

# 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	2. TO 323D MP DET (CID) APO AE 09324	3. FROM A Co. 1/13th Armor, 1AD APO AE 09324
4. JSACRC 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)	8. GRADE O-1	9. SSN	10. DATE OF BIRTH (YYYYMMDD)
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)
F = FAMILY ADVOCACY		
D = DRUG/ALCOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
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: \_\_\_\_\_  
☐ l. ADMINISTRATIVE DISCHARGE EFFECTIVE DATE \_\_\_\_\_  
☐ 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. *7C100-3*  
Disposition received via telephonic from CPT [REDACTED] JAG, 1AD.

*7C100-3*  
16a. TYPED NAME AND GRADE OF COMMANDING OFFICER  
CPT [REDACTED], JAG, 1AD

16b. SIGNATURE

SA [REDACTED] for CPT [REDACTED] *7C100-1*

16c. DATE OF REPORT (YYYYMMDD)

2004/02/09

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*7C66*  
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PRIVACY ACT STATEMENT

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1. THRU  
SJA, 1AD  
APO AE 09324

2. TO  
323D MP DET (CID)(DSE)  
APO AE 09324

3. FROM  
B CO 307th ENG  
APO AE 09324

4. USAARC CONTROL NUMBER  
0038-03-CID899-63498

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)  
[REDACTED] 10/10/5

8. GRADE  
E-5

9. SSN  
[REDACTED] 10/10/5

10. DATE OF BIRTH (YYYYMMDD)  
[REDACTED] 10/10/5

11a. OFFENSE(s)

11b. DATE OF OFFENSE(s)

Art #81 Conspiracy  
 Art # 92 Willful Dereliction of Duty  
 Art # 93 Cruelty and Maltreatment  
 Art 128 Assault

2003/06/24  
 2003/06/24  
 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)

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D = DRUG/ALCOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
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☐ 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

7C 66

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15. REMARKS  
Disposition received from CPT [REDACTED], SJA, 1AD.

7C114-3

7C114-3

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER  
CPT [REDACTED], SJA, 1AD.

7C114-1

16b. SIGNATURE  
SA [REDACTED] for CPT [REDACTED], SJA, 1AD

16c. DATE OF REPORT (YYYYMMDD)

2004/03/08

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7C 66

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## MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 0038-03-CID899-  
63498-54202/5C1B/X1/544/5S1C /54202  
SCIA/SX1

## 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 *7C1b6, b2-1* AND SA *7C1b6-1*  
*7C1b6, b2-1*

SUBJECT: 1. *7C1b6, b2-1*; SGT, *7C1b6-5*  
*7C1b6, b2-1* M; WHITE; B CO 307<sup>TH</sup> ENGINEERS, FC;  
[ASSAULT][CONSPIRACY][RELEASE A DETAINEE WITHOUT PROPER  
AUTHORITY][WILLFUL DERELICTION OF DUTY][CRUELTY AND  
MALTREATMENT][FOUNDED].

2. *7C1b6-5*; 2LT; *7C1b6-5* M; WHITE;  
A COMPANY, 1/13<sup>TH</sup> ARMOR; FC; [ASSAULT][CONSPIRACY][RELEASE A  
DETAINEE WITHOUT PROPER AUTHORITY][WILLFUL DERELICTION OF  
DUTY][CONDUCT UNBECOMING][CRUELTY AND  
MALTREATMENT][FOUNDED].

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

## INVESTIGATIVE SUMMARY:

*7C1b6-5*  
*7C1b6-5* INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE THAT SGT  
COMMITTED THE OFFENSES OF ASSAULT, CONSPIRACY,  
RELEASE A DETAINEE WITHOUT PROPER AUTHORIZATION, WILLFUL  
DERELICTION OF DUTY AND CRUELTY AND MALTREATMENT WHEN HE  
CONDUCTED A MOCK EXECUTION OF AN IRAQI TEENAGER, WHICH WAS  
CONDONED BY LT *7C1b6-5*. LT *7C1b6-5* CONSPIRED WITH SGT  
AND CONDONED THE INCIDENT AFTER THE INCIDENT  
OCCURRED.

## STATUTES:

Article 81, UCMJ: Conspiracy

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JUL 03 5

*7C1b6, b2*

CIOP-OP

SUBJ: CID REPORT OF INVESTIGATION: 0038-03-CID899-63498

Article 92, UCMJ: Willful Dereliction of Duty

Article 93, UCMJ: Cruelty and Maltreatment

Article 128, UCMJ: Assault

EXHIBITS/SUBSTANTIATION:

Attached:

7C1116-1 7C1116-1  
1. Agent's Investigative Report (AIR) of SA [REDACTED] and SA [REDACTED] 01 Jul 03, detailing the receipt of the initial complaint, coordination with CPT [REDACTED] 7C1116-5 interview of PFC [REDACTED]; interview of SGT [REDACTED]; interview of SGT [REDACTED] 7C1116-5 rights advisement of LT [REDACTED] interview of PFC [REDACTED] interview of SPC [REDACTED]; interview of SPC [REDACTED] interview of PFC [REDACTED] 7C1116-5 documenting the crime scene by taking digital photographs of the crime scene and coordination with SJA.

2. Commanders Inquiry Packet, detailing statements given by 1<sup>st</sup> platoon, B CO, 307<sup>th</sup> ENG BN. 7C1116-3

7C1116-5 3. Sworn Statement of PFC [REDACTED], 25 Jun 03, detailing the two incidents that occurred on 20 Jun 03, and 22 Jun 03 while on patrol with SGT [REDACTED] and LT [REDACTED] 7C1116-5

7C1116-5 7C1116-5 4. Rights Waiver Certificate and Sworn Statement of SGT [REDACTED], 25 Jun 03, detailing the events that occurred on 20 Jun 03 and 22 Jun 03, while on patrol with SGT [REDACTED] and LT [REDACTED] 7C1116-5

7C1116-5 7C1116-5 5. Rights Waiver Certificate and Sworn Statement of SGT [REDACTED], 25 Jun 03, in which he admitted to assaulting a teenage Iraqi boy on 22 Jun 03 while out on patrol with LT [REDACTED] 7C1116-5

7C1116-5 6. Rights Non-Waiver Certificate of LT [REDACTED], 25 Jun 03. 7C1116-3

7C1116-5 7C1116-5 7. Sworn Statement of PFC [REDACTED], 30 Jun 03, detailing his observations of the incidents that occurred on 20 Jun 03 and 22 Jun 03 while on patrol with SGT [REDACTED] and LT [REDACTED] 7C1116-5

7C1116-3 7C1116-5 8. Sworn Statement of SPC [REDACTED], 30 Jun 03, detailing his observations of the incidents that occurred on 20 Jun 03 and 22 Jun 03 while on patrol with SGT [REDACTED] and LT [REDACTED] 7C1116-5

7C1116-5 7C1116-5 9. Sworn Statement of SPC [REDACTED], 30 Jun 03, detailing his observations of the incidents that occurred on 20 Jun 03 and 22 Jun 03 while on patrol with SGT [REDACTED] and LT [REDACTED] 7C1116-5

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7C1116-5

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CIOP-OP

SUBJ: CID REPORT OF INVESTIGATION: 0038-03-CID899-63498

10. Sworn Statement of PFC [REDACTED] 7C1b2b-3, 30 Jun 03, detailing his observations of the incidents that occurred on 20 Jun 03 and 22 Jun 03 while on patrol with SGT

[REDACTED] and LT [REDACTED] 7C1b2b-5

7C1b2b-5  
11. Compact Disc, 030701\_0228, 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 this report.

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 perpetrators 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:

7C1b2b-1

[REDACTED]

[REDACTED] 7C1b2b-1, b2  
Special Agent, [REDACTED]

Report Approved By:

[REDACTED]

7C1b2b-1

Special Agent in Charge

DISTRIBUTION:

- 1 - DIR, USACRC (original), Fort Belvoir, VA 22060
- 1 - THRU: CDR, 1/325<sup>th</sup> Inf, 82<sup>nd</sup> Abn Div (ATTN: LTC [REDACTED]) 7C1b2b-3
  - 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
- 1 - PMO (ATTN: LTC [REDACTED]), APO AE 09324
- 1 - File 7C1b2b-3

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- 3 -

7C1b2b-1, b2

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0038-03-CID899-53498

PAGE 1 OF 6 PAGES

## 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 *TC1126-1* and SA *TC1126-1* this office, met with CPT *TC1126-1* Commander, 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 *TC1126-1* 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 *TC1126-1* provided a copy of the commander's inquiry investigation (Exhibit 2) to SA *TC1126-1* and SA *TC1126-1*.

About 0805Z, 25 JUN 03, SA *TC1126-1* and SA *TC1126-1* interviewed PFC *TC1126* *TC1126* B CO 307<sup>th</sup> ENG BN, who provided a sworn statement (Exhibit 3). PFC *TC1126* *TC1126* stated on 20 JUN 03 he was on patrol with 1LT *TC1126* A CO 1/13<sup>th</sup> Armor and other individuals who he could not remember all of the names of. PFC *TC1126* stated his patrol drove into the ammo factory in sector 45 when they witnessed Iraqi civilians looting from the ammo factory. PFC *TC1126* further stated SGT *TC1126* B CO 307<sup>th</sup> ENG BN, exited his vehicle and approached an Iraqi vehicle that was loaded with looted metal. SGT *TC1126* 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 *TC1126* stated later in the evening the patrol drove by the same truck and stopped. SGT *TC1126* then received direction from LT *TC1126* to cut the tires of the truck and SGT *TC1126* then cut the tires. PFC *TC1126* stated after SGT *TC1126* cut the tires of the vehicle his patrol began to drive around again. PFC *TC1126* stated sometime in the evening his patrol detained an Iraqi teenage male for looting. PFC *TC1126* stated his patrol drove around for over an hour with the Iraqi when LT *TC1126* pulled the patrol over into a desolate field. PFC *TC1126* further stated while in the field LT *TC1126* downloaded the prisoner and removed his flexi cuffs and the sandbag that was on his head. PFC *TC1126* stated LT *TC1126* escorted the detainee to the front of the lead truck and sat him down. At that point LT *TC1126* said something to the detainee and then put his 9mm pistol to the head of the detainee. PFC *TC1126* stated LT *TC1126* then pointed the 9mm away from the detainee and fired a shot. After LT *TC1126* fired the shot he got back into his vehicle and took a picture of the detainee sitting on the ground. PFC *TC1126* stated about 1330, 22 JUN 03, he was on patrol again with LT *TC1126* when he witnessed SGT *TC1126* have a Iraqi boy squatting down behind a building. PFC *TC1126* stated he saw SGT *TC1126* point his rifle away from the boy and pull the trigger but no round went off and PFC *TC1126* heard a metallic click. PFC *TC1126* stated he witnessed SGT

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA *TC1126-1*

ORGANIZATION

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

SIGNATURE

*TC1126-1*

DATE

30 JUN 03

EXHIBIT

1

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0038-03-CID899-63498

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## DETAILS

*TC/bb*  
[REDACTED] pull back the charging handle 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. *TC/bb*

*TC/bb-1* *TC/bb*  
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, at the order of LT [REDACTED] *TC/bb*

*TC/bb-5* *TC/bb-1* *TC/bb-1* *TC/bb*  
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/coincidental. 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] stated that it appeared as though SGT [REDACTED] was "beating on the vehicle" and appeared to be "having more fun than just unloading it". 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] stated that he was trying at first to get the man to understand that his sons could be shot by soldiers, however denied that he directly threatened them. In otherwords, alerting the man of the dangers involved in having his sons assist him in stealing. 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" *TC/bb-5*

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA F [REDACTED] *TC/bb-1*

ORGANIZATION

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

SIGNATURE

[REDACTED] *TC/bb-1*

DATE

30 Jun 03

EXHIBIT

1

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JUN 03 09

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0038-03-CID899-63498

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DETAILS

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 son back to the father and let the detainees go, at the direction of LT [REDACTED]. SGT [REDACTED] further stated LT [REDACTED] condoned scare tactics to deter further offenses by individuals trying to loot. SGT [REDACTED] related that when he told LT [REDACTED] of his actions, "He (LT [REDACTED]) smiled and showed no signs of disapproval". SGT [REDACTED] stated LT [REDACTED] never corrected any previous incidents where warning shots were fired, which were commonplace, and seemed to express that warning shots were authorized.

About 1133Z, 25 JUN 03, SA [REDACTED] advised LT [REDACTED] of his legal rights (Exhibit 6) which at first he waived, then decided to invoke, and requested to speak with a lawyer. LT [REDACTED] was never questioned by CID Special Agents.

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 JUN 03 he was on patrol with LT [REDACTED] when they picked up an Iraqi male, between 14 and 17 years of age. PFC [REDACTED] stated at some point in the night, just before they got off of patrol, the patrol all of a sudden stopped. PFC [REDACTED] stated he dismounted his vehicle and was providing security when he heard a pop. PFC [REDACTED] stated the lights on the truck were off so he turned on his NVG's and looked toward the noise, approximately 5-10 seconds after the shot. PFC [REDACTED] 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 standing next to the Iraqi detainee about they had picked up earlier 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 dogs in the area or see anybody standing next to LT [REDACTED] when he heard the shot. Further PFC [REDACTED] stated he had no knowledge of the incident on the 22<sup>nd</sup> of June that SGT [REDACTED] was involved with.

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 [REDACTED] stated on the night of the 20<sup>th</sup> of June he was on patrol when his unit picked up a young boy who had been looting. SPC [REDACTED] stated his patrol continued on with the patrol 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

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] 7C106 b2-1

ORGANIZATION

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

SIGNATURE

[REDACTED] 7C106-1

DATE

30 JUN 03

EXHIBIT

1

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0038-03-CID899-63498

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## DETAILS

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 the follow truck and had the detainee removed from the truck. SPC [REDACTED] further stated he watched LT [REDACTED] guide the detainee around to the front of the lead vehicle, at which time SPC [REDACTED] dismounted his vehicle and started to pull security, then SPC [REDACTED] heard a shot fired shortly after the LT and detainee were in front of the vehicle. SPC [REDACTED] ducked because he thought they were being shot at. At that time SPC [REDACTED] stated he looked 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] further stated the lights on the lead truck were on and he could see LT [REDACTED] just outside of the beams of light and there were no dogs present. SPC [REDACTED] corroborated that the LT and detainee were approximately 10 feet in front of the lead vehicle. SPC [REDACTED] further stated he witnessed LT [REDACTED] taking a picture of the detainee while the detainee was on the ground crying. SPC [REDACTED] stated he was not present when the incident with SGT [REDACTED] occurred and that he had heard SGT [REDACTED] talking about the incident but walked away because he did not want to hear the story. SPC [REDACTED] further related details of an incident that he said occurred on the 21<sup>st</sup> of June where he and SGT [REDACTED] attempted to dislodge looted 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 and detained three Iraqi's for looting. SPC [REDACTED] further stated he witnessed SGT [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 cab of the truck. SPC [REDACTED] further stated a few minutes later he heard a gunshot and about five minutes later SGT [REDACTED] and the boy walked back around the corner of the building.

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).

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 03 he was on patrol with LT [REDACTED] when they detained a boy for looting. SPC [REDACTED] stated his patrol continued it's 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 vehicles were stopped LT [REDACTED], who SPC [REDACTED] can only identify by sight and by the name "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 [REDACTED] make the detainee get on his knees, at which point SPC [REDACTED] witnessed LT [REDACTED]

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] 7C1b6, b2

ORGANIZATION

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

SIGNATURE

[REDACTED] 7C1b6

DATE

30 JUN 03

EXHIBIT

1

CID FORM 94

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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## DETAILS

bend down and say something to the detainee. SPC [REDACTED] further stated he witnessed LT [REDACTED] stand back up and raise his weapon to the back of the detainees head, then LT [REDACTED] raised the barrel of the weapon just above the head of the detainee and shot off a round. SPC [REDACTED] stated LT [REDACTED] released the prisoner and got back into his truck and they drove off leaving the detainee behind.

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 with LT [REDACTED] on 20 JUN 03 his patrol picked up an Iraqi boy for looting. PFC [REDACTED] further stated sometime after dark the patrol drove down a dirt road and came to a stop. PFC [REDACTED] 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]'s 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] further 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 then mounted their vehicles and drove off leaving the Iraqi's behind.

About 0800Z, 30 JUN 03, SA [REDACTED] captured 11 digital pictures of the crime scene (Exhibit 11), using a Kodak EasyShare LS443 digital camera.

About 1200, 30 JUN 03, SA [REDACTED] and SA [REDACTED] coordinated with CPT [REDACTED] 1<sup>st</sup> AD SJA,

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

ORGANIZATION

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

SIGNATURE

[REDACTED]

DATE

30 JUN 03

EXHIBIT

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CID FORM 94

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# AGENT'S INVESTIGATION REPORT

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## DETAILS

who opined there was probable cause to believe SGT [REDACTED] did commit the offenses of dereliction of duty, assault, conspiracy and maltreatment, and LT [REDACTED] committed the offense of conspiracy.

AGENT'S COMMENT: Both SA [REDACTED] and SA [REDACTED] 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 [REDACTED] 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 [REDACTED] 7C1b6 b21

ORGANIZATION

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

SIGNATURE

[REDACTED] 7C1b6-1

DATE

30 JUN 03

EXHIBIT

1

CID FORM 94

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**Page(s)**

14 - 88

**Referred to:**

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

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

SWORN STATEMENT <i>TC 1063</i>			
For use of this form see AR 190-45; the proponent agency is ODCSOPS			
LOCATION <i>Bahadad Iraq</i>	DATE <i>25 Jun 03</i>	TIME <i>0805Z</i>	FILE NUMBER <i>7038-03-CIDE99-63498</i>
LAST NAME, FIRST NAME, MIDDLE NAME <i>[REDACTED] TC 1063</i>	SOCIAL SECURITY NUMBER <i>[REDACTED] D6</i>		GRADE/STATUS <i>E3/RA</i>
ORGANIZATION OR ADDRESS <i>B Co 307th Eng</i>			

I, *[REDACTED] TC 1063*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

on 20 June 03, around evening of, I witnessed SGT. *[REDACTED] TC 1065* drive an Iraqi man's p.o.v around the parking lot of the ammo factory. He had run over cylinder blocks, concertina wire, side of berm. Then after he had stopped the vehicle in front of us, I could see the radiator leaking and fuel leaking from underneath. SGT *[REDACTED] TC 1065* 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] TC 1063* 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. 2LT *[REDACTED] TC 1065* 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] TC 1063*

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 2LT *[REDACTED] TC 1063* had the boy off to the side of the truck into the light of the headlights. 2LT *[REDACTED] TC 1065* then fired off a shot from his nine mm on the side of the boy's head. The boy did not have on Plexy cuffs or a sandbag. 2LT *[REDACTED] TC 1065* then jumped back into his vehicle to grab his camera, and takes a picture of the boy. We left the

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>[REDACTED] TC 1063</i>	PAGE 1 OF <i>4</i> PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF <i>[REDACTED]</i> TAKEN AT <i>[REDACTED]</i> DATED <i>[REDACTED]</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]</i> OF <i>[REDACTED]</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.		


DA FORM 2823  
1 JUL 72



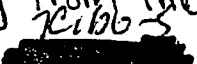
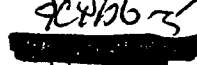
SUPERSEDES DA FORM 2823, 1 JAN 66, WHICH WILL BE USED.

EXH 3 *June 03*

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

7C106-3

Iraqi boy were he was, did a U-turn and left. 

On the evening of 22 June 83, around 1300 hrs to 1330 hrs, I witnessed  
at  have a young Iraqi boy <sup>squatting</sup> ~~kn~~ kneeling down on the side  
of a building in the ammo factory. Sgt  pointing his weapon  
way from the boy, squeezed the trigger. I heard a metallic click.  
Sgt  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  told the three Iraqis to "get out of here".

Not used see next page

7C106-3

INITIALS OF PERSON MAKING STATEMENT 

PAGE

2  
2

OF

PAGES

4  
2

Ex # 3

JUN 90



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

Q: Concerning "The Iraqi man's POV", what kind of vehicle was it?

A: white pickup, with side rails.

Q: Why was Sgt [redacted] driving the vehicle?

A: It belonged to two Detainees, went for trespassing. Sgt [redacted] got in it and drove it west.

Q: Did Sgt [redacted] intentionally drive over the cinderblocks and wire?

A: Yes.

Q: Did anyone else see this act?

A: SPC [redacted] was in the passenger seat, SPC [redacted] saw it, Sgt [redacted] saw it.

Q: What did Sgt [redacted] use to slash the tires of the vehicle?

A: His personal knife. I think it was a gerber.

Q: Who saw him doing this?

A: Myself, PFC [redacted] was driving. I don't know if he saw it.

Q: Do you know if ZLT [redacted] had caught the Iraqi pouring water into theadiator stealing before?

A: No. Not before that day.

Q: On the night of June 20<sup>th</sup>, why did you detain the Iraqi boy?

A: For trespassing.

Q: Why did your team keep the Iraqi boy while on patrol?

A: We did not keep him. 15<sup>th</sup> AD kept him on an orange truck.

Q: Was the detainee in handcuffs or a bag over his head while in the vehicle?

A: Yes.

Q: How old would you estimate the Iraqi boy's age?

A: 13-16 years old.

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

A: No.

Q: What is the normal SOP for detained persons?

A: We release them at the point we catch them, or we bring them to BN TOC and hold them for 24 hrs.

Q: Who saw ZLT [redacted] discharge the round by the Iraqi boy's head?

A: SPC [redacted] and myself, PFC [redacted] was the driver, but I do not know he saw it or not.

Q: Can you ID ZLT [redacted] camera?

A: I can not.

Q: When ZLT [redacted] took the picture, can you describe the scene he took?

A: A boy with his hands and arms covering his head and face. leaning backwards. He may have been wearing a green shirt and dirty khaki pants.

INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 3 OF 4 PAGES

JUN 21  
E.H. 3

## STATEMENT (Continued)

Q: How far were you from the 2LT [REDACTED] "mock execution"?

A: 30-40 feet. [REDACTED] 7C1106-3

Q: During the [REDACTED] of 22 Jan 03 incident, who else was present that would have seen Sgt [REDACTED] conduct his "mock execution"?

A: Myself, PFC [REDACTED] was a driver. PFC [REDACTED] was a guard. I'm not sure if they saw it. Sgt [REDACTED] was also beside the Eng's.

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

A: Yes, both conversations with Sgt [REDACTED] were between 13-17 Jan 04.

END of Statement

## 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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of Jan, 2004

at

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT

(Authority to Administer Oath)

PAGE 4 OF 4 PAGES

JUN 32  
EXH 3

**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>Beggs, Texas</u>	2. DATE <u>25 JUN 03</u>	3. TIME <u>0830Z</u>	4. FILE NO. <u>-65458</u> <u>0038-03-020859</u>
5. NAME (Last, First, MI) <u>[REDACTED] Kbb-3</u>	8. ORGANIZATION OR ADDRESS <u>ACO 3073 Eng</u> <u>Ft Bragg, NC. 28310</u>		
6. SSN <u>[REDACTED] Kbb3</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 K3, bb3

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) Have you sought legal counsel in the past 30 days? NO  
I have been informed of what the above articles are 11/10

**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 WITNESS <u>[REDACTED] Kbb3</u>
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED] Kbb3</u>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR <u>[REDACTED] Kbb1</u>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>323rd MP OCT (L20) (OSC)</u>

**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 (DA form 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881 NOV 80

EDITION OF NOV 84 IS OBSOLETE

EJW 433

# SWORN STATEMENT

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

7C1003

LOCATION SAGDAD, IRAQ	DATE 06.25.03	TIME 1100Z	FILE NUMBER M38-03-020899-63458
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-5 SCT	
ORGANIZATION OR ADDRESS Bco 30744 ENG BN 7C1003			

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

MY ENGINEER SQUAD PULLED INTO THE AMMO FACTORY. THERE WAS A TRUCK AND THE LOOTERS ALL STARTED FIETING. I JUMPED IN THE TRUCK AND DROVE FORWARD AND STAMMED 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 STUBBLED 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 FIRED AND OPERATIONAL. THEY WERE POURING WATER IN THE RADIATOR.

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 OLD MAN AND HIS TWO KIDS OUT OF THE VAN AND THEY SAT IN THE SHADE ABOUT 30 METERS FROM MY VEHICLE. SET [REDACTED] WAKED UP AND I TOLD HIM TO WATCH THEM WHILE I GOT A HOLD OF LT [REDACTED] ON MY ICOM. I WALKED BETWEEN TWO BUILDINGS AND GOT A HOLD OF LT [REDACTED] HE TOLD HIM I CAUGHT AN OLD MAN AND 2 KIDS. HE ASKED IF THEY WERE CRYING I SAID I WASN'T SURE. HE STAYED IN THE THEN SAID TO DETAIN THEM UNTILL HE GETS THERE.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 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 SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823  
1 JUL 72

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

EXH-3

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

I SIGNLED TO [REDACTED] TO DETAIN 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 NOT TO LET SGT [REDACTED] SHOOT HIS SON. I TOLD HIM NOONE 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 CREAKED. I MOVED CLOSER TO MY TRUCK GLANCING TRYING TO SEE WHAT'S GOING ON WHILE MAINTAINING SECURITY. THEN LT [REDACTED] WAS TRYING TO CALL VIA ICOM. SGT [REDACTED] WALKED AROUND FROM BEHIND THE TRUCK. HE POINTED AT THE OTHER TWO HE WALKED UP WITH THE KID. AND PULLED SECURITY WHILE I CALLED LT [REDACTED]. HE ASKED ME WHAT HAPPENED AND I ASKED [REDACTED] WHAT HAPPENED AND SGT [REDACTED] SAID THE KID TRIED TO RUN HE FIRED A WARNING SHOT. LT [REDACTED] SAID TO LET THEM GO THEN THEY PULLED UP IN THE YELLOW TRUCK. AT 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 THATS WERE ALL THE DETAINEES 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] 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] 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. MOSEEF AND ANOTHER ONE OF MY SOLDIERS WALKED TO THE FRONT OF OUR TRUCK AND MET LT [REDACTED] AND SHORT TANKER SGT [REDACTED]. THE LT SAID HE WAS GOING TO MAKE HIM WALK WHICH IS ABOUT 1 1/2 CLICKS FROM WHERE HE WAS PICKED UP FROM SO THE LT AND ANOTHER

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 2 OF 4 PAGES

7C106-3

JUL 17 - 35  
EX 17 4

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

TANKER WALKED UP TO THE FRONT OF THE TRUCK W/ THE DETAINEE, I WENT BACK TO MY TRUCK AND PUT ON MY MUG, I LOOKED DOWN BY THE YELLOW TRUCK IT WAS REALLY BRIGHT CAUSE THEY HAD THERE LIGHTS ON I SAT DOWN ON THE FOOT STEP OF MY TRUCK. AT ABOUT A 90° ANGLE FROM THE LT'S TRUCK. I HEARD A SHOT FIRED AND I LOOKED INTO THE BACK OF MY TRUCK AND PEOPLE WERE DUCK DOWN I ASKED WHERE IT CAME FROM CAUSE IT WAS CLOSE. I THEN RAN UP TO CT <sup>7C106-5</sup> HE SAID HE SHOT AT A DOG THAT TRIED TO BITE HIM. I LOOKED AT THE DETAINEE HE WAS SLEEPING ON THE GROUND <sup>7C106-3</sup> LOOKING AROUND. HE WASN'T CUFFED AND HE DIDN'T HAVE A BAG 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 TAKES 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

7C106-3

INITIALS OF PERSON MAKING STATEMENT ② PAGE 3 OF 4 PAGES

JULIE HSB

STATEMENT (Continued)

② [REDACTED] 703,663

## 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:

② [REDACTED] 701663  
 (Person Making Statement)

[REDACTED] and sworn to before me, a person authorized by law to administer oaths, this 25 day of July, 1993 at 70166-1

ORGANIZATION OR ADDRESS

[REDACTED]  
 (Signature of Person Administering Oath)

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

ORGANIZATION OR ADDRESS

Art. 136(6)(4) LICHT  
 (Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

② [REDACTED] 70166-3 PAGE 4 OF 1 PAGES

\*U.S. GOVERNMENT PRINTING OFFICE: 1993 - 342-027/80444

JUN 30 1993  
 EXH 4

**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>Bahdad, Iraq</u>	2. DATE <u>25 JUN 03</u>	3. TIME <u>1000Z</u>	4. FILE NO. <u>0038-03-CDP899-63495</u>
5. NAME (Last, First, MI) <u>[REDACTED] TC1665</u>	8. ORGANIZATION OR ADDRESS <u>BCO 307TH Eng BN</u>		
6. SSN <u>[REDACTED] TC1665</u>	7. GRADE/STATUS <u>ES/RA</u>		
8. ORGANIZATION OR ADDRESS <u>Ft Bragg, NC</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/accuse Failure to obey an order or regulation, Cruelty/Mistreatment of Pr TC1665  
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 III Have you sought legal counsel in the past 30 days? TC1665 III

**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>TC1665</u>
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR <u>TC1661</u>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR <u>SA [REDACTED] TC-1 1661</u>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>323RD AIP DET (CDO) (OSE)</u>

**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 (DA form 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881 NOV 90

EDITION OF NOV 94 IS OBSOLETE

Ex 14 June 03



# SWORN STATEMENT

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

7C106-5

LOCATION <u>Bachdad Iraq</u>	DATE <u>25 JUN 103</u>	TIME <u>1145Z</u>	FILE NUMBER <u>0038-03-020845-6349</u>
LAST NAME, FIRST NAME, MIDDLE NAME <u>[REDACTED] 7C106-5</u>	SOCIAL SECURITY NUMBER <u>[REDACTED]</u>		GRADE/STATUS <u>E5/RA</u>
ORGANIZATION OR ADDRESS <u>BCO 307th Eng BN</u>			

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

[REDACTED] 7C106-5

During missions with LT [REDACTED] 7C106-5 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] 7C106-5 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] 7C106-5 then came over and I left I briefly met with LT [REDACTED] 7C106-5 and he said to scare the shot 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 around 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] 7C106-5 "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 <u>[REDACTED] 7C106-5</u>	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823  
1 JUL 72

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

JUN 20 2003  
EXH 5

Q: Did LT [REDACTED] ever fire warning shots? 7C1665

A: Not that I saw. 7C1665

Q: Why don't you believe LT [REDACTED] did not conduct [REDACTED] 7C5, 665

Q: Why do you not believe LT [REDACTED] shot at a dog?

A: The desolate area, no signs of dogs, and the timeframe 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 7C1665  
Why was that? (A: It was close in proximity and there was no conviction that would signify an attack.)

Q: Who would have seen LT [REDACTED] "mock execution"? 7C1665

A: Mostly Tankers. [REDACTED], [REDACTED] and Sgt [REDACTED] were all in the trail vehicle.

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

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], in a manner he approved.

7C1665 End of Statement

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

7C5, 665

PAGE

2

OF

3

PAGES

JUL 100

EXH 5

① [REDACTED] 7C166-5

## AFFIDAVIT

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. 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. 7C166-5

WITNESSES:

[REDACTED]  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of Jan, 1993  
at 7C166-1

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] 7C166-1  
(Typed Name of Person Administering Oath)

Art. 136(b)(4) UCMJ  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

② [REDACTED] 7C166-5 PAGE 3 OF 3 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>Bethesda, Iraq</i>	2. DATE <i>25 Jun 03</i>	3. TIME <i>1133 Z</i>	FILE NO. <i>7C166-3</i>
5. NAME (Last, First, MI) <i>[REDACTED] 7C166-3</i>	8. ORGANIZATION OR ADDRESS <i>A CO 1113 Armor</i>		
6. SSN <i>[REDACTED] 7C166-3</i>	7. GRADE/STATUS <i>O-17RA</i>		

**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* 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/Mistreatment*

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) *7C166-3*  
*See reverse!!! Have you sought legal council in the last 20 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 INTERVIEWER
1a. NAME (Type or Print)		<i>[REDACTED] 7C166-3</i>
b. ORGANIZATION OR ADDRESS AND PHONE		<i>[REDACTED]</i>
2a. NAME (Type or Print)		5. NAME OF THE INVESTIGATOR <i>[REDACTED] 7C1 66-1</i>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>323rd MP DET (AFM) (OSE)</i>

**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 DEFENDANT

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

DA FORM 2823

EDITION OF NOV 84 IS OBSOLETE

*EX 6 JUN 12*

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>0038-03-CID 899-63496</i>
LAST NAME, FIRST NAME, MIDDLE NAME <i>[REDACTED] Ribb 3</i>	SOCIAL SECURITY NUMBER <i>[REDACTED]</i>		GRADE/STATUS <i>Ribb 3/PC</i>
ORGANIZATION OR ADDRESS <i>1st PFT 60 307th Engn 82 Air Division</i>			

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

*I have reviewed your statement with you and want to clarify details concerning that statement.*

Q: Was this first statement to your chain of command true?

A: Yes.

Q: How long after you heard the "pop" did you turn on your NUGs and look at the LT and detainee?

A: 5-10 seconds

Q: What was that scene through the NUGs?

A: I saw the LT *Ribb 3* 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.

Q: Did I was LT *Ribb 3*?

A: Yes.

Q: Is it normal practice to release prisoners once in custody?

A: No.

Q: Was this area desolate where the prisoner was released?

A: Yes.

Q: Were the headlights on the lead vehicle on or off?

A: Off.

Q: How far away was the LT and detainee from the front of the vehicle?

A: About 10 feet.

Q: Were the vehicles running or shut off?

A: Running.

Q: How long after the LT and detainee got to the front of the vehicle did the shot occur?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>[Signature]</i>	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

## STATEMENT (Continued)

A: Maybe 2-3 minutes.

Q: You stated that you thought the "mark execution" took place and it wasn't a dog. why do you think that?

A: I didn't hear any dogs, there wasn't anything to shoot at.

Q: Do you have on mind anyone else standing near the LT or Detainee?

A: There wasn't anyone immediately next to them.

Q: Do you have anything that you wish to add or delete from this statement?

A: No / End of Statement

## 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 INFLUENCE.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30 day of Jan. 19 2007

at

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

PAGE 2 OF 2 PAGES

**Page(s)**

105-108

**Referred to:**

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

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

SWORN STATEMENT			
For use of this form see AR 190-45; the proponent agency is ODCSOPS			
LOCATION <i>Baquba, Iraq</i>	DATE <i>30 Jan 07</i>	TIME <i>0630Z</i>	FILE NUMBER <i>CO 38-DX-CIDAF9-63499</i>
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS <i>E-4</i>
ORGANIZATION OR ADDRESS <i>B Co 307th Eng Bn 82nd Air Div.</i>			
<p>I, <u>[REDACTED]</u>, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>Q: <i>SA [REDACTED]</i></p> <p>A: <i>SPC [REDACTED]</i></p> <p>Q: <i>It regards to the statement you provided to your chain of command, was this statement true?</i></p> <p>A: <i>Yes.</i></p> <p>Q: <i>You said that you looked at the LT just after the shot, where was his focus, what was he looking at?</i></p> <p>A: <i>The detainee</i></p> <p>Q: <i>Did it appear he was looking at a dog or in a different direction?</i></p> <p>A: <i>No.</i></p> <p>Q: <i>Did you see any dogs? Hear any?</i></p> <p>A: <i>No.</i></p> <p>Q: <i>The vehicle headlights were on?</i></p> <p>A: <i>Yes.</i></p> <p>Q: <i>You could see the LT and detainee in the headlight beam or just outside?</i></p> <p>A: <i>Just outside.</i></p> <p>Q: <i>How far were they away from the front of the truck?</i></p> <p>A: <i>5-10 feet.</i></p> <p>Q: <i>The LT took a picture of the detainee?</i></p> <p>A: <i>Yes.</i></p> <p>Q: <i>What would that picture look like?</i></p> <p>A: <i>Kid on the ground crying.</i></p> <p>Q: <i>Have you ever heard the LT say he liked to scare people or elude to that fact?</i></p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>[REDACTED]</i>		PAGE 1 OF <u>1</u> PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF <u>          </u> TAKEN AT <u>          </u> DATED <u>          </u> CONTINUED."</p> <p>THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE <u>      </u> OF <u>      </u> 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>			

DA FORM 2823  
1 JUL 72

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

*EXHIBIT 1-9*



## STATEMENT (Continued)

A: Not would be.

Q: When the LT fired the shot, was the detainee handcuffed?

A: I'm sure he was.

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

A: Right after the shot, and taking the ties off.

Q: So the LT came to the vehicle, after the shot and untied the detainee, 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

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

WITNESSES:

[REDACTED] 701663  
(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 [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED] 70166-1  
(Signature of Person Administering Oath)

SA [REDACTED] 70166-1  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

AT 1366(Y4) LCMJ  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

**Page(s)**

111 - 114

**Referred to:**

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

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

# SWORN STATEMENT

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

LOCATION Baghdad, Iraq	DATE 30 JUN 03	TIME 0634Z	FILE NUMBER 0038-08-60879-63498
LAST NAME [REDACTED]	SOCIAL SECURITY [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS 15 CO 30TH SFG	[REDACTED]		

[REDACTED] 7C1b6 want to make the following statement under oath:

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

Q: SA [REDACTED] 7C1b6

A: [REDACTED] 7C1b6

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] 7C1b6-5 take a Iraqi Boy around the corner of a building so as to scare him and the other two Iraqis present?

A: YES.

Q: Do you know if SGT [REDACTED] 7C1b6-5 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 [REDACTED] 7C1b6-3	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 9 JUN 11 5

Q: Does BLUE 1 allow your Patrol to fire warning shots?

A: Yes, he's done it before.

7C166-5

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 the 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 //

7C166-3

# 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] 7C166-3  
(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

[REDACTED] 7C166-1  
(Signature of Person Administering Oath)

[REDACTED] 7C166-1  
(Name of Person Administering Oath)

Article 136 UCMJ  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

7C-3, 663 PAGES 2 OF 2 PAGES

DA Form 2823 (AUTOMATED)

JUN-11-03

**Page(s)**

117-118

**Referred to:**

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

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

# SWORN STATEMENT

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

LOCATION <i>Bushdod, Iraq</i>	DATE <i>30 JUN 03</i>	TIME <i>0710Z</i>	FILE NUMBER <i>0238-03-CD0577-63478</i>
LAST NAME, FIRST NAME, MIDDLE NAME <i>TC1126-3</i>	SOCIAL SECURITY NUMBER <i>[REDACTED]</i>		GRADE/STATUS <i>E3/RA</i>
ORGANIZATION OR ADDRESS <i>B Co 307th ENG TC1126 3</i>			

I, *TC1126-3* want to make the following statement under oath: *TC1126*

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

Q: *[REDACTED]* *TC1126-3*

A: *[REDACTED]* *TC1126-3*

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]* what had happened?

A: Yes. *TC1126* *TC1126-5*

Q: What was Sgt *[REDACTED]* 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]* more specific about details of what happened when he returned to the truck?

A: No. *TC1126-5*

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

A: Yes, he said it was LT *[REDACTED]* *TC1126-5*

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. *TC1126-5*

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]* fired a shot?

A: All I know is what *[REDACTED]* had told me, which was Sgt *[REDACTED]* was trying to scare the Iraqi's. *TC1126-5*

Q: Did you see Sgt *[REDACTED]* talk with LT *[REDACTED]* before he took the boy around the corner? *TC1126*

A: No. *TC1126-5*

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>[REDACTED] TC 3 126 3</i>	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 LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 (AUTOMATED)]

EX 10 JUN 03

7C126-3

7C126-5

0038-03-CID 859-63498

Q: Have either LT [redacted] or Sgt [redacted] talked to you about either incident since they occurred?

A: Sgt [redacted] said that the boy was trying to get away so he fired a shot. 7C126-5

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

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

7C126-3

I, [redacted] AFFIDAVIT 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] 7C126-3  
(Signature of Person Making Statement)  
SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS THIS 30 DAY OF June 83 AT Baghdad, Iraq

(Signature of Person Administering Oath)

[redacted] 7C126-1  
(Name of Person Administering Oath)

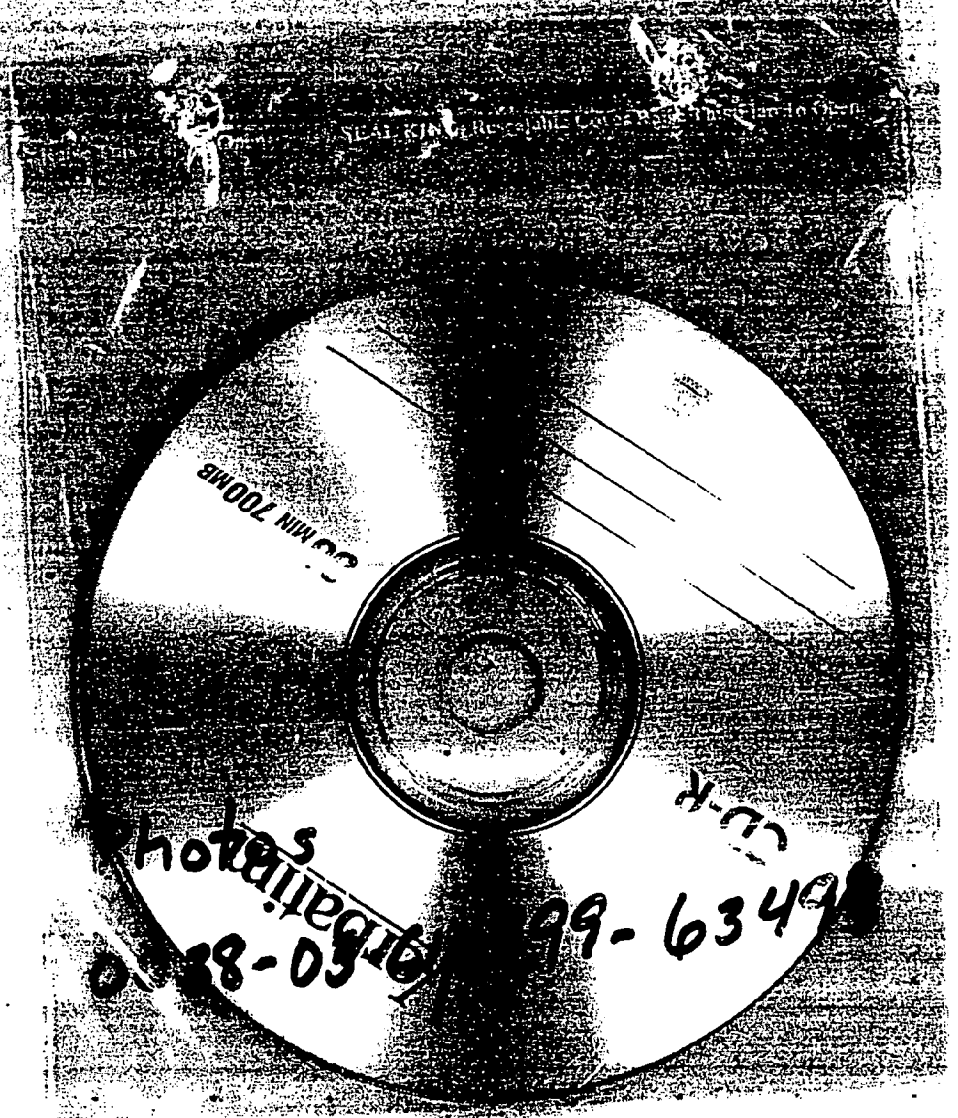
Article 136 UCMJ  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGES 2 OF 2 PAGES

DA Form 2823 (AUTOMATED)

EX 10 JUN 120



0000121



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] 7C,bb

SUBJECT: CID REPORT -INITIAL- 0038-03-CID899-63498-  
5C1B/5X3/5S1C/5Y2D2

DRAFTER : SA [REDACTED] 7C,bb-1  
RELEASER: SA [REDACTED]

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1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
  1. 22 JUN 2003/0930 HRS ZULU; GAHZALIA, AMMO FACTORY SECTOR 45.
2. DATE/TIME REPORTED: 24 JUN 2003, 0528Z  
7C,bb-1 ba
3. INVESTIGATED BY: SA [REDACTED] AND SA [REDACTED]  
7C,bb-1, 12-1
4. SUBJECT: 1. [REDACTED] SGT; [REDACTED];  
7C,bb-5 [REDACTED] WHITE; B CO 307<sup>TH</sup> ENGINEERS, FC;  
[ASSAULT] [CONSPIRACY] [RELEASE OF A DETAINEE WITHOUT PROPER  
AUTHORITY] [DERELICTION OF DUTY].  
7C,bb-5 7C,bb-5  
2. [REDACTED] 2LT; [REDACTED];  
7C,bb-5 [REDACTED] M; WHITE; A COMPANY, 1/13<sup>TH</sup> ARMOR; FC;  
[ASSAULT] [CONSPIRACY] [RELEASE OF A DETAINEE WITHOUT PROPER  
AUTHORITY] [DERELICTION OF DUTY] [CONDUCT UNBECOMING].
5. VICTIM: 1. UNKNOWN, CIV, ARABIC, NFI [ASSAULT]  
[CONSPIRACY]  
2. U.S. GOVERNMENT; [RELEASE A DETAINEE  
WITHOUT PROPER AUTHORITY] [INTENTIONAL 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.

JUN 2003

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.

7c1b6-5 PRELIMINARY INVESTIGATION DISCLOSED ON 22 JUN 03, SGT [REDACTED] WAS ON PATROL WHEN HIS PATROL STOPPED AN UNIDENTIFIED IRAQI CIVILIAN MALE AND HIS TWO SONS WHO WERE ALLEGEDLY LOOTING FROM AN AMMO FACTORY. DURING THE DETENTION OF THE THREE IRAQIS, SGT [REDACTED] CONFERRED WITH 7c1b6-5 LT [REDACTED] WHO TOLD SGT [REDACTED] TO SCARE THE IRAQIS UNTIL THEY STARTED TO CRY. SGT [REDACTED] SUBSEQUENTLY GUIDED ONE OF THE SONS AROUND THE CORNER OF A BUILDING, WHERE HE FIRED A SHOT FROM HIS RIFLE, AWAY FROM THE IRAQI IN AN ATTEMPT TO SCARE THE FATHER AND THE OTHER SON. AFTER THE GUNSHOT, SGT 7c1b6-5 [REDACTED] WALKED THE SON BACK TO HIS FATHER AT WHICH TIME ALL THREE DETAINEES WERE RELEASED.

7c1b6-5 ABOUT 1000Z, 25 JUN 03, SGT [REDACTED] WAS ADVISED OF HIS LEGAL RIGHTS WHICH HE WAIVED AND PROVIDED A SWORN STATEMENT THAT HE DID COMMIT THE ASSAULT ON THE IRAQI BASED ON INSTRUCTION FROM LT [REDACTED] 7c-5-1b-5

INVESTIGATION BY CID CONTINUES.

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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JUN 03 123



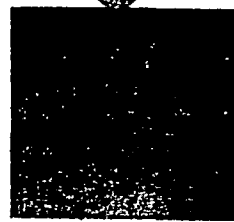
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JUG-129

TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY
<p>7 Jul 03 [REDACTED] 7C166-1</p>	<p><u>DISTRIBUTION</u></p> <ul style="list-style-type: none"> <li>- USACRC</li> <li>- CDR, 1/325th INF 82 ABN</li> <li>- STA. 1AD</li> <li>- PMO. 1AD</li> </ul>
<p>25 Sep 03 [REDACTED] 7C166-1</p>	<p>- CORRECTED TO CRC</p>
<p>Feb - 10 - 2004 [REDACTED] 7C166-1</p>	<p>4833</p> <ul style="list-style-type: none"> <li>- USACRC</li> <li>- File</li> </ul> <p>[REDACTED] 7C166-3</p>
<p>Mar - 9 - 2004 [REDACTED] 7C166-1</p>	<p>4833</p> <ul style="list-style-type: none"> <li>- USACRC</li> <li>- File</li> </ul>

