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Exhibit J

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

- . WARNING Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s),
 - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
 - You do not have to enswer my questions or say enything.
 - *Anything you say or do can be used as evidence against you in a criminal trial.*
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

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

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

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

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where, if the request was recent (i.e., lewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

 If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (Continued)

TEVERSE OF DA FORM 3881

Fxhibit J.

USAPA V2.

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9. STATEMENT (Continued)	Jan Danie	
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	AFFIDAVIT , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT	
ONTAINING THE STATEMENT. I HAVE MADE THIS !	FULLY UNDERSTAND THE CONTENTS OF THE INTIRE STATEMENT MADE AND ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OF REWARD, WITHOUT INLUMENT.	DE
TTNESSES:		
	Subscribed and sworn to before me, a person authorized by la administer ceths, this day ofFEB, 200	
Company of the state of the sta	at Carp Arking Ku.	
SOED TE COMO ArifJan, KV		
RGANIZATION OR ADDRESS	(Signature of Person Administering Oath)	
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No.	(Tyried Name of Person Administration Coult)	
354 TEANS BN, CAMPANIFTAN, KUWA	(Typed Name of Person Administering Oath)	
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RGANIZATION OR ADDRÉSS	USA	
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STATEMENT OF	TAKEN AT CAME ANY AN LOWAR DATED & FEW 2	
9. STATEMENT (Continued)		
Q: What was your job on the date of the incident?	۵۰	
1: Congry Courada	Q, -	
2: Did you see the incident?	A: A	
i. ND.		•
What happended the day of the incident?	•	
: NOT Asked		
: Where there any enemy contact during the convoy?		٠
: NORE.		
: What time did you wake up and SP?		
: NOT Asked		
Where you tired?		
not Askel	·	
Where there any stops before or after the accident?		
NOT ASKED.		
What were the road conditions and was anyone else on	he road?	
LOT ASKED.		
What speed where you traveling?	•	,
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Where where you located at the time of the incident?		
Congry TOC AT Conf Arition, Ku		
What was going on in the Cab of the truck before during	·	
LOT ASKI		
Did you see the child involved in the incident and if so w	hat was he doing?	
NOT Asked		
What happended affter the incident?		
Notifiel the BN 53+BC of	f The Incident, see Statend.	
Did you alter the Video?		
Never Had the Video In your Poseid		
who is		
308H Talick Moster.		
IALS OF PERSON MAKING STATEMENT	PAGE Z OF Z	
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	PRIVACY ACT STATEME		3	
THORITY: Title 10 USC Section 301; Title 10	tle 5 USC Section 2951; E.C	. 9397 dated November	· 22, 1943 <i>(SSN).</i>	
ver total doc. To blooking commanders and it	aw enforcement officials wit	h means by which infor	nation may be need	stely
UTINE USES: Your social security number is CLOSURE: Disclosure of your social security	rity number is voluntary.	ate means of identificati	on to facilitate filing	and retrieval.
Camp Arifan Kunart	2. DATE (YYYYMM		4. FILE NUMBE	R
LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	1256		
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AUTHORITY: Title 10 USC Section 301; Title 5 I PRINCIPAL PURPOSE: To provide commanders and law er ROUTINE USES: Your social security number is used DISCLOSURE: Disclosure of your social security number.	nforcement officials with mea I as an additional/alternate m	ins by which informa	tion may be accurately
Camp Arifian, Kuwait	2. DATE (YYYYMMOD) 2005-02-03	3. TIME 0900	4. FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME ORGANIZATION OR ADDRESS	6. SSN		7. GRADE/STATUS
354 Trans Bn App AE	09366		
I received word through an a Child was struck by one of ou	, WANT TO MAKE TH SIR from the 90	OF TC that	EMENT UNDER OATH: an Iragi C.
the company commander	of the 308 th	c, came int	o the 354th TRANS
Bn 70c and briefed me and	verbo	ly on the	incident. From
what I was briefed, the Iraq	i Child was st	anding on 7	He side of
the road with a lot of di	ist being kick	ed up. The	Iraqi child
Cume through the dust into			
truck. I was informed that			
· · · · · · · · · · · · · · · · · · ·	from 1-178	H To ensu,	
received the video.			
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10. EXHIBIT 11.	INITIALS OF PERSONAL MAKE	NG STATEMENT F	PAGE 1 OF PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATE	EMENT TAKEN AT		
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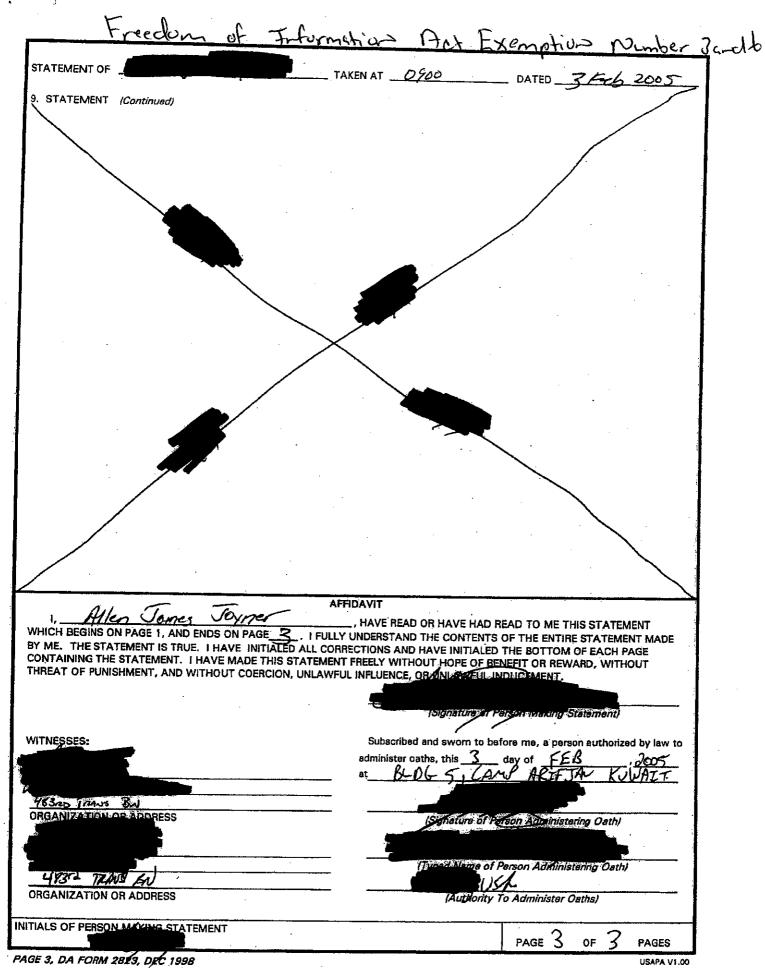
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ATEMENT OF	TAKEN AT	0.77	
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STATEMENT (Continued)			
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What was your Job at	the time of the incide	u-t	
354th TRANS BN	5-3 officer		
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1 1 20 14/02 11-	to a level and		
whof units) wa			
308th TC with so	Idiers right seat riding for	on the 70th TC	
who was the	Contox Commoden		
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For use of this for	SWORN STATEMENT m, see AR 190-45; the proponent a	,	
AUTHORITY: Title 10 USC Section 301; T PRINCIPAL PURPOSE: To provide commanders and ROUTINE USES: Your social security number is	PRIVACY ACT STATEMENT itle 5 USC Section 2951; E.O. 939 law enforcement officials with mea is used as an additional/alternate m	7 dated Novembe	er 22. 1943 <i>(SSN)</i> .
1. LOCATION Camden, Klyunit	2. DATE (YYYYMMDD) 2005 FEB 03	3. TIME 1842	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME	6. SSN	70 (4	7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS 354 TC BN 9.	·		
١,	, WANT TO MAKE TH	E FOLLOWING ST	FATEMENT UNDER OATH:
I arrived at Bu Toc for 1	regular shift at 15	545 on 25	SJanos, Dau
Battle Captain told me about	ut an SIR from 3	0844 invo	luing Civilian
Child hit by convoy. I a	sas advised that	it was no	ot being
discussed publicly due to	senshue nature,		
Later, 74h GROUP BHICPE,	called	1. He asi	ked for info
not on initial sir. He ask	ed for more detail	I on how i	it happened
and how it happened that	the escort was v	ideotapin	g at the
time of accident.			
I asked 308 Ca to get	convery cake on p	phone & a	isk him to
Call me . Co was unable	e to contact con	voy Cdr.	
I emailed to be	advise.		
Throughout shift, until I	departed shift,	unable	to contact
Convoy cde.			
END of Statement			
	*		
10. EXHIBIT	11. INITIALS OF PERSON MAKIN	IG STATEMENT	A Cla
ADDITIONAL PAGES MUST CONTAIN THE HEADING *			PAGE 1 OF PAGES
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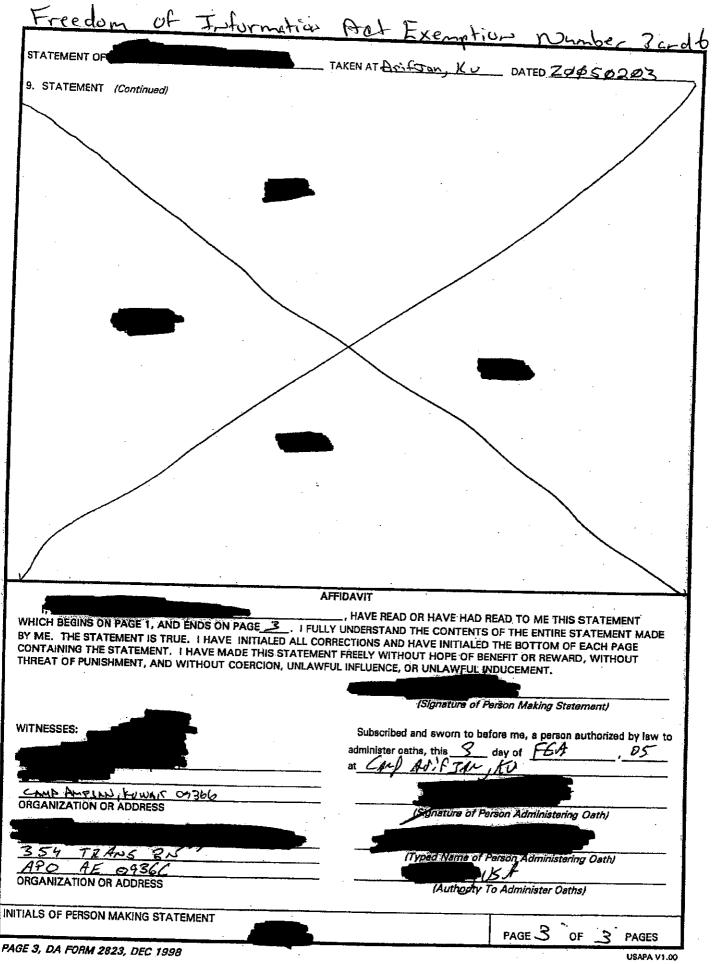
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Freedom of Information Act Ex	remptive	Zardb
STATEMENT OF TAKEN AT	DATED	
9. STATEMENT (Continued)		
Q. What was your Job of the two of the Q!		
A. NIGT Battle Captain; A.		
Q', since this report (emil) you howered been en	volved at a	11.8
A. Thatis Correct.		
Q' wholeses is involved that you know of?		
A: hore other than alway littled on POLLIX.		
		:
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AFFIDAVIT	<u>.</u>	
HAVE READ OR HAVE HAD WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF B THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR LINE AWFUL.	S OF THE ENTIRE STA D THE BOTTOM OF E ENEFIT OR REWARD,	ATEMENT MADE ACH PAGE WITHOUT
WITNESSES: Subscribed and sworn to be administer paths, this		rthorized by law to
at CAP As if B	r Ku	
ASIGNATURE OF THE SECOND RESERVE OF THE SECO	Person Administering	Oath)
	คายเรียก Montinistema	
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NITIALS OF PERSON MAKING STATEMENT	PAGE 2 OF	2 PAGES
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FAGE 3, DA FORM

Freedom of Information Act Exemption	Number ? C.
SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS	
PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which informat Your social security number is used as an additional/alternate means of identification DISCLOSURE: Disclosure of your social security number is voluntary.	and the second s
CAMP Arif Jan Kungit Zamana 3. TIME	4. FILE NUMBER
6. SSN	7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS 30875 TC CAMP ArifJan, Kuwait APO AE 09366	SFLIE-1
on the Date in greation I Recieved an Inti	
of The Incident and Initiated The Sir To Be	fowarded
Fo The BN. later on in the Evening the Convoy	Commander
Called and gave me more Exact Details of -	The Incident
In which I Completed a Sent an uppated SI	R Report
The Blo. The Company Commander will	
	-
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	_ 1 77 \ 1
Stay, The Convoy Commander Support Conter) for me that the Escort Commander	stated to
me that the Escort Commander made the Call to K	tep the
Convoy Rolling and No medivac WAS Called Due Closer To have The Civillians Take him to The	To it was
I a natof than to wait for mediuse.	AS HODDITAL
2.Wollow 2	
10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE	E 1 OF 3 PAGES
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STATEMENT OF TAKEN AT ACTION. KV	DATED Z	\$65\$2d	3
9. STATEMENT (Continued)			
Q: What was your job on the date of the incident?	61		
A: ASST: TRUCK Master	4		
Q: Did you see the incident?	A.	:	
Q: What happended the day of the incident?			
A: Normal Convoy of 5.		•	
2: Where there any enemy contact during the convoy? A: MOT ASKED (NK)			
2: What time did you wake up and SP?			
: Where you tired?			
: Where there any stops before or after the accident? : Stoffed at CSC SCANTA Afterward.			
: What were the road conditions and was anyone else on the road?			
What speed where you traveling?			:
Where where you located at the time of the incident? 308 th TW Conf Asi fion			
What was going on in the Cab of the truck before during and after the incident?			4
Did you see the child involved in the incident and if so what was he doing?	·		
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Sidnit follow UP SIR & No one was to get U.D. Did you after the Video!	eo unti 2	iteot	bock
Did you see the war.			
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	RIGHTS WARNING PR For use of this form, see AR	OCEDURE/WAIVER	CERTIFICATE	14,00
		RED BY THE PRIVACY		
PHINCIPAL PURPOSE: To provide ROUTINE USES: Your Soci	United States Code, Section 30 e commanders and law enforce el Security Number is used as of your Social Security Numb	012(g) ement officials with mea an additional/alternate r	ans hy which information	on may be accurately identified to facilitate filing and retrieval
Came Acidon K	/tat \	2. DATE	3. TIME	4. FILE NO.
5. NAME (Last, First, MI)	DWOLT	B. ORGANIZATI	ON OR ADDRESS	
6 SSN	7. GRADE/STATUS	CAMP Ari	tzon Knma.	4
	SFC /E-7	ARO AE	<u> </u>	
Section A. Rights	PART 1 - RIGHTS WAT	VER/NON-WAIVER CEF	RTIFICATE	
Sefore he/she asked me any questions about 1. I do not have to answer any question of 2. Anything I say or do can be used as even 3. I for personnel subject othe UCMJ I had during questioning. This lawyer can be or both. (For civillans not subject to the UCMJ) me during questioning. I understand the will be appointed for me before any questioning to discuss the offenses peak privately with a lawyer before an COMMENTS (Continue on reverse side).	r say anything, idence egainst me in a criminal tria ave the right to talk privately to a list of a civillan lawyer I arrange for at not it have the right to talk privately to at this lawyer can be one that I arranstoning begins. 18(3) under investigation, with or waswering further, even if I sign the very sidence of the civil sign the very says.	i. awyer before, during, and a expense to the Governmen or a lawyer before, during, an inge for at my own expense	fter questioning and to hav it or a military lawyer detai d after questioning and to , or if I cannot afford a law	led for me at no expense to me, have a lawyer present with yer and want one, a lawyer
Section B. Waiver				
understand my rights as stated above. I am awing a lawyer present with me.	now willing to discuss the offense	(s) under investigation and	make a statement without	talking to a lawyer first and witho
witnesses (If a	available)	3. SIGNATURE OF	FINTERVIEWEE	
ORGANIZATION OR ADDRESS AND M 354 TRAMS 8M APO AE 09366		4. SIGNATURE OF	EINVESTIGATOP	
a. NAME (Type or Print)		5/ TYPED NAME (OF INVESTIGATION	
ORGANIZATION OR ADDRESS AND PH	IONE	1	OF INVESTIGATOR	
AP- AE OGBLE UZO	- 7333	106 74 7	TRN BN	·
ection C. Non-walver				
i do not want to give up my rights I want a lawyer		☐ I do not want	to be questioned or say an	ything
SIGNATURE OF INTERVIEWEE	7			,
TACH THIS WAIVER CERTIFICATE TO AN	Y SWORN STATEMENT (DA FOR	M 2823) SUBSEQUENTLY	EXECUTED BY THE SUSPE	CT/ACCUSED
A FORM 3881, NOV 89	EDITION OF	NOV 84 IS OBSOLETE	,	USAPA 2.0

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

- WARNING Inform the suspect/accused of:
 - Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows:
 - "Before I ask you any questions, you must understand your rights."
 - a. "You do not have to answer my questions or say anything."
 b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after quastioning and to have a lawyer present with you during questioning. This lawyer

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

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

d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."
Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where, if the request was recent (i.e., fawer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: in all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

 if the supsect/accused has made epontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. If the suspect/eccused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (Continued)

REVERSE OF DA FORM 3881

USAPA V2.01

Freedom of Informati	on Act E	Xemotius	Munher ?
§ S	WORN STATEMENT AR 190-45; the proponent a		1 00111/10 000 000
AUTHORITY: Title 10 USC Section 301; Title 5 to PRINCIPAL PURPOSE: To provide commanders and law erroUTINE USES: Your social security number is used DISCLOSURE: Disclosure of your social security number.	IVACY ACT STATEMENT JSC Section 2951; E.O. 939 forcement officials with mea as an additional/alternate m	7 dated November 22	tion may be accurately
ARIFJAN, KUWAIT	2. DATE (YYYYMMDD) 20050203	3. TIME 1049	4. FILE NUMBER
5. LAST NAME, FIRST NAME MIDDLE NAME	6. SSN		7. GRADE/STATUS
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7TH GROUP CSM AND THE	V1787A CSM		
	FOLLOWS-		·
10. EXHIBIT	INITIALS OF PERSON MAKIN	IG STATEMENT PA	AGE 1 OF 3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATE			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE MUST BE BE INDICATED.	INITIALS OF THE PERSON I	MAKING THE STATE	MENT, AND PAGE NUMBER

USAPA V1.00

Freedom of From tion Act Exe use this page if needed. If this page is not needed, please proceed	D TO FINAL PA	AGE OF THE	S EODE	16
STATEMENT OF TAKEN AT CAMP ARIFTAL ,	KUNAT DAT	ED <u>Ø3</u>	FEB.	Ø5
9. STATEMENT (Continued)			:	
Q: What was your job on the date of the incident?	D :			_
A: BATTALION SAFETY OFFICER AND BATTALION MAINTENANT OFFICEN				
Q: Did you see the incident?				
A: NO	•			
2: What happended the day of the incident?	•		•	
?: Where there any enemy contact during the convoy?		·		
: NA				
: What time did you wake up and SP?				
: NA				
: Where you tired?				• ,
: NA				
: Where there any stops before or after the accident?				
What were the road conditions and was anyone else on the road?				
What speed where you traveling? NA				
Where where you located at the time of the incident?				
CAMP ARIFJAM, KUWAIT	•		•	
What was going on in the Cab of the truck before during and after the incident? NA	,			
Did you see the child involved in the incident and if so what was he doing?				
What happended affter the incident? \(\mathcal{A} \mathcal{A} \)				
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IALS OF PERSON MAKING STATEMENT		フ -	~~~	
SE 2, DA FORM 2823, DEC 1998	PAGE	2 of	<i>.</i> >	PAGES

STATEMENT OF	TAKEN AT CAMP ARIFTAN, KU DATED \$3 FEB \$5
). STATEMENT (Continued)	UATED 431 CB 45
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	ALL CORRECTIONS AND HAVE INTRALED THE BOTTOM OF EACH PAGE. STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT , UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.
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	(Signature of Person Making Statement)
TNESSES:	
INESSES:	Subscribed and sworn to before me, a person authorized by law administer oaths, this 3D day of FEBRUARY , 2005
	administer oaths, this 3D day of FEBRUARY, 2005
08 M T C	
RGANIZATION OR ADDRESS	
	Signature of Person (Administering Oath)
	(Typed Name of Ferson Kaministering Oath)
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	(Authority To Administer Oaths)
	(Authority To Administer Oaths)
ALS OF PERSON MAKING STATEMENT	0AE 0936

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:

DISCLOSURE:

PRINCIPAL PURPOSE: ROUTINE USES:

Title 10, United States Code, Section 3012(g)

To provide commanders and law enforcement officials with means by which information may be accurately identified. Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval. Disclosure of your Social Security Number is voluntary.

1.	LOCATION CALL	12 200	
5.	NAME (LAST, FIRST, MIL)	2. DATE 3. TIME 4. FILE NO. 8. ORGANIZATION OR ADDRESS	
6.		354TH TRANS BN APO AE 69366	
		NON-WARVED OFFICE A	

S WAIVER/NON-WAIVER CERTIFICATE

Section A.	Rights

The investigator whose name appears below told me that he/she is with the United States Army 10674 724NS BN

and wanted to question me about the following offense(s) of which I am suspected/accused: DEATH OF IRACI CHILD

- 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 question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.

WITNESSES (If available)

(For personnel subject othe 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 - Of 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.

- 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.
- COMMENTS (Continue on reverse side)

Section B. Waiver

NAME (Type or Print)

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

b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR:	_
CAMP ANTIGHT WOOD IT 450-7333		
2a. NAME (Type or Print)	5.2 TYPED NAME OF INVESTIGATION	
308 19 Transportation Company	6. ORGANIZATION OF INVESTIGATOR	_
Aro AF 09366 43 - 7327	106th TRN BN	
Section C. Non-weigner	100 1200	

- 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

SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position,
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
 - a. "You do not have to enswer my questions or say enything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial "
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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"If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?" (If the suspect/secused says "yes," find out when and where, if the request was recent (i.e., fawer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" (If the suspect/accused says "yes," stop the questioning until he/she has a lawyer, if the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REPUSES TO SIGN WAIVER CERTIFICATE: If the suspect/eccused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the walver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offensa(s) under investigation, and refuses to sign the waiver cartificate.

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PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

REVERSE OF DA FORM 3881

FABITO.



DEPARTMENT OF THE ARMY COALITION FORCES LAND COMPONENT COMMAND HEADQUARTERS THIRD UNITED STATES ARMY UNITED STATES ARMY FORCES CENTRAL COMMAND APO AE 09306

AFRD-CS

26 January 2005

MEMORANDUM FOR Transportation Battalion, Camp Navistar, Kuwait, APO AE 09317

SUBJECT: Appointment of Investigating Officer

- 1. By order of the Commanding General, you are hereby appointed an investigating officer pursuant to AR 15-6, Procedure for Investigating Officers and Board of Officers, 30 September 1996, and AR 600-34, Fatal Training/Operational Accident Presentations to the Next of Kin, 2 January 2003, to investigate the accident that occurred on 25 January 2005 at or near the junction of MSRs Tampa and Orlando in Iraq, involving the 308th Transportation Company, 354th Transportation Battalion, which resulted in the death of an Iraqi child.
- 2. Conduct your investigation in accordance with the procedures outlined in Chapters 3 and 4 of AR 15-6. Make findings as to the circumstances and causes of the events that resulted in the death of the child. Also make findings and recommendations regarding any practices or procedures that you determine contributed to the accident.
- 3. If, in the course of your investigation, you come to suspect that any witness may be responsible for the accident or otherwise committed an offense under the Uniform Code of Military Justice (UCMJ), advise the witness of his or her rights under Article 31, UCMJ, using DA Form 3881 (Rights Warning Procedure/Waiver Certificate). Before beginning your investigation, contact your legal advisor.

 Office of the Staff Judge Advocate, at DSN: (318) 430-6302. He will provide you initial legal guidance and any subsequent legal assistance you require.
- 4. Submit your findings and recommendations to the Staff Judge Advocate for legal review not later than 9 February 2005. Use DA Form 1574 when you prepare your report of investigation. Submit any request for extension to me in writing.

FOR THE COMMANDER:

Encl SIR, 308th TC, 25 Jan 05 (GS Chief of Staff

DEPARTMENT OF THE ARMY 106TH TRANSPORTATION BATTALION (MOTOR TRANS) CAMP NAVISTAR, KUWAIT APO AE 09317

AFZB-SB-TB-S3

05 February 2005

MEMORANDUM FOR Commander, CFLCC, ATTN: Kuwait, APO AE 09306



SUBJECT: Request for Extension for ART 15-6 Investigation IRT 25 JAN 2005 Accident

1. I request an extension to finish my investigation because the convoy commander is still in IZ as is the TC of the vehicle involved in the incident. I have interviewed everyone else involved so far.

2. POC for this information is DSN 318-844-1117



From:

Sent: To: Seurosy, February 05, 2005 18:44

Subject:

RE: ART 15-6

You have until 15 February to complete. Thanks.

From:

Sent: 55 100 February 05, 2005 2:27 PM

To

Subject AKI 15-6

Sir, I am requesting an extension for my investigation, the Convoy Commader is still up North on a convoy as well as the TC of the vehicle of the incident. As soon as they comeback I will interview them and complete the survey.

<< File: extension.doc >>

জ্ঞান্ত জ্ঞ

713-8437

"First Among Equals!"

From:

Sent:

Monday, February 14, 2005 09:52

To: Cc:

Subject:

RE: Extension Request for AR 15-6

Granted until 20 Feb. Thanks.

From:

Sent: Monday, February 14, 2005 9:54 AM

To: I

Subject: Extension Request for AR 15-6

Sir, I am requesting an extension for my AR 15-6 investigation, I am almost finished but we had a soldier KIA on 09 FEB 05 and I have been heavily involved in this incident. The original date due was 9 FEB 05, you granted me an extension to 15 FEB 05 on 05 FEB 05.

V/R

_ л0 83

713-8437

"First Among Equals!"

15-6Time Line

Timeline to 25 JAN 05 15-6 Investigation				
Date	Time	Event		
25-Jan		Accident Occurs		
26-Jan		Appointment of 15-8 Officer		
28-Jan	0910	Receive Appointment Orders by Email		
28-Jan	1100	Called 7th Group Legal, IRT to Appointment		
28-Jan	1254	Called CFLCC SJA, Left Message		
28-Jan	1256	Called 354th S3, IRT Accident/SIR		
28-Jan	1300	Called With Group Battle Captain, IRT Accident/SIR		
28-Jan	1500	RECON of ASR Circle, IZ with 2-172 nd ARM Scouts		
29-Jan		Validation Exercise with 2-172 nd		
29-Jan	1043	Real World High jacking I responded to with SECFOR		
29-Jan	1500	Continue Validation Exercise with 2-172 nd		
30-Jan		Visit		
30-Jan	2100	SEC. O'S Eve your fire fight		
31-Jan	09101	Called Assessment, received guidance		
31-Jan		Rear PAR Micae		
31-Jan		Read AR 600-34		
31-Jan 1-Feb	3	Plan of attack development		
2-Feb	- 3	Work-on/AR / 5-6		
2-Feb	1453	Gelled 3, 354th S3, IRT Accident/SIR		
2-Feb	1457	Called 354th SO IRT Accident		
2-Feb		Called 7th LNO for Statement		
2-Feb		Called MNC Saffey Office		
2-Feb	1525	Calles CFLCC Safety Office		
3-Feb	0900	nterview.		
3-Feb	1842			
3-Feb	1049	Merio.		
3 Feb	1045	INIBIA/IEIW		
3-Feb 3-Feb	1000	IN CAMELO		
4-Feb	1040	Microletic		
5-Feb	1330	AACHAOLAGARANAAA DALLAGAA		
5-Feb	1000	estension until 15 FEB		
6-Feb	Î	Veneral Maria Maria		
7-Feb	1526	nterview		
8-Feb		Work on Art 1948		
9-Feb		Salider KIA in BN from IED		
9-Feb		2nd Convoy BN Convoy involved in injury causing casulty.		
10-Feb	1140	nterview		
10-Feb		nterview.		
10 Feb 11-Feb		nterview Work on AR 15-6		
12-Feb		Work on AR 15:6		
13-Feb		Work on AR 15-6		
14-Feb	1	Grants extension until 20 FEB		
14-Feb		Work on AR 15-6		
15 Feb	1	Nork on AR 1546		
16-Feb		Work on AR 15-6		
16-Feb		Visits		
16-Feb		Memorial Service for		
17-Feb		Nork on AR 15-6		
18-Feb 19-Feb		Work on AR 15-6 Turn In AR 15-6		
io-resi.		MITTEL AT 10-0		

Freedom of Fratornation Met Exemption Numbers 3 and 6

Privacy Act Statement

Pursuant to 10 U.S.C. 3013 and Army Regulation 15-6, we request this information. This information will be used to evaluate the facts and circumstances currently under investigation. Your response is not mandatory. However, your failure to respond will require that we evaluate this matter without the benefit of your input. This information will be used in determining the appropriateness of any action, including adverse administrative action. Department of Defense employees, acting within their official capacity, who have a need to know this information, will have access to this information. This information may be used as the basis for adverse personnel action, and documents reflecting this information and such action may be filed in your official personnel files.

Affidavit

me this Privacy Act	have read or have had read to
Statement. I fully understand the co	ontents of the entire statement.

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Ercl 4-1

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Affidavit

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Statement. I full	y understand the c	contents of the en	ire statement.

(Signature of Per	rson Making Statement)
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(Authority to	Administer Oath)

Ercl 4-2

Privacy Act Statement

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Affidavit

me this Privacy Act	have read or have had read to
Statement. I fully understand the c	ontents of the entire statement

Subscr authorized day of	nature of Person Making Statement) ibed and sworn to before me, a person zed by law to administer oaths, this /0 FES , 2004 at /4/5 Arit Ten Kr State
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	of Person Administering Oath)
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(Authority to Administer Oath)

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Affidavit

have read or have had read to me this Privacy Act
Statement. I fully understand the contents of the entire statement.

Erch 4-4

Privacy Act Statement

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Affidavit

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Statement. I fully understand the contents of the entire statement.

Subscrib	nture of Person Making Statement) ned and sworn to before me, a person
day of	bd by law to administer oaths, this at at
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\overline{A}	Authority to Administer Oath)

ENCL 4-5

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Affidavit

	have read or have had read to
me this Privacy Act Statement. I fully understand the con	itents of the entire statement.
(Signature of Person (Type name of Person	o before me, a person minister oaths, this 200 s at _can Administering Oath)

Privacy Act Statement

Pursuant to 10 U.S.C. 3013 and Army Regulation 15-6, we request this information. This information will be used to evaluate the facts and circumstances currently under investigation. Your response is not mandatory. However, your failure to respond will require that we evaluate this matter without the benefit of your input. This information will be used in determining the appropriateness of any action, including adverse administrative action. Department of Defense employees, acting within their official capacity, who have a need to know this information, will have access to this information. This information may be used as the basis for adverse personnel action, and documents reflecting this information and such action may be filed in your official personnel files.

Affidavit

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	(Signature of	Person Making	g Statemer	nt)	•
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EML 4-7

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Privacy Act Statement

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Affidavit

have read or have had read to

	(Signature of Person Making Statement)		
	Subscribed and sworn to before me, a pers authorized by law to administer oaths, this	on	
	day of <u>a Feb</u> , 20015 at <u>0900</u>		
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•	(Signature of Person Administering Oath)	
	(Type name of Person Administering Oath	<u>n)</u>	
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Privacy Act Statement

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Affidavit

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Privacy Act Statement

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Affidavit

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(Signature of Person Making Statement)	
Subscribed and sworn to before me, a person	
authorized by law to administer oaths, this 3rd	
day of February, 20045 at 10:45 Hes	
Signature of Ferson Administering Oath)	
(Type name of Person Administering Oath)	
USA	
(Authority to Administer Oath)	

Privacy Act Statement

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Affidavit

l,	have read or have had read to
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Statement. I fully understand the co	intents of the entire statement.

(Signature of Person Making Statement)
Subscribed and sworn to before me, a person
authorized by law to administer oaths, this 36
day of 1730 FERRUAY, 2004 7093 at 1041
· · · · · · · · · · · · · · · · · · ·
(Signature of Person Administering Oath)
(Signature of Person Administering Oath) (Type name of Person Administering Oath)

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