------|
| TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [redacted] <i>b7c-1, 66-1</i> | | ORGANIZATION 62 nd Military Police Detachment (CID) Fort Drum, NY 13602 | |
| SIGNATURE [redacted] <i>b7c-1, 66-1</i> | | DATE 28 Jun 2004 | EXHIBIT 1 |

AGENT'S INVESTIGATIVE REPORT

ROI NUMBER

0100-04-CID452-63608

CID Regulation 195-1

PAGE 2 OF 2 PAGES

DETAILS

At 1610, 7 Jun 04, the undersigned interviewed 1LT [redacted] HHC, 2-14 INF BN, FDNY, who rendered a sworn statement detailing his role as PV2 [redacted] Platoon leader during operations in Iraq. 1LT [redacted] related he never witnessed or heard of PV2 [redacted] abusing any prisoners while deployed to Iraq. (See Sworn Statement of 1LT [redacted] for details). *b7c-4, 66-4*

At 1103, 15 Jun 04, SPC [redacted], C Co, 2-14 INF BN, FDNY, was interviewed and provided a sworn statement wherein he related he had been deployed to Iraq with PV2 [redacted]. SPC [redacted] related he had not witness or heard of PV2 [redacted] abusing any EPW's and could not provide any additional information concerning the firearm or location depicted in the photograph (See Sworn Statement of SPC [redacted]). *b7c-4, 66-4*

At 0953, 22 Jun 04, the undersigned received and reviewed the US Army Criminal Investigation Laboratory (USACIL) report of examination case number 2004-CID131-0981, 3 Jun 04, 4 Jun 04 and 15 Jun 04, which could not determine make and caliber of the firearm depicted in the 35 mm photograph negative provided. USACIL noted there are numerous BB/Air pistols that are manufactured to look like actual firearms that identification through a photograph of poor quality is almost impossible and an opine could not be rendered (See USACIL Reports dated 3 Jun 04, 4 Jun 04 and 15 Jun 04). *b7c-4, 66-4*

At 1550, 28 Jun 04, the undersigned interviewed SPC [redacted], C Co, 2-14 INF BN, FDNY, who related he had been deployed to Iraq with PV2 [redacted]. SPC [redacted] related he had no knowledge of PV2 [redacted] abusing any EPW's. SPC [redacted] stated he could not recall a BB gun pistol at any of the locations where he had been deployed, but he had had a silver in color replica pistol lighter while at Al Ramadi. SPC [redacted] related the SF teams sometimes leant them pistols ranging from 45 cal to 9mm to guard EPW's. *b7c-4, 66-4*

Agent's Comment: SPC [redacted] was shown the photographs in question and identified PV2 [redacted] holding a pistol at an apparently sleeping EPW. SPC [redacted] could not identify the location of where the photograph had been taken and said the pistol in the photograph was not the replica pistol he had owned. SPC [redacted] identified from left to right, personnel in the group photograph as [redacted], "PV2 [redacted]", and [redacted]. SPC [redacted] said [redacted] and [redacted] were part of an SF scuba team identified as team 25 and related the photograph had been taken in Al Ramadi. *b7c-4, 66-4*

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted] *b7c-1, 66-1*

ORGANIZATION

62nd Military Police Detachment (CID)
Fort Drum, NY 13602

SIGNATURE

[redacted signature] *b7c-1, 66-1*

DATE

28 Jun 2004

EXHIBIT

1

CID FORM 94
1 FEB 77

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6

RIGHTS WARNING PROCEDURE WAIVER CERTIFICATE

For use of this form, see AR 4-30.50, The Army and Air Force GDSOPs

63608

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: Fort Drum, New York
2. DATE: 18 MAY 04
3. TIME: 10:56
4. FILE NO:
5. NAME (Last, First, MI): [Redacted] b7c-5, b6-5
6. SSN: [Redacted]
7. GRADE/STATUS: E2/Active
8. ORGANIZATION OR ADDRESS: C Co 2-14 INF BN
Fort Drum, NY 13602

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 and wanted to question me about the following offense(s) of which I am suspect/accused: Assault

- 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.
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.

WITNESSES (If available)
1a. NAME (Type or Print)
1b. ORGANIZATION OR ADDRESS AND PHONE
2a. NAME (Type or Print)
2b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF INTERVIEWEE
4. SIGNATURE OF INVESTIGATOR
5. TYPED NAME OF INVESTIGATOR
6. ORGANIZATION OF INVESTIGATOR

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

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT OR FORM WHICH IS SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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SWORN STATEMENT of [redacted] 67C-5,66-5
[redacted] 67C-5,66-5
the Deputy Chief of Staff for Personnel.

For use of this form, see AR 190-15: The proponent agency & the Deputy Chief of Staff for Personnel.

| | | | |
|---|--------------------------------------|--------------|------------------------------|
| LOCATION CID OFFICE Fort Drum, NY 13602 | DATE 18 MAY 04 | TIME 1330 | FILE NUMBER |
| LAST NAME, FIRST NAME, MI [redacted] | SOCIAL SECURITY NUMBER [redacted] | | GRADE/STATUS E-2/1/Active |

ORGANIZATION OR ADDRESS

C CD 2-14 INF BN Fort Drum, NY 13602

I, [redacted] 67C-5,66-5 want to make the following statement under oath:

I'm assigned to Charlie Co 2-14 INF BN. I am a Rifleman. I deployed to Iraq from August of 2003 to March of 2004. I arrived back at Fort Drum on March 3rd of 2004. ON The night of the 17th of May 2004 I arrived to my house to mow the lawn and supply my wife with money that she needed. I had this picture in the house hidden. When she found out that I obtained this picture I had from Iraq she began to get mad and cry because she wanted to use this picture to get me in trouble. My mission in Iraq was to pull security for ODA Groups. The prisoner in this picture is a member of Al-Qaeda from Egypt. My S.O.P. was to pull prisoner guard on him with an M-4. My M-4 was to be on safe, no round in chamber and magazine in weld. I felt uncomfortable pointing my M-4 at high security prisoners, so I would often use a b.b. gun to pull guard, with my m-4 at [redacted] 67C-5,66-5
distance.

| | | |
|---------|--|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [redacted] 67C-5,66-5 | PAGE 1 OF 6 PAGES |
|---------|--|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [redacted] OF [redacted] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

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EXHIBIT 2

6305

b7c-5,66-1

STATEMENT OF PV2 [REDACTED] FOR OFFICIAL USE ONLY DATED 18 May 04
CONTINUED. LAW ENFORCEMENT SENSITIVE

This prisoner was very cooperative to me therefore I felt no threat. The b.b. gun was at the safehouse in Al Quesia when we arrived there. It was used to keep the stray dogs away from our location. The prisoner was never abuse in anyway to the best of my knowledge and I never had to use the B.B. gun on him. The prisoner was grateful that I gave him water and snacks from MRE's as opposed to other people pulling guard who did not give them this. My feelings toward the prisoner were that he was a slave for committing crimes of terrorism, but it was not my job to judge him or to pass sentence on him. My job was to guard him with high alertness and severity. When the picture was taken I was not posing for this picture. People were coming in and out of the area taking pictures and talking with other detainees. I'm a private in the Army and I don't ask too many questions as to what going on or what's being done. I just do what I'm told. I was given my order by the S.F. group we were attached to in Al-Quesia. I don't remember there names at this time.

Q SA [REDACTED] b7c-1,66-1

A: PV2 [REDACTED] b7c-5,66-5

Q Is that you depicted in the picture holding a pistol?

A: This is me in the picture holding a B.B. gun

Q Describe the picture.

b7c-5,66-5



A: This is me pulling guard on a E.P.W. I'm wearing a white t-shirt Army issued shorts and sandals. I'm point a bb gun at the prisoner who I was order to watch

Q: Describe the R.B. gun

A: It was a plastic bb gun that floated around the safe house. It was a CO2 cartridge bb gun

Q: Where is the B.B. gun?

A: It was left in Iraq

Q: Why did you not point your M-4 at the prisoner?

A: I was not comfortable and the prisoner showed no threat to me

b7c-5, 66-5

Q: Where was this photograph taken?

A: In Al-Quiem Iraq at the safehouse I was stationed at

Q: Why was the photograph taken?

A: I don't know

Q: How did you get the photograph?

A: A roll of film was given to me from Iraq by someone with the us at the safehouse I think it might of been one of the ~~INTERP~~ Interpreter's. I donot remember his name. He was assigned to O.D.A.

b7c-5, 66-5

Q: Are there any other photographs depicting images of suspected prisoner abuse?

A: I donot have anymore pictures from Iraq and

[REDACTED]

b7c-5, 66-5

b7c-665

I have no more pictures of suspected prisoner abuse or have not seen any pictures of such nature.

Q: Have you heard of any pictures of prisoner abuse floating around the unit?

A: No

Q: Have you heard of any pictures depicting prisoner abuse in the unit?

A: No

Q: Do you feel that you were abusing the EPW by pointing a weapon at the prisoner while his hands were tied, his face covered, and appeared to be asleep?

A: I felt that pointing my M-4 at him as I was ordered was not necessary for this reason therefore that is why I used the b.b. gun. No I don't feel that I was abusive with the EPW.

Q: How long were your shifts?

A: I guard shifts were pulled at night for 4 hours on 4 hours off 4 hours on

Q: Were you in the same position pointing a weapon at the prisoner during your entire shift?

A: No. sometimes I would step away from him and smoke a cigarette with the b.b. gun in my hand or I would give him water or food.

b7c-51665

[REDACTED]

b7c

63605

Q: Did you get tired during your guard shift?

A: Yes. I have received a Company grade Article 15 for falling asleep on guard 3-times. I try to stand-up in that position instead of sitting down because standing-up was easier to stay awake.

Q: When you returned from IRAQ had you made any comments about EPW's depicted on the news?

A: Yes I would tell my wife that if I had a chance to go back I'd wouldn't be so nice to them, especially after seeing a man get his head cut off by terrorist group I would joke with her about what I would do had I been given another opportunity. I would say this to rattle her cage.

Q: Can you describe the roll of film which contained the negatives of you and the EPW and what had happened to the rest of the photographs?

b7c-5,66-5

A: They were pictures of me in Iraq, mainly of me on migs, humv's and friends. There was only one picture of me and a EPW. My wife told me she destroyed the pictures, other than the picture of me and the detainee. she also destroyed all the letters she wrote me in Iraq.

Q: Do you have anything to add to this statement?

A: Not At this time.

Q: Do you have anything to add to this statement?

b7c-5,66-5

b7c-5,66-7

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DA FORM 2023 (AUTOMATED)
STATEMENT OF PV2 [REDACTED]

TAKEN AT Fort Drum, NY DATED 18 MAY 04 CONTINUED:

A: No // END OF STATEMENT //

b7c-5,66-5

AFFIDAVIT

I, PV2 [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED SIGNATURE] b7c-5,66-5
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 18th DAY OF MAY, 2004 AT Fort Drum, NY.

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE] b7c-5,66-5
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] b7c-1,66-6
(Name of Person Administering Oath)

Article 136, UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

b7c-5,66-5

PAGES 6 OF 6 PAGES

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EXHIBIT

| | | | | | |
|--|-------------|--|--|---|--|
| Date: 18 MAY 04 | | Consent To Search (USACIDC Supplement 1 to AR 190-22) | | Time: 1522L | |
| 1. Name of person consenting to the search: PV2 [REDACTED] b7C(9)-5 b6-5 | | | 2. Organization and location: C Co 2-14 INF BN Fort Drum, NY 13602 | | |
| 3. I have been informed by the undersigned USACIDC Special Agent that an inquiry is being conducted in connection with the following possible violation(s) of law: Assault | | | | | |
| 4. I have been requested by the undersigned USACIDC Special Agent to give my consent to a search of my person, premises, or property as indicated below. I have been advised of my right to refuse a search of my person, premises, or property. (If you <u>do not</u> give your consent, do not sign this form) | | | | | |
| 5. I hereby authorize the undersigned USACIDC Special Agent and/or other Authorized Law Enforcement Officials assisting the undersigned USACIDC Special Agent to conduct a search of: (Initial and sign applicable blocks) | | | | | |
| a. | My Person | Initials | Signature | | |
| b. | My Quarters | Initials | Signature | b7C-5 b6-5 | |
| Located At: [REDACTED] Barracks Rm Bldg 1014 Room B350 and class room | | | | | |
| c. | My Vehicle | Initials | Signature | | |
| Located At: Described As: | | | | | |
| d. | Other | Initials | Signature | | |
| Located At: Described As: | | | | | |
| I am authorizing the above search(s) for the following general types of property which may be removed by the authorized law enforcement personnel and retained as evidence under the provisions of Army Regulation 195-5, or other applicable laws or regulations: Photographs depicting detainees and EPW's. | | | | | |
| 6. This written permission is given to the undersigned USACIDC Special Agent freely, voluntarily and without threats or promises of any kind: | | | | | |
| b7C-1 b6-1 [REDACTED] Signature of USACIDC Special Agent | | b7C-5 b6-5 [REDACTED] Signature of Person Granting Consent | | b7C-1 b6-1 [REDACTED] Signature of Witness (if available) | |

CID Form 87-R-E
1 Jan 00

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|----------------------------|
| LOCATION (CID OFFICE) Fort Drum, NY 13602 | DATE 19 May 04 | TIME 0945 | FILE NUMBER |
| LAST NAME, FIRST NAME, MI [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS O-3 Active |

ORGANIZATION OR ADDRESS
C Co 2-14 INF BN, Fort Drum, NY 13602.

I, CPT [REDACTED] want to make the following statement under oath:

I arrived at Fort Drum in Nov 00 and took command of C Co 2-14 INF in Jun 03. During my command, we deployed as a separate company in support of 5th Special Forces Group on 28 Mar 03. In Apr-May 03, the company operated in Western Iraq. In late May 03, the company moved to BTAP (Baghdad International Airport) and continued our support of the SF command. My company's mission was to provide safehouse security for ODAs in central Iraq to facilitate ODA operations throughout the AO. My company supported 14 teams houses, with anywhere from one fire team to a platoon minus at a given time based on the threat. At the end of Jul 03, the company received some replacements. PVT [REDACTED] was one of these soldiers. In early Aug 03, PVT [REDACTED] moved to the safehouse in Ar Ramadi (ODA 533). 1LT [REDACTED] and SSG [REDACTED] were the leaders of Company leaders at that location. We had approximately 12-14 soldiers at that location. At some point in Sep 03, we moved a fire team from Ar Ramadi to Al Asad. This team consisted of SGT [REDACTED] and SGT [REDACTED].

| | | |
|---------|--|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4 b6-4 | PAGE 1 OF 5 PAGES |
|---------|--|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

PV2 [REDACTED] 67C-366-3 and PV2 [REDACTED] 67C-566-5. The Al Asad team house was located within a larger, secure base camp. The C Company soldiers were primarily tasked to watch radios and maintenance, and provide access control into the ODA part of the base camp. In the first week of Oct 03, SGT [REDACTED] 67C-366-3 replaced SGT [REDACTED] 67C-366-3 as the team leader at Al Asad (SGT [REDACTED] 67C-366-3 redeployed to ETS). About two weeks later, PV2 [REDACTED] 67C-566-5 was removed from Al Asad for DPSEC violations. The AOC during the time in question was still fairly liberal. There were not limitations on offensive operations and soldiers could use deadly force if shown by the threat intent and means. While C Company supported the ODA, C Company elements were basically attached to the ODA at that location. Unfortunately, the ODA did not enforce the same uniform/discipline standards as myself or 1SG. This was an issue at locations where we had young leaders (E4s) as the senior guys. It was not unusual to see guys in civilian clothes or mix-matched uniforms within the safehouses. PV2 [REDACTED] 67C-566-5 performance and self-discipline standards have been poor since his arrival to the unit. SSG [REDACTED] 67C-366-3 (who came from [REDACTED] initially served as company rear detachment NCOIC and came forward in Jul 03) reported PV2 [REDACTED] 67C-566-5 was a sub-standard soldier. [REDACTED] 67C-566-5 was then removed from the safehouse in Al Asad for running his mouth. PV2 [REDACTED] 67C-566-5 received a Company-grade Article 15 for sleeping on guard duty in Feb 04. PV2 [REDACTED] 67C-566-5 has had extensive medical problems.

b7c-4 b6-4 FOR OFFICIAL USE ONLY

STATEMENT OF CPT [REDACTED] LAW ENFORCEMENT SENSITIVE TAKEN AT Fort Drum, NY DATED 19 May 04
CONTINUED.

since our return to Fort Drum. As far as the soldiers I have mentioned in his report all are still in Company except the following: SGT [REDACTED] ETS-1 in Nov 03; ILT [REDACTED] is still in 2-14 IN and available for questioning; SP4 [REDACTED] is still in the company but is currently being treated for severe depression in the psychiatric ward of Samaritan Hospital in Water-town.

Q: SA [REDACTED] b7c-1 b6-1

A: CPT [REDACTED] b7c-4 b6-4

Q: What were PV2 [REDACTED] b7c-5 b6-5 instructions concerning the guarding the EPW's? A: EPWs held at the team houses were only held for 24-48 hrs before being processed at a Division or higher level detention facility. Prior to PV2 [REDACTED] b7c-5 b6-5 (or any other soldier) assuming guard, the POW would be prepared (i.e. Alex cleaned, heated, etc) by the OPA. The OPA would give any specific instructions. However, normally guards would be in uniform with weapons in red status (rounds chambered, weapons on safe) and guard is pairs (a soldier as guard)

Q: Did you see the photograph in question?

A: Not until it came to this office on 19 May 04.

Q: Did the image portrayed in the photograph violate any of the instructions given to soldiers tasked to guard the EPW's?

A: Yes, soldiers are not to stand that close to EPW's during guard; are not to point weapons and ^{at the EPW while} having trigger finger on the trigger; are to be in a proper uniform. If the weapons had been on M4 and soldier

STATEMENT OF CPT [REDACTED]
CONTINUED.

TAKEN AT Fort Drum, NY

DATED 19 MAY 04

... had his finger on the trigger and ^{maintained} appropriate standoff. This would have been acceptable.

Q: Who is depicted in the picture?

A: PV2 [REDACTED] ^{b7C-5 b6-5} and an unidentified EPW.

Q: Is PV2 [REDACTED] ^{b7C-5 b6-5} wearing the proper uniform as per instructions? ~~if~~

A: No, he should have been in ACUs. It appears he has the desert shorts on that we were issued; however, these shorts are to be worn with brown T-shirt and boots. I do not know if the USA ^{b7C-5 b6-5} was attached to modified this standard.

Q: Was PV2 [REDACTED] ^{b7C-5 b6-5} authorized to guard an EPW with a BB gun?

A: No, he could not maintain proper security with a BB gun.

Q: Was there a BB gun located at PV2 [REDACTED] ^{b7C-5 b6-5} site?

A: I am not sure. I know some sites had a BB gun to shoot stray dogs and such, but can't recall exactly which sites.

Q: What ~~locations~~ ^{b7C-5 b6-5} were the locations PV2 [REDACTED] guarded prisoners at?

A: [REDACTED] ^{b7C-5 b6-5} guarded EPWs at the Al Rasheed teamhouse on occasion from Aug 03 to Sep 03. From Sep 03 to Oct 03 [REDACTED] ^{b7C-5 b6-5} guarded prisoners at the Al Asad teamhouse. EPW guard was never ^{b7C-5 b6-5} primary duty and was it a contingency backup. EPW guard occurred only when the ADA had EPWs for the initial 24-48 hrs after capture.

Q: Do you have anything to add to this statement?

A: No. END OF STATEMENT !!!

I, CPT [REDACTED] b7c-4 b6-4
AFFIDAVIT
HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b7c-4 b6-4

(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 19th DAY OF May, 2004 at Fort Drum, NY 13602.

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

SA [REDACTED]
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 134, UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4 b6-4

PAGES 5 OF 5 PAGES

SWORN STATEMENT

For use of this form, see AR 190-15. The proponent agency of the Deputy Chief of Staff for Personnel.

| | | | |
|--|-------------------------------|---------------------------|-------------|
| LOCATION CID Office Fort Drum, NY 13602 | DATE 19 May 2003 | TIME 1330 | FILE NUMBER |
| NAME FIRST LAST [REDACTED] | SECURITY NUMBER [REDACTED] | GRADE/STATUS E5 Active | |
| ORGANIZATION OR ADDRESS C Co. 8-14 INF BN Fort Drum, NY 13602 | | | |

I, [REDACTED] want to make the following statement under oath:

[REDACTED] b7c-4 b6-4

I arrived at Ft Drum May 27th of 2003 and was assigned to C Co 8-14th ABN a combat team. Because the company was deployed already I was not assigned a duty position until I got to Iraq at the end of July 03 when I was assigned to the company's senior RTA/Training Area. On Oct 03 I was sent to Al Asid to take a team leader job at a safe house I was in charge of 3 personnel, SPC [REDACTED] b7c-3 b6-3, PFC [REDACTED] b7c-5 b6-5, and PI1 [REDACTED]. During my month stay in Al Asid we did a lot of little chores around the safe house to include sweeping, mopping, Radio Guard, and laying gravel. We had one time of Prisoner Guard where we watched 2 prisoners while the team guys questioned them our uniforms were civilian during this time to keep the detainees from knowing we were military this was authorized by the team SGT [REDACTED] b7c-3 b6-3. During our guard watch I was only given a baton and that was it, the team guys always carried their pistols in with the detainees but that was the only weapon authorized. Our Rules while watching these detainees were to keep them awake by playing loud music, pouring water on them, and open hand slapping their sides. Also we kept a sand bag over their head in the holding area.

| | | |
|---------|--|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4 b6-4 | PAGE 1 OF 6 PAGES |
|---------|--|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF SGT [REDACTED] TAKEN AT Fort Drum NY DATED 19 MAR 04
CONTINUED. b7c-4 b6-4

When we went awake them up we were just to stand at the door way
and make sure they dont move. we had alot of problems with [REDACTED] b7c-5 b6-5
and a attitude. when he was told to do something, like to like to talk about
stuff we did to chicks to impress them. The team SGT removed [REDACTED] b7c-5 b6-5
From the team house in the middle of Oct. Because of him telling info to people
So the team SGT couldnt trust him. b7c-4 b6-4

We had two places we watched the Detainees. One was the holding cell and
one was in the interigation Rm. There was one of us at both spots. I dont think
the guard at the interigation Rm had any thing of a gun at this sight.
Once we all left the team house and linked back to the Company.
I returned to the RTO/Training Rm Sanchez to his platoon

Q SA [REDACTED] b7c-1 b6-1

A: SGT [REDACTED] b7c-4 b6-4

Q: Did you witness any abuse of the prisoners?

A: only open hand light slaps on the side of stomach to keep awake.

Q: What do you consider abuse?

A: punches, kicks, wipers, cutting, stuff like that.

Q: Did you witness any of that?

A: No I was instructed by the team guys how hard to slap their side by demonstration
on my self to avoid injury of the detainees
b7c-4 b6-4

Q: How many prisoners did you guard?

A: 2 at the most one in interigation Rm and in holding in one person guarding
each

Q: Were you allowed to bring firearms into the room?

b7c-4 b6-4

0127 104

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0100-04 -CID452-636

STATEMENT OF SGT [REDACTED]
CONTINUED.

TAKEN AT Fort Detrick, VA

DATED 19 MAY 04

While guarding the prisoners?

A: No but the team guys always had their pistols.

b7c-4 b6-4

Q: Who instructed you not to bring firearms into while guarding prisoners?

b7c-3 b6-3

A: MSG [REDACTED] told us we wouldn't keep firearms in the guard room but we couldn't take the baton.

Q: Who is MSG [REDACTED] b7c-3 b6-3

A: he is the team SGT in charge of the safe house guys and my team.

Q: Was the instruction of not needing a fire arm in the room an order to not bring firearms into the room?

A: I don't remember it being a actual order. It might have been. we were told to dress in civilian to keep them from knowing we were military so we didn't think of taking our M4s.

b7c-5 b6-5

Q: Do you know PV2 [REDACTED]?

A: Yes just by working with him he was part of my team at the safe house.

Q: Did you ever witness him guarding any EPW's?

A: I did see him guard once but I don't recall around while he was on shift.

b7c-5 b6-5

Q: Did PV2 [REDACTED] have a weapon with him?

A: Not to he had a baton that was on the wall just in case it was needed. Besides that no firearms the baton was always in the room.

b7c-5 b6-5

Q: Did you ever see PV2 [REDACTED] with a pistol?

A: No not a real pistol, there was a plastic lighter pistol that was in our sleeping room.

b7c-4 b6-4

F.D. [REDACTED] USE ONLY
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PAGE 3 OF 6 PAGES

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EV111111

Q: Was that pistol ever used to pull guard duty?

A: NO Not to my knowledge

Q: Who did the ^{toy/lighter} pistol belong to?

A: SPC ^{b7c-3 b6-3} [REDACTED] he is also in E-10 7-14 and was at the team house

Q: Describe the toy/lighter pistol?

A: it was about 7in silver looked like a Beretta Bull Dog hammer ~~and~~
and squeeze the trigger and it would light fire out barrel when it worked

Q: Did PVZ ^{b7c-5 b6-5} [REDACTED] even have in his possession a pistol?

A: yes the toy pistol was in our sleeping room so we all played with it

Q: Prior to being interviewed by this office had you seen the photograph in question?

A: NO

Q: Who is in the photograph?

A: PVZ ^{b7c-5 b6-5} [REDACTED] and a Prisoner

Q: Do you recognize the location?

A: yes it is a wooden Room Built by ~~us~~ ^{locals} and are team guys to be sleeping room
for high ranking, and also holding cells. It was located at the safe house on the
air base in Al Asad

Q: Who took the photo?

A: I do not know

Q: The way the photo is depicted is this how you and your team were instructed to pull guard duty?

A: NO we were told to stand at the door and watch him and keep them awake
by lightly open hand sleeping them on the side of the stomach

^{b7c-4 b6-4} [REDACTED]

b7c-4 b6-4

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0100-04 -CID452-0366

STATEMENT OF
CONTINUED.

SGT [REDACTED]

TAKEN AT Fort Drum NY

DATED 19 MAR 84

Q: How long were you in charge the team leader of
PV2 [REDACTED] b7c-5 b6-5?

A: Between 2 and 3 weeks
b7c-5 b6-5

Q: Was PV2 [REDACTED] at that location prior to your
arrival?

A: Yes

Q: Who did you believe relieve as team leader?
b7c-3 b6-3

A: SGT [REDACTED] he left. Due to ETS. he was a SGT in Coe 2-14 IN.

Q: Do you have anything you wish to add to this statement?

A: NO /// End of Statement ///

b7c-4 b6-4

[REDACTED]

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PAGE 5 OF 6 PAGES

24
EXHIBIT

b7c-4 b6-4

I, SGT [REDACTED] b7c-4 b6-4 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT b7c-4 b6-4

[REDACTED SIGNATURE]
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 19th DAY OF MAY 1964 AT Fort Drum, NY Room

b7c-1 b6-1
[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

SA [REDACTED]
(Name of Person Administering Oath)

Article 136 UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGES 6 OF 6 PAGES

SWORN STATEMENT

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

| | | | |
|---|-------------------------------|--------------|-----------------------------|
| LOCATION CID office. Fort Drum, NY | DATE 2 June 04 | TIME 1248 | FILE NUMBER |
| LAST NAME [REDACTED] | SECURITY NUMBER [REDACTED] | | GRADE/STATUS E6 - Active |
| ORGANIZATION OR ADDRESS C CO 2-14 INF BN Fort Drum NY 3602 | | | |

I, [REDACTED] want to make the following statement under oath:

57C-4 66-4
I arrived at Ft Drum in Sept 99 and was assigned to the NCO Academy as a small group instructor. In Oct 02 I was reassigned to Cco 2-14 IN. as a Squad leader. In March 03 I became Cco rear-detachment CIDR. In July 03 I deployed to Iraq with Plt [REDACTED] and was sent to Ar-Ramadi to an SF Team house. In Sept/Oct my BTM was sent to Al-Asad to help out another SF team. In Nov 03 my squad linked up with the rest of the company at the Radwanya Palace Complex where we took over the security of the complex. When Plt [REDACTED] and I arrived in Ar-Ramadi we were briefed by Sgt [REDACTED] my ATM WDR and by the SF Team Sgt on what our mission was. We were to maintain security of the compound and assist the SF TM in different missions. We also pulled prisoner guard. The BOE for prisoner guard was: Follow the instructions given by the SF Team. Keep all prisoners either hooded or blindfolded, provide water

NOT USED

| | | |
|--|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 5 PAGES |
| ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM. | | |

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EXHIBIT 6

STATEMENT OF
CONTINUED.

SSG [REDACTED] TAKEN AT Fort Div., et DATED 2 JUNE 69

and food to prisoners keep watch on prisoners at all times
Have a walk (4mm-14) with arms on their persons and away
from prisoners. Do not abuse the prisoners in any way.
During the day I was would watch a prisoner at all night
2 min would watch when possible.

67C-4,66-4
1LT [REDACTED] approached me one day stating that I should
talk to PFC [REDACTED] about abusing prisoners as he had

either seen or heard that he was hitting them. I talked
with [REDACTED] immediately on this subject. [REDACTED] I walked
67C-5,66-5 67C-4,66-4

into where the prisoner was and saw a stick in the room.
I asked him about it and he said something like he came
tapped his hands and feet with it. I didn't believe him
and told him to not have any physical contact with a
prisoner unless absolutely necessary. Also that he was not to
watch prisoners by himself. The entire squad was briefed on

this and understood it. I had no other problems with [REDACTED]
67C-5,66-5

on this subject after that. When my BTR was sent to
AI-4540 it was SGT [REDACTED] 67C-3,66-3, PFC [REDACTED] 67C-3,66-3, SFC [REDACTED] 67C-3,66-3 and P2 [REDACTED] 67C-5,66-5

Their job as I understood it was to help with walk watch
and other details. At some time before now [REDACTED] 67C-5,66-5

kicked out of the team here on AI-4540 for his actions.
He was acting like he was a girl and I don't know what he
was sent to RFC where The Squad leader [REDACTED]
at the beginning of Nov 68. The squad was sent to [REDACTED]

STATEMENT OF SSG [REDACTED] TAKEN AT Fort Drum NY DATED 2 July 64
CONTINUED.

The Kadunye Palace Camp was to [REDACTED] the [REDACTED] of Compound security. [REDACTED] had [REDACTED] [REDACTED] while there, he would not be in the proper [REDACTED] for guard. He forgot his [REDACTED] on guard and he was caught sleeping on guard at least 3 times. He was given an Article 15 for sleeping on guard when he deployed back to Ft. Drum in March 64.

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

A SSG [REDACTED] 67C-4,66-4

Q Who is PV2 [REDACTED]? 67C-5,66-5

A He was a soldier assigned to my [REDACTED] as a rifleman.

Q: What were the instructions given to PV2 [REDACTED] concerning EPW's? 67C-5,66-5

A: Have a [REDACTED] with [REDACTED] on your person. Keep [REDACTED] in a corner, sit in a chair away from the [REDACTED], don't let the [REDACTED] see you, take no pictures and don't be photographed with a [REDACTED]. Keep [REDACTED] blind folded and follow any other special instructions given by myself or the SF Team.

Q: Who gave PV2 [REDACTED] these instructions? 67C-5,66-5

A: I gave him these instructions along with other SF Team members. At times special instructions were given such as: Prisoner can stand - sit - kneel. Some are called others ignored.

Q: Did PV2 [REDACTED] understand those instructions?

A: Yes 67C-5,66-5

b7c-710*

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DECLASSIFIED

STATEMENT OF SSG ██████████
CONTINUED.

TAKEN AT Fort Drum, NY

DATED 2 July 84

Q: Before coming to this office, had you seen the photograph depicting PV2 ██████████ and the EPW? b7c-5,66-5

A: No.

Q: Was there a BB gun at that location? b7c-5,66-5

A: I know that SPC ██████████ had a BB gun in AB-Ramadi because I had seen it there, he could have taken it with him to Al-Asad.

Q: Describe the BB gun.

A: It looked like a gas powered BB gun. It was dark possibly blueish/black. Very similar to a 9mm but was longer it had a slide. The handle might have been brown. We handled many pistols over there so I am not really certain.

Q: Was that or did that appear to be ^{that} BB gun in the photograph?

A: It looks similar but I'm not certain. b7c-5,66-5

Q: Did you witness PV2 ██████████ mistreat any prisoners?

A: Not other than what I stated earlier about him stating he only tapped the head of a prisoner with a stick. The way he talked to other soldiers and myself about what he wants to do to prisoners is what caused me to counsel him to order him to not be alone with prisoners. That was back in August/September 83. He said he would like to kick the ball out of them, but there is an inch of their life, to the best of my knowledge he never did this.

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PAGE 4 OF 5 PAGES

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EXHIBIT

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DA FORM 2823 (AUTOMATED)
STATEMENT OF SSC [REDACTED]

TAKEN AT FT Drum NY DATED 2 JUL 04 CONTINUED:

Q Who is MSC [REDACTED]? 67C-3,66-3

A I have never heard of this person.

Q Who is an interpreter identified as [REDACTED]? 67C-3,66-3

A I have never heard of this person either.

Q Do you have anything to add to this statement?

A: NO /// END OF STATEMENT ///

AFFIDAVIT

I, SSC [REDACTED] 67C-4,66-4 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(SIGNATURE OF PERSON MAKING STATEMENT) 67C-4,66-4

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 2nd DAY OF Jul, 2004 AT Fort Drum, NY

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath) 67C-1,66-1

ORGANIZATION OR ADDRESS

SA [REDACTED]
(Name of Person Administering Oath) 67C-1,66-1

Article 136 USMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 67C-4,66-4

PAGES 5 OF 5 PAGES

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| SWORN STATEMENT | | | |
|--|-------------------------------------|----------------------|-------------|
| For use of this form, see AR 190-15: The proponent agency, <i>67C-4,66-4</i> Deputy Chief of Staff for Personnel. | | | |
| LOCATION <i>AD OFFICE</i> | DATE <i>03 JUN 04</i> | TIME <i>0830</i> | FILE NUMBER |
| <i>Fort Drum NY</i> | <i>67C-4,66-4</i> | | |
| LAST NAME, FIRST NAME, MI | SOCIAL SECURITY NUMBER | GRADE/STATUS | |
| <i>67C-4,66-4</i> | <i>67C-4,66-4</i> | <i>05 / ADJUTANT</i> | |
| ORGANIZATION OR ADDRESS | | | |
| <i>C. Co. 2-14 INF BN, Fort Drum NY 13602</i> | | | |
| I, <i>67C-4,66-4</i> want to make the following statement under oath: | | | |
| I ARRIVED AT FORT DRUM IN DECEMBER OF 1993 AND WAS ASSIGNED TO 2/14 THE SAME MONTH. I DEPLOYED TO IRAQ ON 28 MARCH 2003. MY DUTY POSITION WAS ALPHA TEAM LDR FOR 2ND SQD, 2ND PLT CHARLIE CO. 2/14 IN. I ARRIVED IN IR. RAMADI ON 24 MAY 2003 AND WAS NCOIC UNTIL 5 AUGUST 2003 WHEN SSG <i>67C-5,66-5</i> AND PVT <i>67C-5,66-5</i> ARRIVED. THEN I BECAME SSG <i>67C-5,66-5</i> ALPHA TEAM LDR. WE HAD A LOT OF PROBLEMS WITH <i>67C-5,66-5</i> REGARDING DISCIPLINE AND MILITARY BEARING. ALSO A FEW INSTANCES OF DISRESPECT TO AN NCO AND OFFICER. POSITIVE ATTRIBUTES ABOUT <i>67C-5,66-5</i> ARE THE HE IS ALWAYS WANTED TO LEARN AND IS ALWAYS ASKING QUESTIONS ABOUT HIS JOB. ALSO ANOTHER PROBLEM WE HAD IS ON AT LEAST 6 DIFFERENT INSTANCES HE WAS CAUGHT ASLEEP ON GUARD BY NCO'S AND OFFICER'S DOING THEIR CHECKUPS. RULES FOR HANDLING EPW'S WAS THAT WE WERE ALLOWED TO POKE AND PROD TO KEEP EPW'S AWAKE AND ALSO WE PLAYED LOUD MUSIC AND HAD THEM STAND OR SIT IN UNCOMFORTABLE POSITIONS. ON OR ABOUT 20 SEPTEMBER PVT <i>67C-5,66-5</i> LEFT FOR THE ALASAD SAFE HOUSE WITH SGT GOODE AS HIS TEAM LDR. UNIFORM FOR GUARD DUTY WAS FULL BODY ARMOR AND WEAPONS LOCKED AND LOADED FOR THE FRONT GATE. MOST DAYS DURING THE SUMMER <i>67C-4,66-4</i> NOT USED <i>67C-4,66-4</i> | | | |
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT | PAGE 1 OF 3 PAGES | |
| | <i>67C-4,66-4</i> | | |
| 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 OF ANOTHER COPY. | | | |
| LAW ENFORCEMENT SENSITIVE | | | |

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EXHIBIT 7

STATEMENT OF SGT [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]
CONTINUED.

WE WORE NO DCU TOPS. AND HAD ON BOONIE CAPS, THIS WAS AT THE FRONT GATE IF WE HAD EPW GUARD SOME WHERE BESIDES THE FRONT GATE THE UNIFORM WAS WHATEVER WE WANTED TO WEAR BUT WE ALWAYS HAD AN M14 OR A BERRITA LOCKED AND LOADED BUT HOLSTERED OR SLUNG. WHEN WE MOVED A PRISONER OR UNCUFFED THEM TO EAT OR GO TO THE BATHROOM WEAPONS WERE AT THE READY OR DRAWN IN THE EPW.

Q: SA [REDACTED]

7C-1,66-1

A: SGT [REDACTED]

7C-4,66-4

Q: WHO IS SSG [REDACTED]?

7C-5,66-5

A: 2ND SQD LDR, 2ND PLT C.CO 2-14

Q: WHO IS PVT [REDACTED]?

7C-5,66-5

A: AG GUN 2, 2ND PLT C.CO 2-14

Q: WHO IS SGT [REDACTED]?

A: B TM LDR, 2ND SQD, 2ND PLT, C.CO 2-14 ETS 20 DEC 03 PRETTY SURE THIS WAS ETS DATE.

7C-4,66-4

Q: Did you witness or hear of SGT PVT [REDACTED] abuse any EPW's?

7C-5,66-5

A: NO

7C-4,66-4

Q: What were your orders or instructions concerning the photographing of EPW's?

A: PHOTOS WERE NOT PERMITTED W/ EPW'S.

Q: Who issued those orders?

A: SF TEAM CAPTAIN AND TEAM SERGEANT AND ALSO CIA PERSONEL AND SSG [REDACTED]

7C-5,66-5

7C-4,66-4

STATEMENT OF SGT [REDACTED] TAKEN AT Fort Union at DATED 3/1/04
CONTINUED.

67C-5,66-5

Q: Did PV2 [REDACTED] receive those orders?

67C-5,66-5

A: YES SGT [REDACTED] CIA PERSONEL AND SF CAPTAIN AND TEAM SGT ISSUED ORDERS

VERBALLY. ALSO ORDERS REGARDING TREATMENT OF EPW'S WAS POSTED IN SAFE

HOUSE AND AT THE GUARD SHACK ON PAPER TAPED ON WALLS.

Q: Did PV2 understand those orders?

A: YES

Q: Who is MSG [REDACTED]? 67C-3,66-3

A: DO NOT KNOW

Q: Who is [REDACTED]? 67C-3,66-3

A: SF INTERPRETER, WAS ABOUT 5'8", MIDDLE EASTERN DESCENT, BROWN HAIR,

BROWN EYES, ABOUT 130 LBS. SKINNY WORKED AS A CONTRACTOR FOR CIVILIAN

COMPANY.

67C-5,66-5

Q: Did you see PV2 [REDACTED] with a BB gun?

A: NO

Q: Do you have any knowledge of a BB gun being at either locations?

(RADWANA PALACE COMPLEX) [REDACTED]

67C-4,66-4

A: NO, BUT SF GUYS AT RPC COMPOUND IN BAGHDAD HAD RIFLE BB GUNS

THEY USED TO SHOOT DOVES AND PIGEONS.

67C-5,66-5

Q: Did PV2 [REDACTED] request you take photo graphs of them?

A: YES, WE ALL TOOK PICTURES TOGETHER HANGING OUT BUT NEVER W/ EPW'S.

67C-5,66-5

Q: Did PV2 [REDACTED] have his own camera?

A: YES, WE ALL BOUGHT DISPOSABLE CAMERAS AT THE PX.

Q: Before coming to this office did you serve the prisoners?

67C-5,66-5

A: YES, [REDACTED] AND THE OTHER [REDACTED]

67C-4,66-4

b7c-4, b6-4

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STATEMENT OF [REDACTED]

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]
CONTINUED.

A: NO I DID NOT SEE IT PRIOR TO TODAY.

Q: Where is this photograph taken?

A: I DON'T KNOW WHERE BUT IT DEFINANTLY WAS NOT TAKEN AT BR RAMADI,
BECAUSE IN THE RAMADI SAFE HOUSE ARE WALLS WERE ALL PAINTED
WHITE.

Q: Who is depicted in the photograph?

A: PV2 [REDACTED] AND AN EPW b7c-5, b6-5

Q: Based upon the orders and instructions given, is PV2 [REDACTED]
following them?

A: NO WE WERE NOT SUPPOSED TO POINT WEAPONS AT EPW'S UNLESS UNBINDING
OR MOVING THEM. UNIFORM WAS ACCEPTABLE AND PISTOL WAS ACCEPTABLE
BUT PHOTOGRAPHING EPW'S WAS NOT PERMITTED.

Q: Did you witness any EPW abuse?

A: NO I DID NOT WITNESS ANY EPW ABUSE.

Q: Do you have anything to add to this statement?

A: NO /// END OF STATEMENT ///

b7c-4, b6-4

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PAGE 4 OF 3 PAGES
EXHIBIT

STATEMENT OF

SGT [REDACTED]

TAKEN AT Fort Drum

DATED 8/20/04

CONTINUED:

I, SGT [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b7c-4, b6-4

AFFIDAVIT

[REDACTED]
(Name of Person Making Statement)

b7c-4, b6-4

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 20th DAY OF AUG, 2004 AT Fort Drum, NY

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

b7c-4, b6-4

SA [REDACTED]
(Name of Person Administering Oath)

b7c-4, b6-4

ORGANIZATION OR ADDRESS

Article 136 (2) (d)
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b7c-4, b6-4

PAGES 5 OF 5 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent, [redacted] Deputy Chief for Personnel.

| | | | |
|---|--------------------------------------|---------------------------|-------------|
| LOCATION CID OFFICE | DATE 7 JUN 04 | TIME 1610 | FILE NUMBER |
| Fort Drum, NY 13602 | [redacted] | [redacted] | [redacted] |
| LAST NAME, FIRST NAME, MI [redacted] | SOCIAL SECURITY NUMBER [redacted] | GRADE/STATUS O2-Active | |

ORGANIZATION OR ADDRESS
HHC 2-14 INF BN Fort Drum, NY

I, LT [redacted] want to make the following statement under oath:

I deployed to OIF in March 03. There was a significant size element that myself and PFC [redacted] were apart of and that was attached to a Special Forces A team. PFC [redacted] first arrived at the site in August 03. One of my first dealings with PFC [redacted] was when he made a comment that he wouldn't touch the prisoners and then acted beligerent. SSG [redacted] said he would speak with PFC [redacted] and that he personally wouldn't let him watch the prisoners unless he was present. There were other incidents in Sep 03 to Feb 04 when he fell asleep on guard on 3 separate occasions and later received an Article 15. PFC [redacted] also forgot his weapon on guard and acted beligerent towards his Team leader.

Q: SA [redacted]

A: LT [redacted]

Q: Did you ever witness or hear of PFC [redacted] abuse any EPW's?

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [redacted] | PAGE 1 OF 4 PAGES |
|---------|---|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [redacted] OF [redacted] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF LT [REDACTED] TAKEN AT Fort Drum NY DATED 7 June 03
CONTINUED.

A: No, I never seen him physically abuse a prisoner.

Q: Have you heard of any photographs taken of soldiers and EPW's before today?

A: No, I never saw or heard of any soldiers taking photographs.

Q: Did you see a BB at the location (Al Ramadi)?

A: No, I never saw a BB gun.

Q: When were you at Al Ramadi?

A: From Jun 03 to Nov 03

Q: Was PV2 [REDACTED] 67C-5166-5 with you during the entire time?

A: No, he separated from my location and went to AlBad. Sep 03. 67C-3166-3

Q: Who is MSG [REDACTED]?

A: I don't know. 67C-3166-3

Q: Do you know an interpreter named [REDACTED]?

A: No. 67C-5166-5

Q: Was PV2 [REDACTED] assigned a pistol as a Firearm?

A: No. 67C-5166-5

Q: Would there be any reason why PV2 [REDACTED] would be conducting guard duty using a pistol? 67C-4166-4

A: Yes, it is SOP to have a fire arm in theater. Special Forces did assign a couple of 9mm pistols for use by 16th Mountain soldiers.

Q: What was the SOP concerning being photographed with EPW's?

b7c-4, b6-4

STATEMENT OF LT [REDACTED] TAKEN AT Fort Drum, NY DATED 7 June 84
CONTINUED.

A: The policy was that no pictures were allowed to be taken.

b7c-5, b6-5

Q: Would there be any reason why PV2 [REDACTED] would be conducting guard duty using a BB gun?

A: No

Q: Was there any type of firearm or mock firearm in the safe house?

A: Yes, there was a lighter that looked identical to an M16.

Q: Describe the lighter.

A: Can't remember if it was silver or black.

Q: Was it the fire arm depicted in the photograph I showed you today?

A: I could not tell.

Q: Do you have anything to add to this statement?

A: No /// END OF STATEMENT ///

DA FORM 2823 (AUTOMATED)
STATEMENT OF LT [REDACTED]

b7c-4, 66-4

TAKEN AT FORT ORD, ILL. DATED 7 JAN 1964 CONTINUED:

[Lined area for statement content]

b7c-4, 66-4

AFFIDAVIT

I, LT [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED SIGNATURE] b7c-4, 66-4
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 7th DAY OF Jan, 1964 AT Fort Ord, Ill.

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE] b7c-1, 66-1
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] b7c-1, 66-1
(Name of Person Administering Oath)

Article 136, U.C.M.J.
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGES 4 OF 4 PAGES

LAW ENFORCEMENT SENSITIVE

For use of this form, see AR 190-45; the proponent agency is GCSOPS

| | | | |
|---|--------------------------------------|-------------------|-------------------------------------|
| LOCATION Fort Drum, New York 13602 | DATE 15 Jun 04 | TIME 11:03 hrs | FILE NUMBER 0100-04-CID452-63608 |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS SPC/Active |
| ORGANIZATION OR ADDRESS C CO 2-14 INF BN Fort Drum, NY 13602 | | | |

I, [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: I arrived at Fort Drum November 6th, 2002 and assigned to C Co 2-14th INF. I deployed to Iraq around March 30th 2003. I was in Al Ramadi around May 03 until October 03. In Al Ramadi we conducted High priority raids, Force protection, and guarded EPW's until they were sent across the road to 3rd or 1st ID.

Q: SA [REDACTED]
A: SPC [REDACTED]

Q: What were your instructions regarding the treatment of EPW's?
A: For each prisoner it was different. We required to provide meals 2-3 times a day, water when needed or asked, use of the latrine when needed; that's all we were required to give them.

Q: What your ROE's regarding EPW's?
A: Prisoners must wear hoods and cuffs at all times, unless otherwise stated. Prisoners must remain in position they were left in by SF team members unless otherwise stated. If a prisoner did not comply or became disorderly we could necessary means to restrain the prisoner until help arrived.

Q: Did you witness any EPW abuse?
A: No I did not.

Q: What do you consider abuse?
A: Anything that is inhumane is abuse. Torture, cruel or unusual punishments or humiliating punishments as well. That's pretty much it.

Q: Do you know PV2 [REDACTED]
A: Not well but by name and rank. I do not like him because of his military or lack of military bearing.

Q: Was PV2 [REDACTED] deployed with you at Al Ramadi?
A: He was there for a short period of time in the middle of my time there. He was there from anywhere from one month to a month in a half.

Q: Do you know of any problems that PV2 [REDACTED] had when he was with you at AL Ramadi?
A: No, I was not in a leadership position. The only thing I have heard about [REDACTED] is that his wife is crazy. I heard that since I have been back along with this whole case thing.

Q: Did you ever witness PV2 [REDACTED] abuse EPW's?
A: No.

Q: Before today had you seen the photograph of PV2 [REDACTED] with the EPW?
A: No.

Q: Did you recognize the area and who was in the photograph?
A: No.

Q: Was PV2 [REDACTED] in the picture?
A: Knowing that this interview was regarding [REDACTED] I could tell a vague similarity to the person in the photograph as being [REDACTED] but if I had not known then I would not have recognized him.

Q: Does the area appear to be Al Ramadi?
A: No not at all. There were no areas in which walls were made of wood and our prisoner cells were stone or clay buildings.

Q: Was there a BB at Al Ramadi?
A: No.

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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, JUL 72

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EXHIBIT 9

STATEMENT (Continued)

LAW ENFORCEMENT SENSITIVE

Q: Was there any type of replica handgun at Al Ramadi?

A: Yes, there was a lighter-pistol. That was stainless steel and completely silver.

Q: Was that the pistol depicted in the photograph I showed you today?

A: No it was not.

Q: What weapons did you use while conducting guard duty?

A: Whatever was a standard issued weapon assigned to that person. Riflemen had M-4's, SAW gunners had M249's, and heavy gunners could borrow an M-4 from a buddy or use a 9mm if they had it.

Q: Do you know MSG [redacted] 67C-3, 66-3

A: No, I do not.

Q: Do you know an interpreter named [redacted] 67C-3, 66-3

A: No.

Q: Do you have anything you wish to add to this statement?

A: No. ///End of Statement///

67C-4, 66-4

AFFIDAVIT

I, SPC [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

67C-4, 66-4

[redacted signature]

(Signature of Person Making Oath)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 15 day of June, 2004 at Fort Drum, New York 13602

[redacted signature]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]

67C-1, 66-1

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ

(Authority to Administer Oaths)

67C-4, 66-4

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES 41



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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND STREET
FOREST PARK, GA 30297-5122

CILA-EP

15 June 2004

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 62ND MILITARY POLICE
DETACHMENT, THIRD MILITARY POLICE GROUP, USACIDC, 4671 NETHERLY
STREET, FORT DRUM, NY 13602-5013

SUBJECT: Forensic Division Report(s)
USACIL Case Number 2004-CID131-0981
Submitter Case Number 0100-04-CID452-63608

1. Enclosed are the Final Laboratory Exhibit List (Encl 1) and Final Division Reports for the Imaging and Technical Support (Encl 3) and Firearms (Encl 3) Divisions.
2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the forensic examiner(s) assigned to the case. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. One original report is enclosed and the other is kept in the official files of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.
3. All items received in the laboratory for examination are returned to the submitting agency upon completion of laboratory testing.
4. IAW AR 195-2, requests and fund cites for court appearances of Laboratory Examiners will be made at least 10 working days prior to the date of court proceedings.
5. Point of contact is the Evidence Processing Division, DSN 797-██████████ 109██████████ Commercial (404) 469-██████████, Fax DSN 797-██████████ or Email: usacil@usacil.army.mil.

b7c-3,66-3

b7c-3,66-3

3 Encls

██
██

Deputy Records Custodian



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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1 of 1-42

EXHIBIT /0

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15 June 2004

FINAL LABORATORY EXHIBIT LISTING

SUBJECT: USACIL Case Number 2004-CID131-0981
Submitter Case Number 0100-04-CID452-63608

EXHIBIT:

1 - 35mm film negatives (Item 2, Doc 027-04).

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JUN 23 2004
1 of 1

EXHIBIT



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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND STREET
FOREST PARK, GA 30297-5122

CILA-IT

03 June 2004

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 62ND MILITARY POLICE
DETACHMENT, THIRD MILITARY POLICE GROUP, USACIDC, 4871 NETHERLY
STREET, FORT DRUM, NY 13602-5013

SUBJECT: Imaging and Technical Support Division - Final Report
USACIL Case Number 2004-CID131-0981
Submitter Case Number 0100-04-CID452-63608

EXHIBIT:

1 - 35mm film negatives (Item 2, Doc 027-04).

FINDINGS:

1. Examination of Exhibit 1 determined it contained three exposed frames suitable for enhancement, numbered 5, 6, and 8. These frames were scanned electronically, enhanced, and saved to a Digital Versatile Disc (DVD), which is enclosed. Two sets of photographic prints were prepared. One set of prints was forwarded to Firearms Division for examination. The second set of prints is enclosed.

2. Examination of Exhibit 1 frame 8 depicts three individuals in Desert Camouflage Uniform (DCU). The name tape of the individual in the center of the photograph depicts the name "██████████". There is insufficient information recorded on the negative to determine the name of the second individual wearing the DCU jacket.

b7c-5,66-5

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1 of 2

00044

UNCLASSIFIED

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CILA-IT

SUBJECT: Imaging and Technical Support Division - Final Report
USACIL Case Number 2004-CID131-0981
Submitter Case Number 0100-04-CID452-63608

3. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Division, DSN 797- [REDACTED] Commercial (404) 469- [REDACTED] Fax DSN 797-7112, or Email: usacil@usacil.army.mil.

b7c-1, 66d

[REDACTED]

b7c-2, 66-2

Encl
AS

Forensic Imaging Examiner

45



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DEPARTMENT OF THE ARMY
 US ARMY CRIMINAL INVESTIGATION LABORATORY
 4553 N 2ND STREET
 FOREST PARK, GA 30297-5122

CILA-FA

04 June 2004

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 62ND MILITARY POLICE
 DETACHMENT, THIRD MILITARY POLICE GROUP, USACIDC, 4871 NETHERLY
 STREET, FORT DRUM, NY 13602-5013

SUBJECT: Firearms Division - Final Report
 USACIL Case Number 2004-CID131-0981
 Submitter Case Number 0100-04-CID452-63608

EXHIBIT:

1 - 35mm film negative (Item 2, Doc 027-04).

FINDINGS:

1. The image of the firearm depicted in the photographs developed from Exhibit 1 are of such poor quality an opinion of the type firearm cannot be rendered. It must be noted that there are numerous BB/Air pistols that are manufactured to look like actual firearms that identification through a photograph is almost impossible.

2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory.



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