

# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

SUSPENSE DATE (YYYYMMDD)

2004/02/09

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**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. THRU 1AD, JAG APO AE 09324  0038-03899-63498	2. TO 323D MP DET (CID) APO AE 09324	3. FROM A Co. 1/13th Armor, 1AD APO AE 09324
4. USACRC CONTROL NUMBER 0039-03-CID899-63499	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

To be completed by the commander or supervisor of the subject identified below and in corresponding MP/CID report. Check all applicable blocks. Briefly explain circumstances not covered by blocks. For multiple offenses resulting in more than one type of action taken or action taken for offenses not listed in the report, explain in block 15, Remarks, which offenses apply to blocks checked and action taken for other offenses. Retain last copy and return all others to addressee indicated in "TO" block on completion of final action.

7. NAME OF SUBJECT (Last, First, MI) <b>7C-5, b6-5</b>	8. GRADE O-1	9. SSN <b>67C-5, b6-5</b>	10. DATE OF BIRTH (YYYYMMDD) <b>67C-5, b6-5</b>
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11a. OFFENSE(s)

11b. DATE OF OFFENSE(s)

Art 92, UCMJ: Willful Dereliction of Duty  
 Art 93, UCMJ: Cruelty and Maltreatment

2003/06/24

Art 128, UCMJ: Assault  
 Art 133, UCMJ: Conduct unbecoming

2003/06/24

Art 134, UCMJ: Obstruction of Justice  
 Art 134, UCMJ: Reckless Endangerment

2003/06/24

## 12. ACTION TAKEN

☐ a. \* NONE ☐ (1) INSUFFICIENT EVIDENCE ☒ (2) OTHER (Explain in Remarks)

\* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

☐ b. ADMINISTRATIVE

REFERRED TO (Check appropriate blocks)

DATE REFERRED (YYYYMMDD)

DATE RESPONDED (YYYYMMDD)

<input type="checkbox"/> F = FAMILY ADVOCACY		
<input type="checkbox"/> D = DRUG/ALCOHOL ABUSE		
<input type="checkbox"/> S = SPECIAL REFERRAL		
<input type="checkbox"/> E = EQUAL OPPORTUNITY		
<input type="checkbox"/> L = LEGAL OFFICE		
<input type="checkbox"/> M = MENTAL HEALTH		
<input type="checkbox"/> R = RELIEF AGENCY		

☐ c. NONJUDICIAL (Article 15, UCMJ)

☐ COMPANY GRADE ☐ FIELD GRADE ☐ SUMMARIZED  
☐ GCM AUTHORITY ☐ GENERAL OFFICER

☐ d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

☐ SUMMARY COURT MARTIAL ☐ GENERAL COURT-MARTIAL  
☐ SPECIAL COURT-MARTIAL ☐ CIVIL COURT

## 13. JUDICIAL FINDINGS

☐ GUILTY ☐ DISMISSED  
☐ NOT GUILTY ☐ OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

## 14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

☐ a. REPRIMAND ☐ b. ADMONITION ☐ (1) ORAL ☐ (2) IN WRITING  
☐ c. DETENTION ☐ d. FORFEITURE ☐ e. FINED \$ \_\_\_\_\_ / \_\_\_\_\_ MONTHS  
☐ f. REDUCED FROM \_\_\_\_\_ TO \_\_\_\_\_ ☐ g. EXTRA DUTY FOR \_\_\_\_\_ DAYS ☐ h. RESTRICTED FOR \_\_\_\_\_ DAYS  
☐ i. CORRECTIONAL CUSTODY FOR \_\_\_\_\_ DAYS ☐ j. CONFINED \_\_\_\_\_ YEARS \_\_\_\_\_ MONTHS  
☐ k. PUNITIVE DISCHARGE ADJUDGED TYPE: \_\_\_\_\_ EFFECTIVE DATE \_\_\_\_\_  
☐ l. ADMINISTRATIVE DISCHARGE  
☐ m. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

DA FORM 4833, DEC 1998

DA FORM 4833, JUN 80, IS OBSOLETE

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15. REMARKS

12 (2) Resigned, with less than Honorable Discharge. b7C-3, b6-3  
Disposition received via telephonic from CPT [REDACTED] JAG, IAD.

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

CPT [REDACTED] JAG, IAD b7C-3, b6-3 b7C-1 b6-1

16b. SIGNATURE

SA [REDACTED] b7C-1, b6-1 b7C-1, b6-1 for CPT [REDACTED]

16c. DATE OF REPORT (YYYYMMDD)

2004/02/09

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7C b6

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CIOP-OP (195)

01 JUL 03

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 0039-03-CID899-  
03499-SVZG4/5C1A/5T4/5R4B/5Y2D2/5X5/5S1C 157264

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 22 JUN 2003/0930 HRS ZULU; GAHZALIA AMMO FACTORY SECTOR 45.

DATE/TIME REPORTED: 24 JUN 2003, 0528Z

INVESTIGATED BY: SA <sup>b7c-1, b6-1, b2</sup> [REDACTED] AND SA <sup>b7c-1, b6-1</sup> [REDACTED]  
<sup>b7c-1, b6-1, b2</sup> [REDACTED]

SUBJECT: 1. <sup>b7c-5, b6-5</sup> [REDACTED], 2LT; <sup>b7c-5, b6-5</sup> [REDACTED]  
M, WHITE; A COMPANY, 1/13<sup>TH</sup> ARMOR; FC; [ASSAULT][RELEASE A  
DETAINEE WITHOUT PROPER AUTHORITY][WILLFUL DERELICTION OF  
DUTY][CONDUCT UNBECOMING][CRUELTY AND  
MALTREATMENT][FOUNDED].

VICTIM: 1. UNKNOWN, CIV, ARABIC, NFI [ASSAULT][RELEASE A  
DETAINEE WITHOUT PROPER AUTHORITY][WILLFUL DERELICTION OF  
DUTY][CRUELTY AND MALTREATMENT].

INVESTIGATIVE SUMMARY:

<sup>b5, b6-5</sup> [REDACTED] INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE THAT LT  
[REDACTED] COMMITTED THE OFFENSES OF ASSAULT, RELEASE A DETAINEE  
WITHOUT PROPER AUTHORIZATION, OBSTRUCTION OF JUSTICE, CONDUCT  
UNBECOMING, WILLFUL DERELICTION OF DUTY AND CRUELTY AND  
MALTREATMENT WHEN HE TOOK AN IRAQI TEENAGER OUT OF VIEW OF  
OTHERS AND FIRED OFF A SHOT IN AN ATTEMPT TO SCARE THE IRAQI  
BEFORE RELEASING HIM.

STATUTES

Article 92, UCMJ Willful Dereliction of Duty  
Article 93, UCMJ Cruelty and Maltreatment  
Article 128, UCMJ Assault  
Article 133, UCMJ Conduct Unbecoming  
Article 134, UCMJ Obstruction of Justice  
Article 134, UCMJ Reckless Endangerment

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## EXHIBITS

Attached:

1. Agent's Investigative Report (AIR) of SA <sup>b7C-1, b6-1</sup> and SA <sup>b7C-1, b6-1</sup>, 01 Jul 03, detailing his receipt of the initial complaint, coordination with CPT <sup>b7C-3, b6-3</sup> interview of PFC <sup>b7C-4, b6-4</sup> interview of SGT <sup>b7C-4, b6-4</sup> interview of SGT <sup>b7C-4, b6-4</sup> rights advisement of LT <sup>b7C-4, b6-4</sup> interview of PFC <sup>b7C-4, b6-4</sup> of SPC <sup>b7C-4, b6-4</sup> interview of SPC <sup>b7C-4, b6-4</sup> interview of PFC <sup>b7C-4, b6-4</sup> digital <sup>b7C-4, b6-4</sup> photographs of the crime scene and coordination with SJA.
2. Photocopy of Commanders inquiry detailing statements given by 1<sup>st</sup> platoon, B CO, 307<sup>th</sup> ENG BN
3. Photocopy of Sworn Statement of PFC <sup>b7C-4, b6-4</sup> 25 Jun 03, detailing the two incidents that occurred on 20 Jun 03, and 22 Jun 03 while on patrol with SGT <sup>b7C-5, b6-5</sup> and LT <sup>b7C-5, b6-5</sup>
4. Photocopy of Rights Waiver Certificate and Sworn Statement of SGT <sup>b7C-4, b6-4</sup> 25 Jun 03, detailing the events that occurred on 20 Jun 03 and 22 Jun 03, while on patrol with SGT <sup>b7C-5, b6-5</sup> and LT <sup>b7C-5, b6-5</sup>
5. Photocopy of Rights Waiver Certificate and Sworn Statement of SGT <sup>b7C-5, b6-5</sup> 25 Jun 03, in which he admitted to assaulting a teenage Iraqi boy on 22 Jun 03 while out on patrol with LT <sup>b7C-5, b6-5</sup>
6. Photocopy of Rights Non-Waiver Certificate of LT <sup>b7C-5, b6-5</sup> 25 Jun 03.
7. Photocopy of Sworn Statement of PFC <sup>b7C-4, b6-4</sup> 30 Jun 03, detailing his observations of the incidents that occurred on 20 Jun 03 and 22 Jun 03 while on patrol with SGT <sup>b7C-5, b6-5</sup> and LT <sup>b7C-5, b6-5</sup>
8. Photocopy of Sworn Statement of SPC <sup>b7C-4, b6-4</sup> 30 Jun 03, detailing his observations of the incidents that occurred on 20 Jun 03 and 22 Jun 03 while on patrol with SGT <sup>b7C-5, b6-5</sup> and LT <sup>b7C-5, b6-5</sup>
9. Photocopy of Sworn Statement of SPC <sup>b7C-4, b6-4</sup> 30 Jun 03, detailing his observations of the incidents that occurred on 20 Jun 03 and 22 Jun 03 while on patrol with SGT <sup>b7C-5, b6-5</sup> and LT <sup>b7C-5, b6-5</sup>
10. Photocopy of Sworn Statement of PFC <sup>b7C-4, b6-4</sup> 30 Jun 03, detailing his observations of the incidents that occurred on 20 Jun 03 and 22 Jun 03 while on patrol with SGT <sup>b7C-5, b6-5</sup> and LT <sup>b7C-5, b6-5</sup>

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CIOF-OP

SUBJ CID REPORT OF INVESTIGATION: 0039-03-CID899-6349.

11 Compact Disc, 030701\_0230, containing all digital photographic images and the (USACRC copy only)

Not Attached:

None

The originals of Exhibits 1 through 11 are attached to the USACRC copy of report 0038-03-CID899-63498.

STATUS: This is a final "c" report. This investigation is being terminated IAW paragraph 4-14a(4), CIDR 195-1. In that the supported SJA is of the opinion that sufficient evidence is available to prosecute the perpetrator for the offense(s), that additional investigation would produce only cumulative and unneeded evidence, and that the identification of additional offenders or offenses is unlikely.

Report Prepared By:

b7C-1, b6-1, b2

[REDACTED]  
Special Agent

Report Approved By: b7C-1, b6-1

[REDACTED]  
Special Agent in Charge

DISTRIBUTION:

- 1 - DIR, USACRC (original), Fort Belvoir, VA 22060 b7C-3, b6-3
- 1 - THRU: CDR, 1/325<sup>th</sup> Inf, 82<sup>nd</sup> Abn Div (ATTN: LTC [REDACTED])
  - TO: CDR, A Co, 1/13<sup>th</sup> Armor
  - TO: CDR, B Co, 307<sup>th</sup> Eng
- 1 - THRU: CDR, 10<sup>th</sup> MP Bn (CID)(FWD), APO AE 09336
  - TO: CDR, 3rd MP Group (CID)(FWD), APO AE 09336
- 1 - SJA (ATTN: LTC [REDACTED], 1AD), APO AE 09324 b7C-3, b6-3
- 1 - PMO (ATTN: LTC [REDACTED], APO AE 09324 b7C-3, b6-3
- 1 - File

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- 3 -  
7C b6 b2

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0039-03-CID899-63499

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## DETAILS

### BAISIS FOR INVESTIGATION:

About 0530, 24 JUN 03, this office received notification by email that an alleged assault had occurred in the 1/325<sup>th</sup> Airborne Infantry Regiment area of responsibility.

About 0600Z, 25 JUN 03, SA [REDACTED] b7c-1, b6-1 and SA [REDACTED] b7c-1, b6-1 this office, met with CPT [REDACTED] b7c-3, b6-3 C Company (CO), 1<sup>st</sup> Battalion (BN) 325<sup>th</sup> Airborne Infantry Regiment (AIR) and learned that there was a commanders inquiry that produced over 30 statements regarding three separate incidents. CPT [REDACTED] b7c-3, b6-3 related his investigation produced information that two different soldiers on the same patrol team committed two separate alleged assaults on two different Iraqi civilians and a third soldier committed the offense of destruction of private property. CPT [REDACTED] b7c-3, b6-3 provided a copy of the commander's inquiry (Exhibit 2).

About 0805Z, 25 JUN 03, SA [REDACTED] b7c-1, b6-1 and SA [REDACTED] b7c-1, b6-1 interviewed PFC [REDACTED] b7c-4, b6-4 B CO 307<sup>th</sup> ENG BN, who provided a sworn statement (Exhibit 3). PFC [REDACTED] b7c-4, b6-4 stated on 20 JUN 03 he was on patrol with LT [REDACTED] b7c-4, b6-4 A CO 1/13<sup>th</sup> Armor and other individuals who he could not remember all of the names of. PFC [REDACTED] b7c-4, b6-4 stated his patrol drove into the ammo factory in sector 45 when they witnessed Iraqi civilians looting from the ammo factory. PFC [REDACTED] b7c-5, b6-5 further stated SGT [REDACTED] b7c-5, b6-5 B CO 307<sup>th</sup> ENG BN, exited his vehicle and approached an Iraqi vehicle that was loaded with looted metal. SGT [REDACTED] b7c-5, b6-5 entered the Iraqi truck and drove it back and forth in an attempt to dislodge the metal from the vehicle. While driving the Iraqi truck he caused damage to the truck and the radiator began to leak. PFC [REDACTED] b7c-4, b6-4 stated later in the evening the patrol drove by the same truck and stopped. SGT [REDACTED] b7c-5, b6-5 then received direction from LT [REDACTED] b7c-5, b6-5 to cut the tires of the truck and SGT [REDACTED] b7c-5, b6-5 then cut the tires. PFC [REDACTED] b7c-5, b6-5 stated after SGT [REDACTED] b7c-5, b6-5 cut the tires of the vehicle his patrol began to drive around again. PFC [REDACTED] b7c-4, b6-4 stated sometime in the evening his patrol detained an Iraqi for looting. PFC [REDACTED] b7c-4, b6-4 stated his patrol drove around for over an hour with the Iraqi when LT [REDACTED] b7c-5, b6-5 pulled the patrol over into a field. PFC [REDACTED] b7c-5, b6-5 further stated while in the field LT [REDACTED] b7c-5, b6-5 downloaded the prisoner and removed his flexi cuffs and the sandbag that was on his head. PFC [REDACTED] b7c-5, b6-5 stated LT [REDACTED] b7c-5, b6-5 escorted the detainee to the front of the lead truck and sat him down. At that point LT [REDACTED] b7c-5, b6-5 said something to the detainee and then put his 9mm pistol to the head of the detainee. PFC [REDACTED] b7c-5, b6-5 stated LT [REDACTED] b7c-5, b6-5 then pointed the 9mm away from the detainee and fired a shot. After LT [REDACTED] b7c-5, b6-5 fired the shot he got back into his vehicle and took a picture of the detainee sitting on the ground. PFC [REDACTED] b7c-4, b6-4 stated about 1330, 22 JUN 03, he was on patrol again with LT [REDACTED] b7c-5, b6-5 when he witnessed SGT [REDACTED] b7c-5, b6-5 have a Iraqi boy squatting down behind a building. PFC [REDACTED] b7c-5, b6-5 stated he saw SGT [REDACTED] b7c-5, b6-5 point his rifle away from the boy and pull the trigger but no round went off and PFC [REDACTED] b7c-4, b6-4 heard a metallic click. PFC [REDACTED] b7c-5, b6-5 stated he witnessed SGT [REDACTED] b7c-5, b6-5 pull back the charging handle.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7c-1, b6-1, b2

ORGANIZATION

323<sup>RD</sup> MP DET (CID) (DSE) APO AE 09324-2955

SIGNATURE

[REDACTED] b7c-1, b6-1

DATE

EXHIBIT

CID FORM 94

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# AGENT'S INVESTIGATION REPORT

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## DETAILS

on his rifle and again point the weapon away from the Iraqi boy and pull the trigger firing of one shot, then SGT [REDACTED] let the boy go back to where his father and brother were sitting. PFC [REDACTED] stated at that point SGT [REDACTED] let the man and his two sons leave. b7c-5, b6-5

About 0830Z, 25 JUN 03, SA [REDACTED] advised SGT [REDACTED] of his legal rights which he waived and provided a sworn statement (Exhibit 4). SGT [REDACTED] stated he was unable to see what was going on in front of the lead vehicle while he was on patrol with LT [REDACTED] on 20 JUN 03. SGT [REDACTED] stated he did here a gunshot and did question LT [REDACTED] what had happened and LT [REDACTED] told him that he was being attacked by a dog. SGT [REDACTED] further stated he was present on 22 JUN 03 when SGT [REDACTED] escorted one of the three detainee's around the side of a building and fired a shot. SGT [REDACTED] stated he had received orders from LT [REDACTED] via radio to detain the Iraqi men they had found looting in the ammo factory. SGT [REDACTED] stated he instructed SGT [REDACTED] to take the detainee's to the truck and flexi cuff them. SGT [REDACTED] stated SGT [REDACTED] escorted one of the Iraqi boys behind the rear of the vehicle. SGT [REDACTED] stated a few moments after SGT [REDACTED] went around the back of the truck SGT [REDACTED] heard a gunshot. SGT [REDACTED] further stated he observed SGT [REDACTED] walking around the building with the Iraqi boy, at which time SGT [REDACTED] related to SGT [REDACTED] that the Iraqi boy tried to run. SGT [REDACTED] stated at that time the three Iraqi's were released.

About 1000Z, 25 JUN 03, SA [REDACTED] and SA [REDACTED] advised SGT [REDACTED] of his legal rights which he waived and provided a sworn statement (Exhibit 5), wherein he stated he had no knowledge of the incident on 20 JUN 03 with LT [REDACTED] but he did not believe the story about the dog wanting to bite LT [REDACTED] because there were no dogs in the area and the situation seemed odd. SGT [REDACTED] stated he did witness SGT [REDACTED] driving in the Iraqi's truck and then later cutting the tires of that truck. SGT [REDACTED] further stated about 1300, 22 JUN 03, he was on patrol with LT [REDACTED] when the patrol entered the ammo factory and witnessed an Iraqi man and his two sons looting. SGT [REDACTED] stated upon detaining the Iraqi's he asked them if why they were looting and if the man wanted his two sons to get hurt or shot or go to jail. SGT [REDACTED] further stated SGT [REDACTED] then came over and took control of the detainees. SGT [REDACTED] stated he went over to LT [REDACTED] who told SGT [REDACTED] to "scare the shit out of them" and after they were crying SGT [REDACTED] could let them go. SGT [REDACTED] further stated at that point he went over and grabbed one of the boys and led him around the corner of a building. SGT [REDACTED] stated he pointed his weapon away from the boy and pulled the trigger, but there was no round in the chamber so he pulled the charging handle on his rifle back and loaded the weapon. SGT [REDACTED] stated he then pointed the weapon away from the Iraqi and pulled the trigger shooting off one round. SGT [REDACTED] further stated after shooting off one round he brought the gun back to the father and let the detainees go. SGT [REDACTED] further

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7c-1, b6-1 b2		ORGANIZATION 323 <sup>RD</sup> MP DET (CID) (DSE) APO AE 09324-2955	
SIGNATURE [REDACTED] b7c-1, b6-1		DATE [REDACTED]	EXHIBIT 1

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<sup>b7C-5, b6-5</sup>  
stated LT [REDACTED] condoned scare tactics to deter further offenses by individuals trying to loot. SGT [REDACTED] stated LT [REDACTED] never corrected any previous incidents where warning shots <sup>b7C-5, b6-5</sup> were fired and seemed to express that warning shots were authorized.

<sup>b7C-1, b6-1</sup> <sup>b7C-5, b6-5</sup>  
About 1133Z, 25 JUN 03, SA [REDACTED] advised LT [REDACTED] of his legal rights (Exhibit 6), which he invoked and requested to speak with a lawyer.

<sup>b7C-1, b6-1</sup> <sup>b7C-4, b6-4</sup>  
About 0620Z, 30 JUN 03, SA [REDACTED] interviewed PFC [REDACTED] B CO 307 ENG BN, 82<sup>nd</sup> AIR who provided a sworn statement (Exhibit 7). PFC [REDACTED] stated on 20 <sup>b7C-4, b6-4</sup> JUN 03 he was on patrol with LT [REDACTED] when they picked up an Iraqi male, between 14 and 17 <sup>b7C-5, b6-5</sup> years of age. PFC [REDACTED] stated at some point in the night, just before they got off of patrol, the <sup>b7C-4, b6-4</sup> patrol all of a sudden stopped. PFC [REDACTED] stated he dismounted his vehicle and was providing <sup>b7C-4, b6-4</sup> security when he heard a pop. PFC [REDACTED] stated the lights on the truck were off so he turned on <sup>b7C-4, b6-4</sup> his NVG's and looked toward the noise, approximately 5-10 seconds after the shot. PFC [REDACTED] <sup>b7C-4, b6-4</sup> further stated when he looked toward the noise when he had his NVG's on he could see LT [REDACTED] re-holstering his weapon and staring at the Iraqi detainee about they had picked up earlier <sup>b7C-5, b6-5</sup> in the evening about 10 feet in front of the truck, who was laying on the ground covering his head with his arms and hand and seemed to be crying. PFC [REDACTED] further stated he did not witness any <sup>b7C-4, b6-4</sup> dogs in the area or see anybody standing next to LT [REDACTED] when he heard the shot. Further <sup>b7C-5, b6-5</sup> PFC [REDACTED] stated he had no knowledge of the incident on the 22<sup>nd</sup> of June that SGT [REDACTED] <sup>b7C-4, b6-4</sup> was involved with.

<sup>b7C-5, b6-5</sup>  
AGENT'S COMMENT: The fact that 1LT [REDACTED] had his focus directed at the detainee, and not in any other direction, infers that there was nothing else in the area of concern (an aggressive dog).

<sup>b7C-1, b6-1</sup> <sup>b7C-4, b6-4</sup>  
About 0630Z, 30 JUN 03, SA [REDACTED] interviewed SPC [REDACTED] B CO 307<sup>th</sup> ENG BN, 82<sup>nd</sup> AIR who provided a sworn statement (Exhibit 8). SPC <sup>b7C-4, b6-4</sup> [REDACTED] stated on the night of the 20<sup>th</sup> of June he was on patrol when his unit picked up a <sup>b7C-4, b6-4</sup> young boy who had been looting. SPC [REDACTED] stated his patrol continued on with the patrol <sup>b7C-4, b6-4</sup> and eventually turned down a back road they had never gone down before, and SPC [REDACTED] had no idea why they were where they were. Further SPC [REDACTED] stated <sup>b7C-4, b6-4</sup> the tankers were in the lead vehicle and the engineers were in the rear vehicle when they had stopped. SPC [REDACTED] stated "Blue 1", LT [REDACTED] exited his vehicle and came around to <sup>b7C-4, b6-4</sup> the follow truck and had the detainee removed from the truck. SPC [REDACTED] further stated <sup>b7C-4, b6-4</sup> he watched LT [REDACTED] guide the detainee around to the front of the lead vehicle, at which time <sup>b7C-5, b6-5</sup> SPC [REDACTED] dismounted his vehicle and started to pull security. then SPC [REDACTED] <sup>b7C-4, b6-4</sup> heard a shot fired shortly after the LT and detainee were in front of the vehicle. SPC [REDACTED] <sup>b7C-4, b6-4</sup> ducked because he thought they were being shot at. At that time SPC [REDACTED] stated he <sup>b7C-4, b6-4</sup>

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] <sup>b7C-1, b6-1, b2</sup>

ORGANIZATION

323<sup>RD</sup> MP DET (CID) (DSE) APO AE 09324-2955

SIGNATURE

<sup>b7C-1, b6-1</sup>  
[REDACTED]

DATE

30 JUN 03

EXHIBIT

1

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FILE

b7C-5, b6-5 b7C-5, b6-5  
 asked toward LT [REDACTED] and could see LT [REDACTED] looking at the detainee and not in any other  
 direction, also LT [REDACTED] was removing the flexi cuffs from the detainee. SPC [REDACTED] b7C-4, b6-4  
 further stated the lights on the lead truck were on and he could see LT [REDACTED] just outside of the b7C-5, b6-5  
 beams of light and there were no dogs present. SPC [REDACTED] corroborated that the LT and b7C-4, b6-4  
 detainee were approximately 10 feet in front of the lead vehicle. SPC [REDACTED] further stated b7C-4, b6-4  
 he witnessed LT [REDACTED] taking a picture of the detainee while the detainee was on the ground b7C-5, b6-5  
 lying. SPC [REDACTED] stated he was not present when the incident with SGT [REDACTED] b7C-5, b6-5  
 occurred and that he had heard SGT [REDACTED] talking about the incident but walked away b7C-5, b6-5  
 because he did not want to hear the story. SPC [REDACTED] further related details of an incident b7C-4, b6-4  
 that he said occurred on the 21<sup>st</sup> of June where he and SGT [REDACTED] attempted to dislodge b7C-5, b6-5  
 metal from a truck owned by Iraqi's that were looting at the ammo factory. SPC  
 [REDACTED] stated on 22 Jun 03 he was present when his patrol stopped in an ammo factory b7C-4, b6-4  
 and detained three Iraqi's for looting. SPC [REDACTED] further stated he witnessed SGT b7C-4, b6-4  
 [REDACTED] walk one of the 13-year-old boys around the corner of a building. SPC [REDACTED]  
 stated he wanted nothing to do with what SGT [REDACTED] was doing so he walked back to the b7C-5, b6-5  
 back of the truck. SPC [REDACTED] further stated a few minutes later he heard a gunshot and b7C-4, b6-4  
 about five minutes later SGT [REDACTED] and the boy walked back around the corner of the b7C-5, b6-5  
 building.

b7C-1, b6-1 b7C-4, b6-4  
 about 0634, 30 JUN 03, SA [REDACTED] interviewed SPC [REDACTED] B CO,  
 307<sup>th</sup> ENG, 82<sup>nd</sup> AIR who provided a sworn statement (Exhibit 9). SPC [REDACTED] stated on 20 JUN b7C-4, b6-4  
 03 he was on patrol with LT [REDACTED] when they detained a boy for looting. SPC [REDACTED] stated b7C-5, b6-5  
 his patrol continued its patrol and toward the end of the patrol the patrol went down a road that they  
 had never been on and continued down the road until it ended. SPC [REDACTED] stated once the b7C-4, b6-4  
 vehicles were stopped LT [REDACTED] who SPC [REDACTED] can only identify by sight and by the name b7C-5, b6-5  
 "Blue1", approached the vehicle and ordered the detainee be downloaded from the vehicle and  
 given to him. SPC [REDACTED] further stated he was standing in front of the truck and witnessed LT b7C-4, b6-4  
 [REDACTED] make the detainee get on his knees, at which point SPC [REDACTED] witnessed LT b7C-5, b6-5  
 [REDACTED] bend down and say something to the detainee. SPC [REDACTED] further stated he witnessed LT b7C-4, b6-4  
 [REDACTED] stand back up and raise his weapon to the back of the detainees head, the LT b7C-5, b6-5  
 raised the barrel of the weapon just above the head of the detainee and shoot off a round. SPC  
 [REDACTED] stated LT [REDACTED] released the prisoner and got back into his truck and they drove off b7C-4, b6-4  
 leaving the detainee behind.

b7C-1, b6-1 b7C-4, b6-4  
 0710Z, 30 JUN 03, SA [REDACTED] interviewed PFC [REDACTED] B CO, 307<sup>th</sup>  
 ENG, 82<sup>nd</sup> AIR who provided a sworn statement (Exhibit 10). PFC [REDACTED] stated while on patrol b7C-4, b6-4  
 with LT [REDACTED] on 20 JUN 03 his patrol picked up an Iraqi boy for looting. PFC [REDACTED] further b7C-5, b6-5  
 stated sometime after dark the patrol drove down a dirt road and came to a stop. PFC [REDACTED] b7C-4, b6-4

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7C-1, b6-1, b2

ORGANIZATION

323<sup>RD</sup> MP DET (CID) (DSE) APO AE 09324-2955

SIGNATURE

[REDACTED] b7C-1, b6-1

DATE

30 JUN 03

EXHIBIT

1 - [REDACTED]

CID FORM 94

FOR OFFICIAL USE ONLY

00000003

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0039-03-CID899-63499

PAGE 5 OF 6 PAGES

## DETAILS

stated he was in the trail vehicle and stopped his vehicle about 100 meters short of the lead vehicle. PFC [REDACTED] further stated he and his team dismounted his truck and began pulling security and some of the tankers came back to the truck and removed the detainee from the back. PFC [REDACTED] stated the tankers moved the detainee up to the front of the lead vehicle, and soon after PFC [REDACTED] heard a shot. PFC [REDACTED] further stated he responded to the gunshot by asking his squad leader, SGT [REDACTED], what had happened. PFC [REDACTED] stated SGT [REDACTED] ran to the front of the lead vehicle and then shortly after returned. PFC [REDACTED] stated he asked what had happened and SGT [REDACTED] responded by saying that LT [REDACTED] was attempting to mess with the detainee by firing a shot by him. PFC [REDACTED] further stated his patrol then departed the area leaving the detainee behind. PFC [REDACTED] stated on 22 JUN 03 in the afternoon his patrol was in the ammo factory when the patrol detained an Iraqi man and his two sons. PFC [REDACTED] stated while SGT [REDACTED] and SGT [REDACTED] were detaining the Iraqi's PFC [REDACTED] was pulling security around his truck. PFC [REDACTED] stated he went out to the road to show the tankers where his truck was parked because LT [REDACTED] was with them and wanted PFC [REDACTED] patrol to hold the Iraqi's for his arrival. PFC [REDACTED] further stated while back at his vehicle waiting for the arrival of LT [REDACTED] PFC [REDACTED] approached him and PV2 [REDACTED] and told them how SGT [REDACTED] wanted to take one of the Iraqi's behind a building and pretend to execute one of the boys as a way to make a point to the father. PFC [REDACTED] stated when SGT [REDACTED] passed by with the boy PFC [REDACTED] yelled for him but SGT [REDACTED] either did not hear him or ignored him because SGT [REDACTED] proceeded to take the boy behind the building. PFC [REDACTED] stated he heard a single shot and then observed SGT [REDACTED] come back around the building with the boy following. PFC [REDACTED] stated his patrol the mounted their vehicles and drove off leaving the Iraqi's behind.

At 0745, 30 JUN 03, SA [REDACTED] coordinated with CPT [REDACTED] Commander, A Co, 1/325<sup>th</sup> Inf Bn, 82<sup>nd</sup> Abn Div, Ft Bragg, NC at which time the facts pertaining this investigation were discussed. SA [REDACTED] detailed probable cause to believe that LT [REDACTED] may have been in possession of the disposable camera, at which time CPT [REDACTED] gave Commander's Authorization to conduct a search of LT [REDACTED] personal belongings, living area, and vehicle.

At 1200, 30 Jun 03, SA [REDACTED] accompanied by 1LT [REDACTED] XO, A Co, 1/325<sup>th</sup> Inf Bn, 82<sup>nd</sup> Abn Div, Ft Bragg, NC, met with 1LT [REDACTED] at his assigned living area. SA [REDACTED] inquired to 1LT [REDACTED] if he recalled his rights advisement, to which he replied he recalled and understood what his rights were. SA [REDACTED] advised of the Commander's Authorization to search, and requested 1LT [REDACTED] provide the camera in question. 1LT [REDACTED] made a spontaneous utterance that he had "two maybe three cameras" which had been sent to him in care packages. 1LT [REDACTED] inquired as to "why they were important" concerning the investigation and stated that he would willing provide them to USACIDC. 1LT [REDACTED] went through all of his

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] 67C-1, 66-1, 62		ORGANIZATION 323 <sup>RD</sup> MP DET (CID) (DSE) APO AE 09324-2955	
SIGNATURE [REDACTED] 67C-1, 66-1		DATE	EXHIBIT

CID FORM 94

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0039-03-CID899-63499

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0039-03-CID899-63499

PAGE 6 OF 6 PAGES

## DETAILS

belongings, in which he failed to locate any disposable cameras. SA <sup>b7C-1, b6-1</sup> located one camera, still in it's factory unbroken wrapper. A second "two pack" disposable camera set was located, in which contained one camera, with the other missing. The remaining camera was still in it's factory wrapper. SA <sup>b7C-1, b6-1</sup> posed, "The big question is where's the other camera"? 1LT <sup>b7C-1, b6-1</sup> in a smug reply stated, "I couldn't even begin to tell you"? SA <sup>b7C-5, b6-5, b7C-1, b6-1</sup> finished the search of 1LT <sup>b7C-5, b6-5</sup> personal gear, barracks room, and tank, bumper #33, which failed to locate the camera in question.

AGENT'S COMMENT: It was noted that 1LT <sup>b7C-5, b6-5</sup> lived very neatly organized and appeared doubtful that he would not account of the camera's location. 1LT <sup>b7C-5, b6-5</sup> never eluded to the fact that he had lost the camera.

About 0800Z, 30 JUN 03, SA <sup>b7C-1, b6-1</sup> captured 6 digital pictures (Exhibit 11) of the crime scene using a Kodak EasyShare LS443 digital camera.

About 1200, 30 JUN 03, SA <sup>b7C-1, b6-1</sup> and SA <sup>b7C-1, b6-1</sup> coordinated with the 1<sup>st</sup> AD SJA who opined there was probable cause to believe LT <sup>b7C-5, b6-5</sup> did commit the offenses of willful dereliction of duty, assault, conduct unbecoming, reckless endangerment, obstruction of justice and maltreatment.

AGENT'S COMMENT: Both SA <sup>b7C-1, b6-1</sup> and SA <sup>b7C-1, b6-1</sup> have witnessed ferral or stray dogs since being deployed to Iraq on numerous occasions. These dogs appear to be more afraid of humans than humans of them. These dogs run at the first sight of humans and the account of "an aggressive dog" coming out of the darkness, near two five ton trucks with lights on and engines running appears to be highly unlikely. In conjunction with the fact that the shot occurred moments after the detainee was brought to the front of the truck, appears to be more than pure coincidence. The statement by 1LT <sup>b7C-5, b6-5</sup> in regards to firing the shot at the dog, to "protect himself and the detainee" further contradicts the fact that the LT left the teenager in the area with possible dangerous animals.

/////////////////////////////////Nothing Follows/////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA <sup>b7C-1, b6-1, b2</sup>

ORGANIZATION

323<sup>RD</sup> MP DET (CID) (DSE) APO AE 09324-2955

SIGNATURE

<sup>b7C-1, b6-1</sup>

DATE

30 Jun 03

EXHIBIT

1

CID FORM 94

FOR OFFICIAL USE ONLY

00000111

SWORN STATEMENT			
For use of this form see AR 190-45. the proper agency is ODCSOPS			
LOCATION <i>Bahadur, Iraq</i>	DATE <i>25 Jun 03</i>	TIME <i>0800</i>	FILE NUMBER <i>38-03-02899-00095</i>
LAST NAME, FIRST NAME, MIDDLE NAME <i>[REDACTED] b7C-4, b6-4</i>	SOCIAL SECURITY NUMBER <i>[REDACTED] b7C-4, b6-4</i>		GRADE/STATUS <i>E5/RA</i>
ORGANIZATION OR ADDRESS <i>3 CO 307th Eng</i>			

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

*[REDACTED] b7C-4, b6-4*  
 On 20 June 03, around evening of, I witnessed SGT *[REDACTED] b7C-5, b6-5* drive an Iraqi man's p.o.v around the parking lot of the ammo factory. He had run over cylinder blocks, connecting wire, side of berm. Then after he had stopped the vehicle in front of us, *[REDACTED] b7C-5, b6-5* could see the radiator leaking and fuel leaking from underneath. SGT *[REDACTED] b7C-5, b6-5* was going to drive it again but two M.P. vehicles had pulled into the compound. We left immediately. We were still on patrol around our sector, and saw the same vehicle parked on the road in front of the ammo factory when SGT *[REDACTED] b7C-5, b6-5* jumped out of the truck and slashed all four tires. Then we saw the same vehicle further up the road and saw the owner of the vehicle pouring water into his radiator. *[REDACTED] b7C-5, b6-5* jumped out of the truck and said to the Iraqis, "If I catch you stealing again Ali Baaba, pow, pow." Then he got back into his truck we left, *[REDACTED] b7C-4, b6-4*

On the night of June 20, 03 we had caught an Iraqi boy and we had him detained for maybe an hour and a half while we drove around patrolling our sector. At the end of our patrol, we drove out to a field and *[REDACTED] b7C-5, b6-5* had the boy off to the side of the truck into the light of the headlights. *[REDACTED] b7C-5, b6-5* then fired off a shot from the nine mm on the side of the boy's head. The boy did not have on any cuffs or a *[REDACTED] b7C-5, b6-5* then jumped back into his vehicle to grab his camera, and takes a picture of the boy. We left the

INITIALS	INITIALS OF PERSON MAKING STATEMENT <i>[REDACTED] b7C-5, b6-5</i>	PAGE 1 OF <i>4</i> PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF <i>[REDACTED] b7C-5, b6-5</i> TAKEN AT <i>[REDACTED] b7C-5, b6-5</i> DATED <i>[REDACTED] b7C-5, b6-5</i> CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE <i>[REDACTED] b7C-5, b6-5</i> OF <i>[REDACTED] b7C-5, b6-5</i> 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.		

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED.

Iraqi boy where he was, did a U-turn and left. (b7C-4, b6-4)

On the evening of 22 June 83, around 1300 hrs to 1330 hrs, I witnessed (b7C-5, b6-5) have a young Iraqi boy <sup>(b7C-4, b6-4) Squatting</sup> ~~on~~ kneeling down on the side of a building in the ammo factory. Sgt (b7C-5, b6-5) pointing his weapon away from the boy, squeezed the trigger. I heard a metallic click. At (b7C-5, b6-5) pulled the charging handle back, chambered a round, and fired off a round, pointing away from the Iraqi boy. Then he let the boy go back to the spot where his father and brother was waiting. Sgt (b7C-5, b6-5) told the three Iraqis to "get out of here".

Not used see next page (b7C-4, b6-4)

INITIALS OF PERSON MAKING STATEMENT (b7C-4, b6-4) PAGE 2 OF 4 PAGES

000 88

EXH 8

10-10-1944

Why was Sgt [redacted] driving the vehicle?

67C-5, 66-5  
 1. Sgt [redacted] intentionally drove over the "cinder-blocks" and wire.

2. Did anyone else see this out? b7c-4, b6-4 b7c-4, b6-4 b7c-4, b6-4  
 3. Was in the [redacted] Sec. 8, Spc [redacted] Sec. 8, Spc [redacted]

is personal to me. I think it was a cyber,

Chapter 5, AFC [redacted] was driving. I don't know if he saw it.  
b7c-5, b6c-5

Do you know if Z.L.  
after speaking before?

in the report of Jan 2012, why did you detain the Iraqi boy?

line, did you hear keep the Tragi, being white on patrol?

Welche?

How old would you estimate the Iraqis' body age =

Do you normally drive detainees to this "field" to release them?

What is the normal SOP for detained persons?  
is there a set of instructions?

held them for 4 hrs.  
b7c-5, b6-5  
she saw, L.L.T. [redacted] disc

... 7 of Nov  
b7c566-5

1/2 - 7-11 [redacted] for

lying with his hands and arms covering his head and face, leaning back slightly

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 4 PAGES

1 K 511 2

STATEMENT (continued)

How far were you from the 2LT [redacted] "next execution"?  
30-40 feet [redacted] b7C-5, b6-5

During the [redacted] of 22 Jan 03 incident, who else was present that might have seen Sgt [redacted] conduct his "next execution"?  
Myself, PFC [redacted] was a driver. PFC [redacted] was engineer. I'm not sure if they saw it. Sgt [redacted] was also beside the engine. b7C-4, b6-4

Do you have anything to add to this statement?  
Yes both times with Sgt [redacted] were between 13-17 [redacted] b7C-5, b6-5

END of Statement  
b7C-4, b6-4

AFFIDAVIT

I 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 FEAR OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7C-4, b6-4

WITNESSES

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of Jul, 1999 at b7C-1, b6-1

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ATTN: (3616) LIAISON

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

**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>Baghdad Iraq</u>	2. DATE <u>25 Jun 03</u>	3. TIME <u>0500</u>	4. FILE NO. <u>0088-03-620899</u>
5. NAME (Last, First MI) <u>[REDACTED] b7C-4, b6-4</u>	8. ORGANIZATION OR ADDRESS <u>B Co 3d Bn 8th Inf</u>		
6. SSN <u>[REDACTED] b7C-4, b6-4</u>	7. GRADE/STATUS <u>E-5/RA</u>		

**PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Criminal Investigation Command  
as a Special Agent and wanted to question me about the following offense(s) of which I am  
suspected/accused Art 92, Art 93, Art 134, Art 121/11 [REDACTED] b7C-4, b6-4  
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.

(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) Have you sought legal counsel in the past 30 days? No  
I have been informed of what the above articles are [REDACTED] b7C-4, b6-4

**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)		3. SIGNATURE OF INTERVIEWEE <u>[REDACTED] b7C-4, b6-4</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED] b7C-1, b6-1</u>
1b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR <u>[REDACTED] b7C-1, b6-1</u>
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>3d Bn MP OCT (CIC) (OSC)</u>
2b. ORGANIZATION OR ADDRESS AND PHONE		

**Section C. Non-Waiver**

I do not want to waive my rights.

☐ I want a lawyer.

☐ I do not want to be questioned or say anything.

SIGNATURE OF INTERVIEWEE

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

DA FORM 3881 NOV 80

EDITION (GPO) 8-10-00-0000-0000

0000 91



# SWORN STATEMENT

For use of this form see AF 180-45; the proponent agency is ODCSQR

b7c4, b6-4

LOCATION 3A6000, TRAC	DATE 06 25 03	TIME 1102Z	FILE NUMBER 238-03-020879-038958
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-5 SCT	
ORGANIZATION OR ADDRESS Rd 3074L ENG BN		[REDACTED]	

b7c4, b6-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

My ENGINEER SQUAD RAN INTO THE AMMO FACTORY. THERE WAS A TRUCK AND THE LOOTERS ALL STARTED FLEEING. I JUMPED IN THE TRUCK AND DROVE FORWARD AND SHAMMED ON THE BRAKES THEN I DROVE IN REVERSE WILDLY AND RAN OVER SOME CONCRETE BLOCKS AND THE VEHICLE STOPPED RUNNING. I GOT OUT AND WE CONTINUED OUR PATROLS. WE PATROLLED ABOUT AN HOUR AND WE WERE ON OUR WAY BACK BY THE AMMO FACTORY THE SAME TRUCK LOADED W/ STEEL WAS PARKED ON THE ROAD NEAR THE AMMO FACTORY. LT [REDACTED] TRUCK CAME TO A STOP AND MY TRUCK STOPPED. I MADE EYE CONTACT W/ LT [REDACTED] HE STUDIED ME TO SLASH THE TIRES IN A STABBING MOTION I GOT ON THE GROUND AND POINTED AT THE TIRES AND HE SHOOK HIS HEAD UP AND DOWN. SO I SLASHED THE TIRES. WE SAW IT ON THE BRIDGE LATER W/ THE TIRES STUCK AND DEFORMATIONAL. THEY WERE PUTTING WATER IN THE RADIATOR.

b7c5, b6-5

b7c5, b6-5

My ENG SQUAD DROVE IN BEHIND THE TANKERS YELLOW TRUCK THEY WENT RIGHT SO WE WENT LEFT. I SPOTTED A LOOTER THE VEHICLE STOPPED I RAN UP TO THE VEHICLE AND THE GARAGE OPENING. I GOT THE OLDMAN AND HIS TWO ICAPS OUT OF THE SUN AND THE CAT IN THE SHADE ABOUT 20 METERS FROM MY VEHICLE. SGT [REDACTED] WALKED UP AND I TOLD HIM TO WATCH THEM WHILE I [REDACTED] GET A HOLD OF LT [REDACTED] ON MY ICORN. I WALKED

b7c5, b6-5

b7c4, b6-4

b7c5, b6-5

b7c5, b6-5

b7c4, b6-4

I TOLD HIM I COULDN'T GO DOWN AND 2 ICAPS. HE ASKED IF THEY WERE COINTEL. I SAID I WASN'T SURE. I STAYED IN THE SHED THEN SAID TO DETAIN THEM [REDACTED] UNTILL HE GETS HERE.

b7c4, b6-4

b7c4, b6-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]
---------	---

b7c4, b6-4 AGE 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 SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823

SUPERSEDES DA FORM 2823, 1 JAN 66, WHICH WILL BE USED.

000000-32

1 JUL 72

4

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED.

I SIGNIFIED TO [REDACTED] b7C-5, b6-5 TO GET INTO THEM. I WALKED BY HIM AND THE KID AND I MAINTAINED SECURITY ON THE MAN AND THE KID. I TOLD THE MAN HE WAS GOING TO JAIL AND HE TOLD ME b7C-4, b6-4 NOT TO LET SGT [REDACTED] b7C-5, b6-5 SHOOT HIM SON. I TOLD HIM NO ONE WAS GOING TO BE SHOT. THEN I HEARD A SHOT FROM BEHIND THE TRUCK, I TOOK A KNEE KEPT THE OLD MAN SITTING CAUSE HE JUMPED UP AND CREAMED. [REDACTED] b7C-4, b6-4 I MOVED CLOSER TO MY TRUCK WHILE TRYING TO SEE WHAT'S GOING ON WHILE MAINTAINING SECURITY. THEN LT [REDACTED] b7C-5, b6-5 WAS TRYING TO CALL VIA ICOM. SGT [REDACTED] b7C-5, b6-5 WALKED AROUND FROM BEHIND THE TRUCK. I POINTED AT THE OTHER TWO HE WALKED UP [REDACTED] b7C-4, b6-4 THE KID. AND PULLED SECURITY WHILE I CALLED LT [REDACTED] b7C-5, b6-5 HE ASKED ME WHAT HAPPENED AND I SAID b7C-4, b6-4 WHAT HAPPENED AND SGT [REDACTED] b7C-5, b6-5 SAID THE KID TRIED TO RUN HE FIRED A WARNING SHOT. LT [REDACTED] b7C-5, b6-5 SAID TO LET THEM GO THEN THEY PULLED UP IN THE YELLOW TRUCK. AS THE OLD MAN AND KID WERE LEAVING, THE YELLOW TRUCK PULLED UP TO STOP THE VEHICLE. THEN BACKED UP TO LET IT PASS.

THE TANKERS DETAIN AN INDIVIDUAL HE WAS PUT IN MY TRUCK CAUSE THAT WERE AN THE DETAINEE GO. IT WAS GETTING TOWARDS THE END OF THE PATROL IT WAS GETTING PRETTY DARK. SO WE LEFT THE AMMO FACTORY WE WERE FOLLOWING LT [REDACTED] b7C-5, b6-5 YELLOW TRUCK.

WE STOPPED OFF ON A ROAD WE (ENG) PARKED BY A SAND PILE TO OUR RIGHT AND ABOUT 3 TRUCK LENGTHS BEHIND THE YELLOW TRUCK.

LT [REDACTED] b7C-5, b6-5 CALLED OVER THE ICOM TO GET THE DETAINEE OFF OF THE TRUCK I WENT TO THE BACK OF THE TRUCK AND TOLD THEM

TO GET THE DETAINEE OFF OF THE TRUCK. MYSELF AND ANOTHER ONE OF MY SOLDIERS WALKED TO THE FRONT OF OUR TRUCK

AND MET LT [REDACTED] b7C-5, b6-5 AND SHORT TANKER SGT. THE LT SAID HE WAS GOING TO MAKE HIM WALK WHICH IS ABOUT 1/2 MILE FROM WHERE HE WAS PICKED UP FROM SO THE LT AND ANOTHER

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-4, b6-4 PAGE 2 OF 4 PAGES

UUG 33  
EXH 4

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED.

ARRIVED WALKING UP TO THE FRONT OF THEIR TRUCK WITH THE DETAINEE.  
WENT BACK TO MY TRUCK AND PUT ON MY NOG. I LOOKED DOWN  
BY THE YELLOW TRUCK IT WAS READY BECAUSE THE LIGHTS WERE  
ON. I SAT DOWN ON THE FOOT STEP OF MY TRUCK. AT  
ABOUT A 90° ANGLE FROM THE LT. TRUCK. I HEARD A SHOT FIRED  
AND I LOOKED INTO THE BACK OF MY TRUCK AND PEOPLE WERE  
JUMPING DOWN. I ASKED WHERE IT CAME FROM CAUSE IT WAS CLOSE.

THEN RAN UP TO IT <sup>b7C-5, b6-5</sup> HE SAID HE SHOT AT A DOG THAT  
TRIED TO BITE HIM. I LOOKED AT THE DETAINEE HE WAS LYING  
ON THE GROUND <sup>b7C-4, b6-4</sup> LOOKING AROUND. HE WASN'T CUFFED AND HE DIDN'T HAVE  
BAGS ON HIS HEAD. I SAID WHATS UP HE SAID HE WAS LETTING  
HIM WALK AND WERE HEADING BACK TO THE COMPOUND. I RAN BACK  
TO MY TRUCK TO GET TURNED AROUND CAUSE IT TOOK AWHILE  
BECAUSE OF NO POWER STEERING. I SAW A CAMERA FLASH FROM  
THE YELLOW TRUCK THAT LIT UP THE GROUND AROUND THE DETAINEE.  
THE YELLOW TRUCK TURNED AROUND AND PASSED US AND WE  
FOLLOWED BACK TO THE COMPOUND.

Q: DO YOU HAVE ANYTHING THAT YOU WISH TO ADD TO THIS STATEMENT?  
A: NO / \_\_\_\_\_ End of Statement \_\_\_\_\_ )

INITIALS OF PERSON MAKING STATEMENT

<sup>b7C-4, b6-4</sup>

PAGE

3

OF

4

PAGES

000005-000007-05478

EXH 4

STATEMENT (Continued)

b7c-4, b6-4  
[Redacted]

**AFFIDAVIT**

I 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 OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES

(Signature of Person Making Statement) b7c-4, b6-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of Jul, 1983

at [Redacted] b7c-1, b6-1  
(Signature of Person Administering Oath)

SA [Redacted]  
(Typed Name of Person Administering Oath)

ORGANIZATION OF ADDRESS

Att. 136 (6) (4) LIC. [Redacted]  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

(Signature) [Redacted]

PAGE 4 OF 11 PAGES

**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>Baghdad Iraq</u>	2. DATE <u>25 JUN 03</u>	3. TIME <u>1000Z</u>	4. FILE NO <u>0038-03-CDP</u>
5. NAME (Last, First, MI) <u>b7C-5 b6-5</u>	8. ORGANIZATION OR ADDRESS <u>BCO 307th Eng BN</u>		
6. SSN <u>b7C-5 b6-5</u>	7. GRADE/STATUS <u>ES/RA</u>	<u>FT Briggs, AL</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 Criminal Investigation Command  
as a special Agent and wanted to question me about the following offense(s) of which I am suspected/accuse Failure to obey an order or regulation, Cruelty/Mistreatment of b7C-5, b6-5

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)**

See reverse !!! Have you sought legal counsel in the past 30 days? no !!!

**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) <u>[Redacted]</u>	3. SIGNATURE OF INTERVIEWEE <u>b7C-5, b6-5</u>
b. ORGANIZATION OR ADDRESS AND PHONE <u>[Redacted]</u>	4. SIGNATURE OF INVESTIGATOR <u>b7C-1, b6-1</u>
2a. NAME (Type or Print) <u>[Redacted]</u>	5. TYPED NAME OF INVESTIGATOR <u>SA [Redacted] b7C-1, b6-1</u>
2b. ORGANIZATION OR ADDRESS AND PHONE <u>[Redacted]</u>	6. ORGANIZATION OF INVESTIGATOR <u>323rd AWP DET (CDR) (OSE)</u>

**Section C. Non-Waiver**

I do not want to give up my rights.

☐ I want a lawyer.

☐ I do not want to be questioned or say anything.

SIGNATURE OF SUSPECT/ACCUSED

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

DA FORM 3881 NOV 80

USE OF THIS FORM IS OBSOLETE.

000000

[Signature]

# SWORN STATEMENT

For use of this form see AR 190-45; the proponent agency is **DA FORM 2823**

**b7C-5, b6-5**

LOCATION <b>Bachdad Iraq</b>	DATE <b>25 JUNE 63</b>	TIME <b>1145 Z</b>	FILE NUMBER <b>038-03-021541-6347</b>
LAST NAME, FIRST NAME, MIDDLE NAME <b>[REDACTED] b7C-5, b6-5</b>	SOCIAL SECURITY NUMBER <b>[REDACTED]</b>		GRADE/STATUS <b>E5/RA</b>
ORGANIZATION OR ADDRESS <b>BCC 307th Eng BN b7C-5, b6-5</b>			

I, **[REDACTED] b7C-5, b6-5**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

**b7C-5, b6-5**  
 During missions with LT **[REDACTED] b7C-5, b6-5** he expressed that warning shots were authorized and did not express any disapproval upon warning shots being fired. On the evening of the 20<sup>th</sup> of June LT **[REDACTED] b7C-5, b6-5** supposedly fired a shot in a mock execution style. I did not witness this and was told that he fired upon a dog. I personally don't believe this happened but have no way of being sure. On 22 June we detained one man and his two sons for looting. Upon guarding them I asked the man a series of questions to try to impress upon him and his sons that looting was not acceptable such as telling them they could go to jail, they could have gotten hurt, asked the man if he wanted to loose either of his sons and asked him while pointing to each of his two sons, he said that he would rather be the one and I then asked why they were looting. SGT **[REDACTED] b7C-4, b6-4** then came over and I left I briefly met with LT **[REDACTED] b7C-5, b6-5** and he said to scare the shit out of them and after they were all crying let them go that is when I grabbed one of the kids took them around the building set him down and discharged a round in the opposite direction of the detainee after that I brought the kid back and we let the detainees go. The LT condoned the use of scare tactics to prevent persons from continuing to loot and condoned the above scenario.

Q. How did LT **[REDACTED] b7C-5, b6-5** "express" that warning shots were authorized?  
 A. We fired warning shots in front of him, and he never corrected this.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <b>[REDACTED] b7C-5, b6-5</b>	PAGE 1 OF <b>3</b> PAGES
---------	--	--------------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF **[REDACTED] b7C-5, b6-5** TAKEN AT **[REDACTED] b7C-5, b6-5** DATED **[REDACTED] b7C-5, b6-5** CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE **[REDACTED] b7C-5, b6-5** OF **[REDACTED] b7C-5, b6-5** 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.

Q: Did LT [REDACTED] ever fire warning shots? <sup>b7C-5, b6-5</sup>

A: Not that I saw. <sup>b7C-5, b6-5</sup>

~~Q: Why don't you believe LT [REDACTED] did not conduct [REDACTED]~~

Q: Why do you not believe LT [REDACTED] shot at a dog? <sup>b7C-5, b6-5</sup>

A: The desolate area, no signs of dogs, and the time frame from the time the Iraqi got up to the LT and the time of the shot, which was about one minute.

Q: You said before, you were not afraid or concerned when you heard the shot (from LT [REDACTED] weapon). Did you [REDACTED] <sup>b7C-5, b6-5</sup>

Why was that? [REDACTED] was close in proximity and there was no commotion that would signify an attack.

Q: Who would have seen LT [REDACTED] "mock execution"? <sup>b7C-5, b6-5</sup>

A: Mostly Tankers. [REDACTED] and Sgt [REDACTED] <sup>b7C-4, b6-4</sup>

were all in the trail vehicle.

Q: Did you tell anyone that you fired the round to scare the Iraqi boy?

A: I talked about it with the LT.

Q: What did he say about it?

A: He was smiling and did not express any dissatisfaction.

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

A: I believe I was acting under the guidance under LT [REDACTED] <sup>b7C-5, b6-5</sup> in a manner he approved.

End of Statement

INITIALS OF PERSON MAKING STATEMENT

<sup>b7C-5, b6-5</sup>  
[REDACTED]

PAGE 2 OF 3 PAGES

00000033

b7C-5, b6-5

(1)

## AFFIDAVIT

I HAVE READ OR HAVE 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 OF BENEFIT OR REWARD, WITHOUT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7C-5, b6-5

(1)

(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of Jan, 1983 at b7C-1, b6-1

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

b7C-1, b6-1

SA

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art. 136(b)(4) UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

(1)

b7C-5, b6-5

PAGE 2 OF 2 PAGES



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 <i>Resident, Iraq</i>	2 DATE <i>25 JUN 03</i>	3 TIME <i>1155 Z</i>	4 FILE NO <i>67C-566-5</i>
5 NAME (Last, First, MI) <i>[REDACTED] b7C-5, b6-5</i>	6 ORGANIZATION OR ADDRESS <i>ACO 1113 Hrmr</i>		
7 SSN <i>[REDACTED] b7C-5, b6-5</i>	8 GRADE/STATUS <i>O-1/RA</i>		

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 *Criminal Investigation Command* and wanted to question me about the following offense(s) of which I am

*as a Special Agent*  
*Failure to obey an order or a regulation, Cruelty / Maltreatment*  
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)  
*See reverse. Have you sought legal council in the last 30 days? No*

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)		3 SIGNATURE OF INTERVIEWEE <i>[REDACTED] b7C-5, b6-5</i>
1a NAME (Type or Print)		4 SIGNATURE OF INVESTIGATOR <i>[REDACTED] b7C-1, b6-1</i>
b ORGANIZATION OR ADDRESS AND PHONE		5 TYPED NAME OF INVESTIGATOR <i>[REDACTED] b7C-1, b6-1</i>
2a NAME (Type or Print)		6 ORGANIZATION OF INVESTIGATOR <i>323rd MP DET (C20) (CSG)</i>
c ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-Waiver

I do not want to give up my rights

☐ I want a lawyer

☒ I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE  
*[REDACTED] b7C-5, b6-5*

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

DA FORM 3881 NOV 80

EXPIRATION DATE IS OBSOLETE

EX 6

000-100

SWORN STATEMENT			
For use of this form see AR 190-45; the proponent agency is ODCSOP			
LOCATION <i>Baghdad, Iraq</i>	DATE <i>30 Jun 03</i>	TIME <i>0620Z</i>	FILE NUMBER <i>0036-05-130-100-199</i>
LAST NAME, FIRST NAME, MIDDLE NAME <i>[REDACTED]</i>	SOCIAL SECURITY NUMBER <i>[REDACTED]</i>	GRADE/STATUS <i>PFC</i>	
ORGANIZATION OR ADDRESS <i>1st Plt B Co 307th Eng Bn 82 Air Division</i>			
<i>b7C-4, b6-4</i>			
I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p><i>I have reviewed your statement with you and want to clarify details concerning that statement.</i></p> <p><i>Q: Was this first statement to your chain of command true?</i></p> <p><i>A: Yes.</i></p> <p><i>Q: How long after you heard the "pop" did you turn on your lights and look at the LT and detainee?</i></p> <p><i>A: 5-10 seconds.</i></p> <p><i>Q: What was that scene through the goggles?</i></p> <p><i>A: I saw the LT holstering his weapon, and the detainee was laying on his stomach and his hands and arms were covering his head. The detainee was crying I think. It sounded like he was</i></p> <p><i>Q: Did I miss LT [REDACTED]?</i></p> <p><i>A: Yes.</i></p> <p><i>Q: Is it normal practice to release prisoners once in custody?</i></p> <p><i>A: No.</i></p> <p><i>Q: Was this area desolate where the prisoner was released?</i></p> <p><i>A: Yes.</i></p> <p><i>Q: Were the headlights on the lead vehicle on or off?</i></p> <p><i>A: Off.</i></p> <p><i>Q: How far away was the LT and detainee from the front of the vehicle?</i></p> <p><i>A: About 10 feet.</i></p> <p><i>Q: Were the vehicles running or shut off?</i></p> <p><i>A: Running.</i></p> <p><i>Q: How long after the LT and detainee got to the front of the vehicle did the shot occur?</i></p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>[REDACTED]</i>		
b7C-5, b6-5 PAGE 1 OF 2 PAGES			
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

SUPERSEDES DA FORM 2823, 1 JAN 66, WHICH WILL BE USED.

*LAH 101*

67C-4, 66-4

I HAVE READ OR HAVE 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 OF BENEFIT OR REWARD, WITHOUT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

B7c-4, b6-4

67C-4, 66-4

~~Signature of Person Making Statement~~

b7C-1, b6-

(Signature of Person Administering Oath)

67C-1, 66-

(Typed Name of Person Administering Oath)

67C-4, 66-4

(Authority to Administer Oath)

PAGE OF PAGES

2

# SWORN STATEMENT

For use of this form see AR 190-45; the proponent agency is ODCSOPS **b7c-4, b6-4**

LOCATION <b>Bagdad, Iraq</b>	DATE <b>30 Jan 67</b>	TIME <b>0630Z</b>	FILE NUMBER <b>67 38-03-010699-015450</b>
LAST NAME, FIRST NAME, MIDDLE NAME <b>[REDACTED] b7c-4, b6-4</b>	SOCIAL SECURITY NUMBER <b>[REDACTED] b7c-4, b6-4</b>		GRADE/STATUS <b>E-4</b>
ORGANIZATION OR ADDRESS <b>Co 307B Eng Bn 82nd Air Div</b>			

I, \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA **[REDACTED] b7c-1, b6-1**  
A: No **[REDACTED] b7c-4, b6-4**  
Q: In regards to the statement you provided to your chain of command, was this statement true?  
A: Yes.  
Q: You said that you looked at the LT just after the shot, what was his focus, what was he looking at?  
A: The detainee.  
Q: Did it appear he was looking at a dog or in a different direction?  
A: No.  
Q: Did you see any dogs? Hear any?  
A: No.  
Q: The vehicle headlights were on?  
A: Yes.  
Q: You could see the LT and detainee in the headlight beam or just outside?  
A: Just outside.  
Q: How far were they away from the front of the truck?  
A: 5-10 feet.  
Q: The LT took a picture of the detainee?  
A: Yes.  
Q: What would that picture look like?  
A: Kind of the same thing.  
Q: Have you ever heard the LT say he wanted to see people or think to that point?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <b>[REDACTED] b7c-4, b6-4</b>	PAGE 1 OF _____ PAGES
<p>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.</p>		

STATEMENT (Continued)

Q. And where was the LT when the shot was fired?

A. I'm not sure.

Q. How long after the shot did the LT load up?

A. Right after the shot, and taking the picture.

Q. So the LT came to the vehicle, after the shot and within the distance, retrieved the camera, and took the picture?

A. I believe he did.

Q. Do you have anything you wish to add?

A. No.

End of Statement

# AFFIDAVIT

1. HAVE READ OR HAVE 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 OF BENEFIT OR REWARD, WITHOUT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law  
to administer oaths, this 30 day of Jan, 19 2003.  
at San Francisco, California

NAME, ADDRESS, OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

# SWORN STATEMENT

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

LOCATION <u>Baghdad, Iraq</u>	DATE <u>30 JUN 03</u>	TIME <u>0634Z</u>	FILE NUMBER <u>0038-08-40879-63498</u>
LAST NAME FIRST NAME MIDDLE NAME <u>[REDACTED] b7C-4, b6-4</u>	SOCIAL SECURITY NUMBER <u>[REDACTED] b7C-4, b6-4</u>		GRADE/STATUS <u>E4/RA</u>
ORGANIZATION OR ADDRESS <u>B Co 307th Eng AFO</u>			

[REDACTED] b7C-4, b6-4 want to make the following statement under oath: b7C-4, b6-4

Everything I stated in the statement I gave to CPT [REDACTED] is true to the best of my knowledge.

Q: SA [REDACTED] b7C-1, b6-1

A: [REDACTED] b7C-4, b6-4

Q: Do you know the name of BLUE 1?

A: No, but I know who he is by sight.

Q: Did you see any dogs around BLUE 1 after or before he fired his pistol?

A: No, but I heard some barking, some sounded close, some sounded far away.

Q: Did you see BLUE 1 point his pistol at the back of the detainee's head on the 20th of June?

A: YES.

Q: Did you hear what BLUE 1 said to the detainee while he had his gun to the back of the detainee's head?

A: NO.

Q: Did you see BLUE 1 raise his pistol over the detainee's head and fire a shot?

A: Yes.

Q: Do you always keep the vehicles running while on patrol?

A: YES.

Q: On the 22nd of June did you see SGT [REDACTED] b7C-5, b6-5 take a Iraqi Boy around the corner of a building so as to scare him and the other two Iraqi's present?

A: YES.

Q: Do you know if SGT [REDACTED] b7C-5, b6-5 fired a shot while he was around the corner of that building?

A: As far as I know he did it to scare him.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>[REDACTED] b7C-4, b6-4</u>	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [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 INITIALED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (AUTOMATED)

EX9 UUG 112

Q: Does BLUE 1 allow your Patrol to fire warning shots?  
 A: YES, he's done it before b7c-5, b6-5  
 Q: Has either BLUE 1 or Sgt [REDACTED] said anything about these two incidents to you since they occurred?  
 A: Sgt [REDACTED] tried to say the boy took off running, but I didn't believe him because we would have seen the boy running.  
 Q: Was BLUE 1 standing in the lights of the truck when he fired the shot above the detainee's head?  
 A: NO, he was off to the front and to the right.  
 Q: Do you have anything else you wish to add to this statement?  
 A: NO!!! End of Statement //

b7c-4, b6-4

## AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE 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 OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Signature of Person Making Statement)  
 SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW  
 TO ADMINISTER OATHS, THIS 30 DAY OF JUN 03  
 AT Baghdad, Iraq. b7c-1, b6-1

(Signature of Person Administering Oath)

(Name of Person Administering Oath)

Article 136 CCMT  
 (Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGES 2 OF 2 PAGES

DA Form 2823 (AUTOMATED)

UUG A.A.

# SWORN STATEMENT

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

LOCATION <i>Isolated Trng</i>	DATE <i>30 JUN 03</i>	TIME <i>0710Z</i>	FILE NUMBER <i>228-03-CD0577-63498</i>
LAST NAME, FIRST NAME, MIDDLE NAME <i>[REDACTED] b7C-4, b6-4</i>	SOCIAL SECURITY NUMBER <i>[REDACTED] b7C-4, b6-4</i>		GRADE/STATUS <i>E3/RA</i>
ORGANIZATION OR ADDRESS <i>B Co 3d Trng</i>			

I, *[REDACTED] b7C-4, b6-4* want to make the following statement under oath: *b7C-3, b6-3*

The statements I made in the statement I gave to CPT *[REDACTED]* are true to the best of my knowledge.

Q: SA *[REDACTED] b7C-1, b6-1*

A: *[REDACTED] b7C-4, b6-4*

Q: The night of the 20th of June after you heard a gunshot while off in a field pulling security around your truck, did you ask Sgt *[REDACTED] b7C-5, b6-5* what had happened?

A: Yes.

Q: What was Sgt *[REDACTED] b7C-5, b6-5* response to that question?

A: After he returned from trying to figure out what happened, he told me that the tankers were messing around with the detainees by firing a shot.

Q: Was *[REDACTED] b7C-5, b6-5* more specific about details of what happened when he returned to the truck?

A: No. *b7C-5, b6-5*

Q: Did Sgt *[REDACTED]* tell you who fired the shot?

A: Yes, he said it was LT *[REDACTED] b7C-5, b6-5*

Q: Did you see any dogs in the area that night?

A: No.

Q: Were the trucks still running when this incident occurred?

A: I know was *b7C-5, b6-5*

Q: Did you see Sgt *[REDACTED]* take a boy around the corner of a building at the ammo factory on 22 Jun 03?

A: Yes.

Q: Did you hear a gunshot?

A: Yes

Q: Do you know why Sgt *[REDACTED] b7C-5, b6-5* fired a shot?

A: All I know is what *[REDACTED] b7C-5, b6-5* had told me, which was Sgt *[REDACTED] b7C-5, b6-5* was trying to scare the Iraqi's.

Q: Did you see Sgt *[REDACTED] b7C-5, b6-5* talk with LT *[REDACTED] b7C-5, b6-5* before he took the boy around the corner? *b7C-5, b6-5*

A: No.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>[REDACTED] b7C-4, b6-4</i>	PAGE 1 OF 2 PAGES
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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.

DA FORM 2823 (AUTOMATED)

EX 10 UUG 117



b7c-5, b6-5

b7c-5, b6-5

0038-03-CID 899-63498

Q: Have either LT [REDACTED] or Sgt [REDACTED] threatened you about either incident since they occurred?

A: Sgt [REDACTED] said that the boy was trying to get away, so he fired a shot.

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

A: No. // End of Statement //

b7c-4, b6-4

AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE 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 OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[REDACTED] b7c-4, b6-4  
(Signature of Person Making Statement)  
SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW  
TO ADMINISTER OATHS, THIS 30 DAY OF June  
AT Baghdad, Iraq

(Signature of Person Administering Oath)

[REDACTED] b7c-1, b6-1  
(Name of Person Administering Oath)

Article 136 UCMJ  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

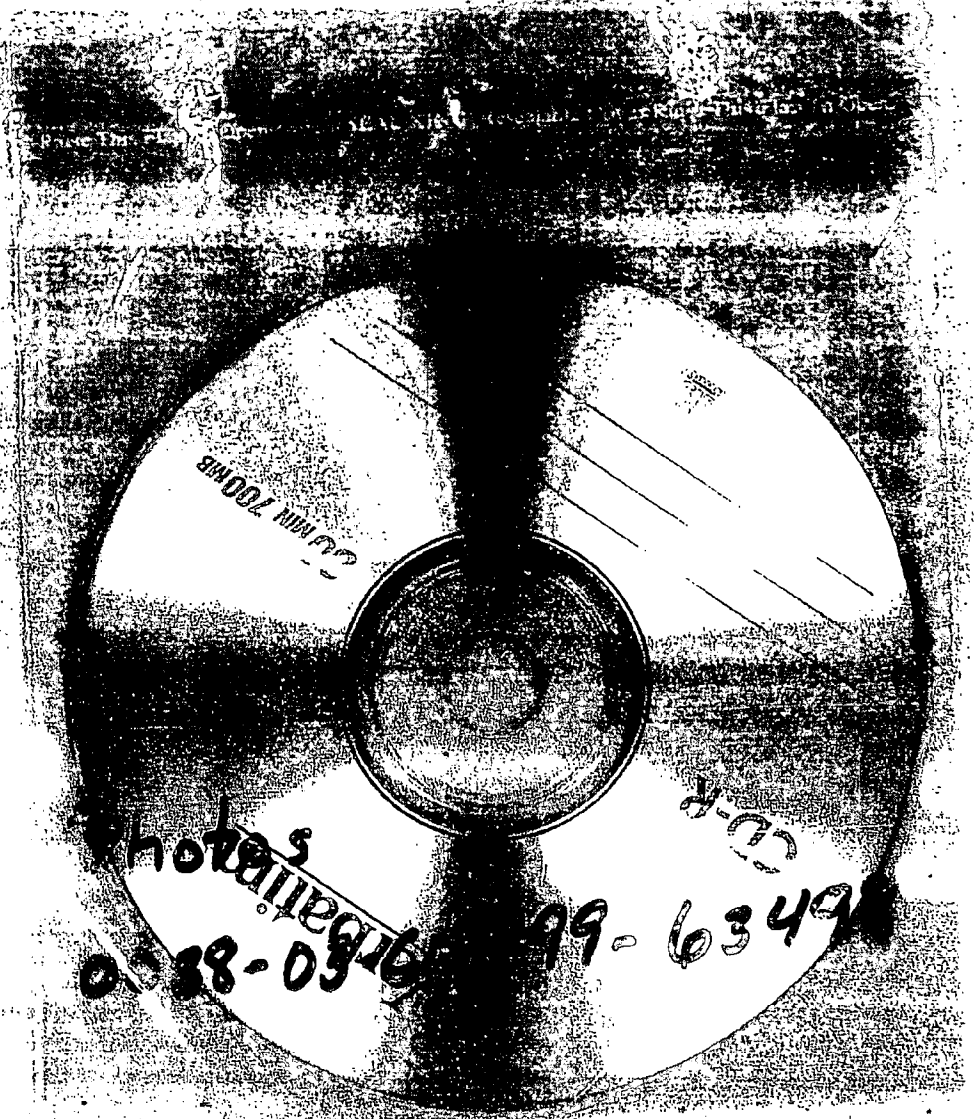
b7c-4, b6-4  
[REDACTED]

PAGES 2 OF 2 PAGES

DA Form 2823 (AUTOMATED)

UUC 118

EX 10





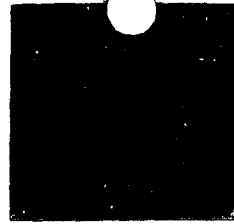
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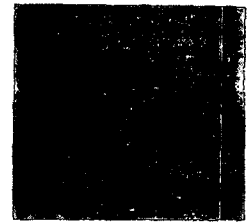
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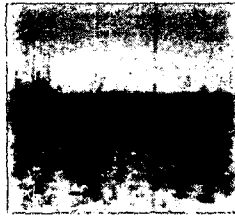
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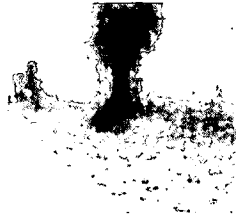
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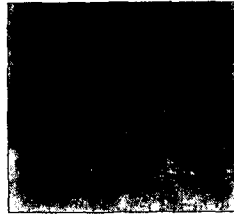
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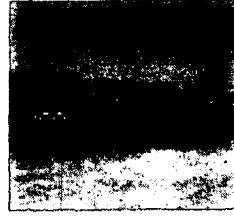
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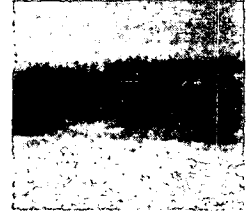
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000 120

DATE: 25 Jun 2003, 1400Z

FROM: SAC, 323<sup>rd</sup> MILITARY POLICE DET (CID) (DSE)  
TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA  
CDR, 10<sup>TH</sup> MP BN (CID) (ABN) (FWD) //OPS//  
CDR, 3D MP GROUP (CID) //OPS//  
PROVOST MARSHAL //PM//  
CDR (1/325 INF ABN)  
SJA (ATTN: CPT [REDACTED]) b7C-3, b6-3

SUBJECT: CID REPORT -INITIAL- 0039-03-CID899-63499-  
5C1A/5S1C/5Y2D2/5Y2G4

DRAFTER : SA [REDACTED] b7C-1, b6-1  
RELEASER: SA [REDACTED] b7C-1, b6-1

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1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
  1. 20 JUN 2003/1800Z, AMMO FACTORY, SECTOR 45, GAHZALIA, BAGHDAD, IRAQ.
2. DATE/TIME REPORTED: 24 JUN 2003, 0528Z
3. INVESTIGATED BY: SA [REDACTED] b7C-1, b6-1, b2 AND SA [REDACTED] b7C-1, b6-1, b2
4. SUBJECT: 1. [REDACTED] b7C-5, b6-5 2LT; [REDACTED] b7C-5, b6-5  
[REDACTED] M; WHITE; A COMPANY, 1/13<sup>TH</sup> ARMOR; FC;  
[ASSAULT] [RELEASE OF A DETAINEE WITHOUT PROPER AUTHORITY]  
[DERELICTION OF DUTY] [CONDUCT UNBECOMING].
5. VICTIM: 1. UNKNOWN, CIV, ARABIC, NFI; [ASSAULT]  
[RELEASE OF A DETAINEE WITHOUT PROPER AUTHORITY]  
[DERELICTION OF DUTY].

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

THIS IS AN "OPERATION IRAQI FREEDOM" INVESTIGATION.

THIS INVESTIGATION WAS INITIATED BASED ON NOTIFICATION FROM THE 10<sup>TH</sup> MP BN THAT AN ALLEGED ASSAULT ON AN IRAQI CIVILIAN HAD OCCURRED.

PRELIMINARY INVESTIGATION DISCLOSED ABOUT 1800Z, 20 JUN 03, b7C-5, b6-5 LT [REDACTED] WAS ON PATROL WHEN HIS PATROL DETAINED AN IRAQI CIVILIAN FOR LOOTING. APPROXIMATELY ONE AND A HALF HOURS

000.121

LATER LT <sup>b7c-5, b6-5</sup> DIRECTED HIS PATROL OFF THE ROAD AND INTO A DESOLATE FIELD. ONCE IN THE FIELD LT <sup>b7c-5, b6-5</sup> DIRECTED THE DETAINEE REMOVED FROM THE BACK OF THE TRUCK AND THEN LED THE DETAINEE IN FRONT OF THE LEAD VEHICLE. LT <sup>b7c-5, b6-5</sup> HAD THE FLEXI CUFFS REMOVED FROM THE DETAINEE'S WRIST AND THE SANDBAG REMOVED FROM THE DETAINEE'S HEAD. LT <sup>b7c-5, b6-5</sup> THEN MADE THE IRAQI SIT ON THE GROUND AND THEN PUT HIS 9MM PISTOL TO THE HEAD OF THE IRAQI. LT <sup>b7c-5, b6-5</sup> MADE AN UNKNOWN UTTERANCE AND THEN POINTED THE PISTOL OFF TO THE SIDE OF THE IRAQI AND FIRED A SHOT. LT <sup>b7c-5, b6-5</sup> THEN RELEASED THE DETAINEE.

AT 1133Z, 25 JUN 03 LT <sup>b7c-5, b6-5</sup> WAS ADVISED OF HIS LEGAL RIGHTS, WHICH HE INVOKED. WITNESS STATEMENTS WERE OBTAINED FROM U.S. SOLDIERS WHO WITNESSES THE INCIDENT.

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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AGENTS ACTIVITY SUMMARY (CID Regulation)	Control Number 759-03-CID597-63499
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY
7 Jul 23 b7C-1, b6-1 [REDACTED]	<u>DISTRIBUTION</u> - USAACRC - CMDB 1/325Z INF 82ABR - SJA, 15 AD - PMQ, 15 AD
Feb-10-2004 b7C-1, b6-1 [REDACTED]	4833 - USAACRC

CID FORM 28

PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED

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