



b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, DIVISION ARTILLERY
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP GLORY, MOSUL, IRAQ

REPLY TO
ATTENTION OF

AFZB-KB-MED

28 December 2003

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Into the Death of Abu Malik Kenami

1. On 21 Dec 03, at 1300 hours I was notified that I was appointed as the investigating officer in a AR 15-6 into the death of Abu Malik Kenami, detainee # 0672583 to determine the cause of his death in 2nd BCT's holding area. My mandate was to determine the cause and all the factors that contributed to his death.

2. What caused Abu Malik Kenami's death is undetermined at the present time because an autopsy was never performed. His death was probably due to natural causes with an acute myocardial infarction as the most probable of these; see Appendix C, page 1-4 for a full explanation.

3. What factors contributed to his death?

A. Only once was Abu Malik Kenami questioned about his medical history, which occurred on 5 Dec 03 at 2nd BCT's hold area by two military intelligence interrogators from the 31st MI.

3.2.1.4
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1) The interrogators, [REDACTED] and [REDACTED] were more focused on intelligence gathering during this interrogation session.

2) When the interrogators asked several questions pertaining to Kenami's medical condition, Kenami stated that he wasn't taking medications and had no medical problems at that time.

B. There was never a physical examination conducted on Kenami during his detainment from 5-9 Dec 03.

C. If Kenami had requested medical assistance on the morning of 9 Dec 03, his American guards were not fluent or knowledgeable in Arabic and never requested a translator for assistance.

4. During several investigations, the CIDs on 9 Dec 03 and my investigation into Kenami's death, we both found that there was never any criminal intent or intent by any person or persons

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to harm Kenami. What is at fault is the lack of a medical provider fluent in Arabic to talk with the detainees during their in processing into 2nd BCT's holding area, see recommendations.

5. A chronological history of Kenami's detainment from 5 Dec 03 through 14 Dec 03 when his body was turned over to a local mortician can be found at Appendix A, pages 1-3.

6. Appendix D, pages 1-3 has a complete listing of witnesses and persons involved from Kenami's detainment on 5 Dec 03 to when his body was turned over to a local mortician on 14 Dec 03.

7. Recommendations:

A. That all detainees have some type of a physical exam, either abbreviated or long if there questions about their current health:

1) That all attempts are made to complete a physical within twenty-four hours of being detained.

2) That all attempts should be made to have a Iraq physician do the physicals on the detainees.

a) By having a Iraq physician contracted to do the physicals it would give the detainees the same continuity of care as the rest of their community.

b) It would decrease on the language problems between the detainee and the medical care system.

c) The Iraq physician can be the gate keeper into more definitive care if needed for the detainee (s).

d) It would decrease on the perception of our involvement or cover-up in events similar to this.

3) That U.S. military providers are used only as backed up to the contracted Iraq physician in order to decrease our involvement in their health care.

B. That a camcorder is placed into the general populations holding area and is monitored by an Iraqi speaker.

C. That there is a need to have a location within Mosul to perform autopsy on Iraqi citizens with suspicious or questionable deaths similar to Kenami's.

8. The POC for this memorandum is the undersigned at DNVT 581-5507 or *EX 6*

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Ex 6
13.2.1.4

[Redacted] Ex 6

[Redacted]

ATTACHMENTS:

- Appendix A, pages 1-3 Chronological History of Abu Malik Kenami
- Appendix B, slides 1-9 Slides of the BHA, sandbag hood, flex cuffs and blanket placed over Kenami's body
- Appendix C, pages 1-4 Possible Causes for the Death of Abu Malik Kenami
- Appendix D, pages 1-3 Witnesses and People Involved With Kenami's Death
- Appendix E, pages 1-2 Chronological History in the Investigation into the Death of Abu Malik Kenami
- Appendix F, page 1 POCs During the Investigation into the Death of Abu Malik Kenami
- Memorandum for an Extension on the Investigation
- Packet from CID on their investigation on 9 Dec 03
- Packet with witnesses statements on 23 Dec 03 and other documents:

Ex 6
13.2.1.6

- [Redacted], 2 pages
- [Redacted], 2 pages
- [Redacted], 2 pages
- [Redacted], 3 pages
- [Redacted], 3 pages
- [Redacted], 3 pages
- [Redacted], 3 pages
- A Memorandum for Record, 1 page
- A Memorandum of Instruction (SOP) for the guard force, 3 pages
- A sign in sheet for the guards having read the SOP, 1 page
- [Redacted], 2 pages
- [Redacted], 2 pages
- [Redacted], 4 pages
- Summary Interrogation Report 051045LDEC03
- Death Certificate for Abu Malik Kenami, dated 9 Dec 03

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Chronological History of Abu Malik Kenami

1. Abdul Kareem Abdul Rutha, his tribal name is Abu Malik Kenami is detained by 2nd BCT on 5 December 2003, see 2 BCT's Summary Interrogation Report 051045LDEC03.

2. Abu Malik Kenami is then brought to 2nd BCT's holding area (BHA) at AO Glory on 5 Dec 03.

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A. [redacted] and [redacted] interrogate Abu Malik Kenami on 5 Dec 03 within the BHA, outside of the general population holding area.

B. The interrogation is about twenty minutes:

1) During this time, Abu Malik Kenami gives no pertinent medical history or a history of taking medications.

2) This is the only time that Abu Malik Kenami is asked about his medical history or if he is taking medications.

C. Abu Malik Kenami is then photographed and given detainee # 0672583, see 2 BCT's Summary Interrogation Report 051045LDEC03.

D. He is also given the detainee # 58 for the BHA. Detainee # 58 is what Abu Malik Kenami is called by the American guards at the BHA.

E. The interrogation on 5 Dec 03 is the only time that Kenami is interrogated.

F. Kenami is then placed into the general population's holding area.

3. At this time, all detainees had a sandbag placed over their heads, but not tied, along with plastic flex cuffs placed on their wrists in front of their bodies, see Appendix B picture 7 and 8.

* 4. From the 5th through the early morning of 9th of December there is a history with Kenami of not obeying the BHA rules for detainees; his punishment is ups and downs.

A. Ups and downs is a correctional technique of having a detainee stand up and then sit-down rapidly, always keeping them in constant motion.

B. The timeframe for ups and downs is usually between ten to twenty minutes depending on the violation and the punisher.

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3.2.1.4

5. A shift change occurs with the holding cell guards at 2300 hours on 8 Dec 03, the new shift is composed of [redacted] and [redacted]

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Chronological History of Abu Malik Kenami

A. During this shift, Kenami is seen violating the rules and is punished with ups and downs several times by [redacted] and has his hands flex cuff behind his back around 0100 hours on 9 Dec 03.

B. The last time that ups and downs occurs with Kenami is around 0100 hours on 9 Dec 03. He is seen sweating by [redacted] and [redacted]

C. Kenami beds down sometime between 0100-0200 hours on 9 Dec 03. He seems restless and talkative for a while longer.

D. A mink blanket is placed over detainee Kenami between 0100-0200 hours. Other detainees are lying closely with Kenami, one on each side in order to keep warm and because of the limited space within the holding cell.

E. Maximum capacity of the detainee holding area is thirty detainees, the evening of 8 December 2003, there are 66 detainees lying with their heads towards the walls and feet towards the center.

F. No movement is noticed from detainee Kenami after 0400 hours on 9 Dec 03.

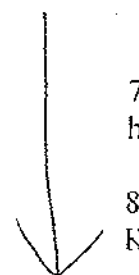
* G. At no time during the night was there less than two night guards watching the detainees and no history of abuse with this or any other guard shift at the BHA.

Ex 6
3.2.1.6

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3.2.1.6

Ex 6
3.2.1.6



Ex 6
3.2.1.6

6. [redacted] enters the holding area from the Operations room around 0730 hours on 9 Dec 03 in order to wake-up the detainees.

A. He then proceeds to wake-up the detainees, but notices that Kenami doesn't respond.

B. He feels no pulse with Kenami.

C. [redacted] then proceeds from the holding area to the Operations room and notifies [redacted] and [redacted]

D. [redacted] and [redacted] return to the holding area to examine detainee #58.

7. [redacted] attempts to call C-526th three times, after the third times he walks over to the hold area to notify [redacted]

8. [redacted] then leaves the holding area and proceeds to C-526th to retrieve medical care for Kenami.

A. [redacted] meets [redacted] (Physician Assistant from C-526th) between the BHA and the 526th aid station.

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Chronological History of Abu Malik Kenami

B. [redacted] returns to the holding cell with [redacted] and examines Kenami around 0815 hours and determines that he is dead. Physician assistants cannot declare anyone dead.

C. [redacted] and [redacted] remove Kenami's body from the general population holding area to an empty room within the BHA.

D. [redacted] (PROFIS Physician from 526th) follows [redacted] shortly later and examines Kenami then pronounces him dead around 0830 hours [redacted] and [redacted] then place Kenami's body into a body bag.

9. Kenami's body is then removed from the BHA around 1500 hours on 9 Dec 03.

A. [redacted] (driver) and [redacted] (TC) take Kenami's body to 21st CSH, they both don't know where mortuary affairs is located at D-REAR.

B. Kenami's body is left in their vehicle at the 21st CSH.

C. [redacted] examines the body, while the body is still inside the vehicle and writes out his death certificate at 1552 hours on 9 Dec 03.

* 1) He examines the body and finds that Kenami's eyes are fixed and dilated, and finds no heartbeat with his stethoscope.

2) He finds nothing out of the ordinary during his examination.

10. 21st CSH then notifies the 54th Q.M. (Mortuary Affairs) to pick-up Kenami's body.

A. [redacted] and [redacted] from Mortuary Affairs pickups Kenami's body around 1630 hours and return to their location on 9 Dec 03.

B. Kenami's body is then placed inside a reefer van for storage.

C. [redacted] the CID examines Kenami's body on 9 Dec 03. [redacted] takes multiple pictures of Kenami's body, see the CID packet.

* D. [redacted] inquires about the ability to perform an autopsy and is told that there is no capability within this theater to do it.

E. Kenami's body is kept at the 54th Q.M., inside their reefer van for the next six days. No family members come to claim his body.

F. The SPO [redacted] for 801st MSB arranges for a local mortician to pick-up the Kenami's body at the front gate of D-REAR (Mosul Airfield) on or around 14 Dec 03.

Ex 6
3.2.1.4

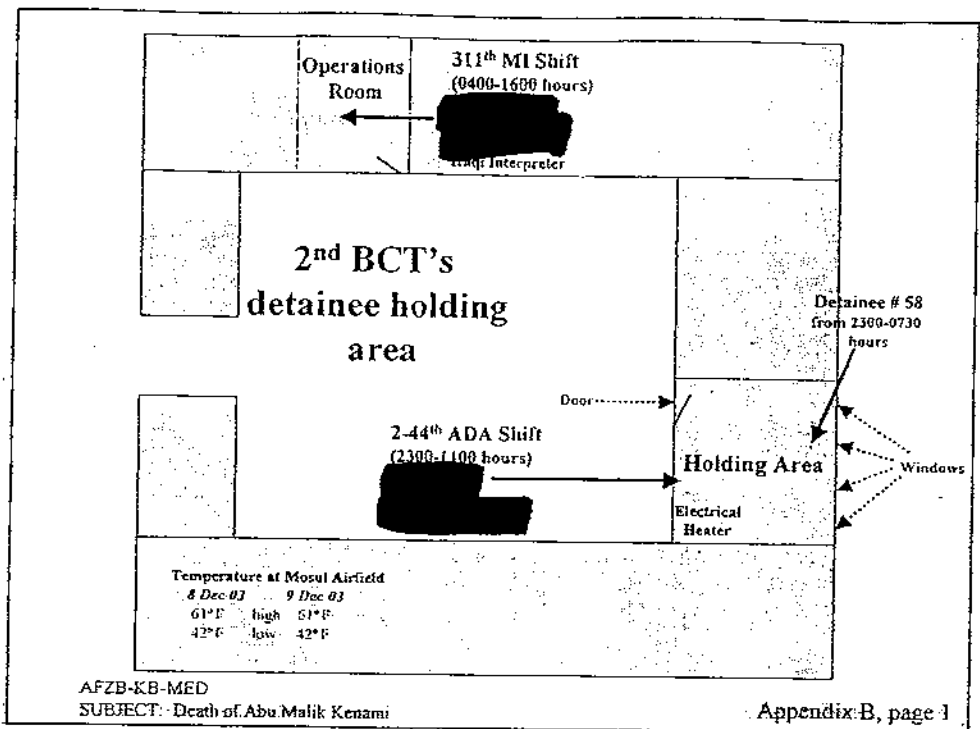
Ex 6
3.2.1.4

Ex 6
3.2.1.6

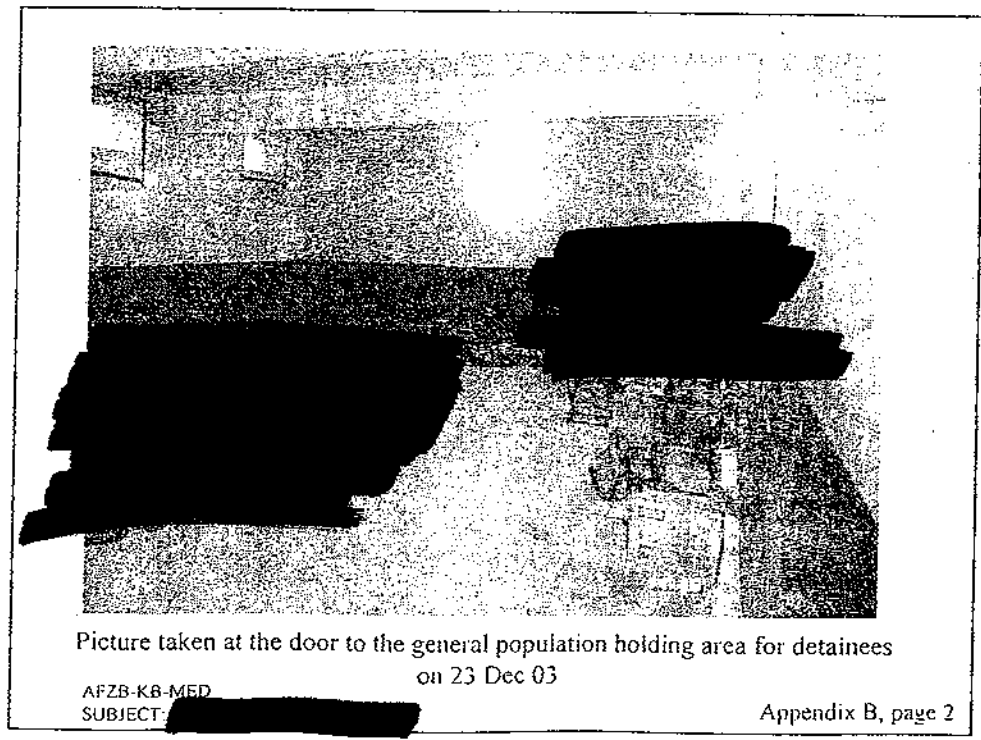
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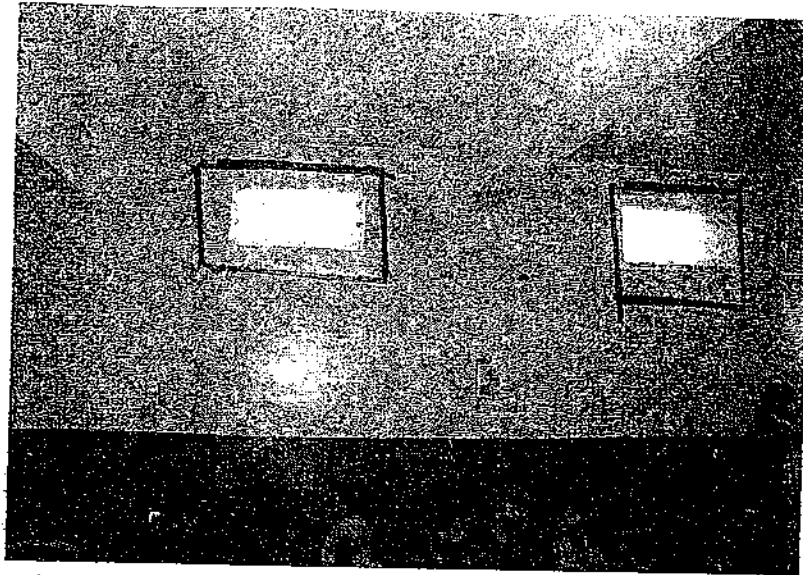
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Ex 6
C3.2.1.6



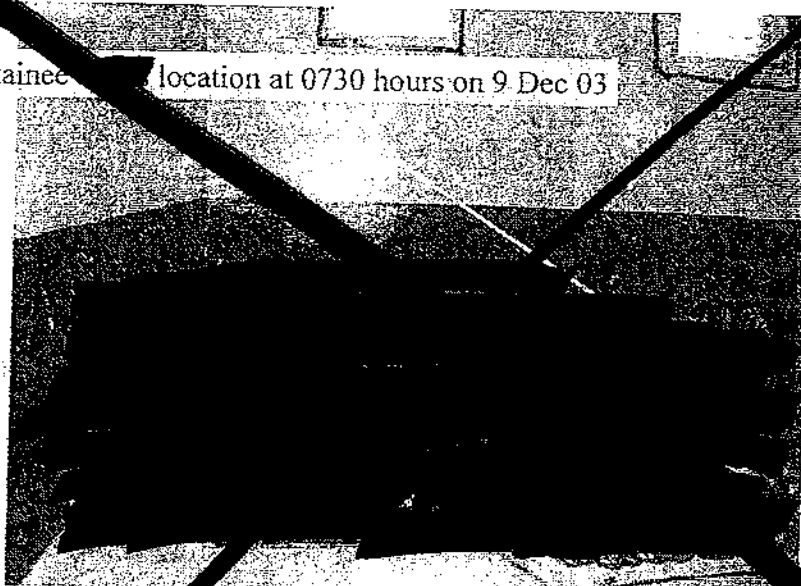


Picture taken at the door of the windows in the general population holding area
on 23 Dec 03

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Appendix B, page 3

~~Detainee location at 0730 hours on 9 Dec 03~~



~~Picture taken at the door on 23 Dec 03, of where [redacted] was located at his death~~

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SUBJECT: [redacted]~~

~~Appendix B, page 4~~

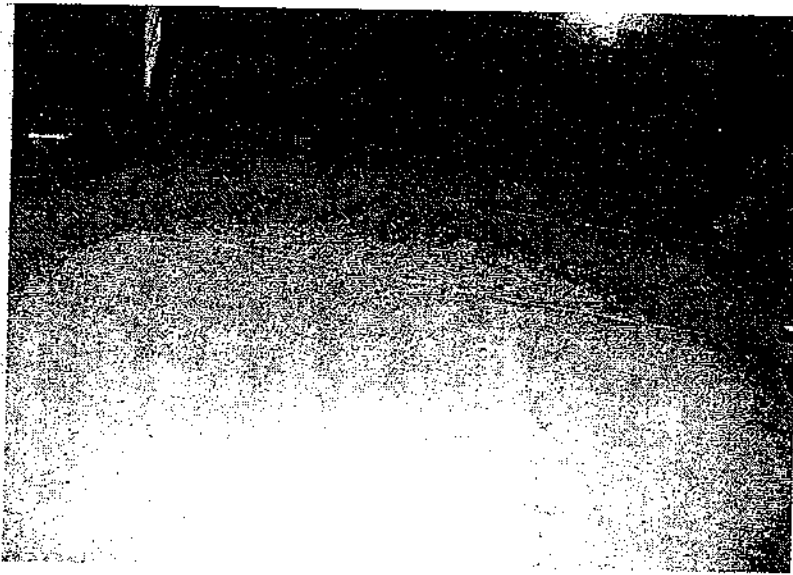
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Picture taken of the only heater in the general population holding area on 23 Dec 03

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Appendix B, page 5



Picture taken of the cement floor in the general population holding area on 23 Dec 03

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Appendix B, page 6



Picture taken of how the sandbag was placed on Kenami's head

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Appendix B, page 7



Picture taken of how Kenami's hands were flex cuff to his back

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Appendix B, page 8



Head

Picture taken of how Kenami's blanket was placed on him and his position on the floor with other detainees

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Appendix B, page 9

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Possible Causes for the Death of Abu Malik Kenami

1. The cause of Abu Malik Kenami's death will never be known because an autopsy was never performed on him.

A. CENTCOM is not capable of conducting any type of autopsy within its theater; all US military are currently flown back to Dover AFB for a pathologist to perform an autopsy.

B. Mosul, Iraq currently has no capability of conducting any type of autopsy.

2. Because Kenami's body was turned over to a local mortician around 14 December 2003 without an autopsy being performed all that I can do is speculate on the probably causes for his death.

3. Two physicians and the CID agreed that it appeared that Kenami died from natural causes.

Ex 4
3.2.1.6 A. [redacted] a physician for 526th examined Kenami's body at the BHA around 0830 hours on 9 Dec 03 and saw no suspicious bruises or perforations.

Ex 4
3.2.1.6 B. [redacted] physician for the 21st CSH examined Kenami's body around 1552 hours and found no suspicious bruises or perforations on the his body and that it appeared that Kenami had died of natural causes.

Ex 4 7
3.2.1.6 3.4 C. [redacted] looked at Kenami's body at the mortuary affairs at 54th Q.M. on 9 Dec 03 and that he had no visible injuries that would have caused his death and that foul play was not suspected.

4. What is known about Kenami's health:

A. That he was questioned on 5 Dec 03 and that he didn't indicate at that time any acute or chronic medical history or that he was currently taking any medication.

B. There is no documentation of:

- 1) Smoking history.
- 2) Alcohol history.
- 3) Past surgeries.
- 4) Family history.
- 5) Blood pressure.

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Possible Causes for the Death of Abu Malik Kenami

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3.2.1.6

5. On 26 Dec 03, I had a discussion with [REDACTED], [REDACTED] for the 21st CSH located on Mosul Airfield about probable causes for his death. The following are the probable causes of his death based on what we know of Kenami 51 in order of precedence:

A. Acute myocardial infarction. A heart attack (also called a acute myocardial infarction) is the death of part of the heart muscle due to its sudden loss of blood supply. Typically, the loss of blood supply is caused by a complete blockage of a coronary artery by a blood clot. A coronary artery is an artery that supplies blood to the heart muscle. Death of the heart muscle often causes chest pain and electrical instability of the heart muscle tissue. Electrical instability of the heart causes ventricular fibrillation. A heart undergoing ventricular fibrillation simply quivers, and cannot pump or deliver oxygenated blood to the brain. Permanent brain damage and death can occur unless oxygenated blood flow is restored within five minutes.

1) Approximately one million Americans suffer a heart attack annually. Four hundred thousand of these victims die as a result. Many of the heart attack deaths are due to ventricular fibrillation of the heart that occurs before the victim can reach any medical assistance or the emergency room.

2) A heart attack is caused by the formation of a blood clot on a cholesterol plaque located on the inner wall of an artery to the heart (coronary artery). Cholesterol is a fatty chemical which is part of the outer lining of cells in the body. Cholesterol plaque is the formation of a hard, thick substance within the artery walls which is caused by deposits of cholesterol in the artery walls; a process that begins in the late teens. Over time, the accumulation of cholesterol plaque causes thickening of the artery walls and narrowing of the arteries; a process called atherosclerosis. Plaque accumulation can be accelerated by smoking, high blood pressure, elevated cholesterol, and diabetes. Ultimately, atherosclerosis causes significant narrowing of the coronary arteries. During exercise or excitement, the narrowed coronary arteries cannot increase the blood supply to meet the increased oxygen demand of the heart muscle. When the heart muscle is thus deprived of blood oxygen, a condition called ischemia results; ischemia may be associated with chest pain (angina pectoris). Typically, angina occurs with exertion, and subsides with rest.

3) Occasionally the surface of the cholesterol plaque in the artery may rupture, which leads to the formation of blood clot on the surface of the plaque, which then completely occludes blood flow in the vessel and results in a heart attack (see diagram). The cause of this "plaque rupture" is largely unknown, but contributing factors may include cigarette smoking, elevated LDL cholesterol, elevated levels of blood catecholamines (adrenaline), high blood pressure, and other mechanical and biochemical forces.

4) Chest pain or pressure is a common symptom of heart attack. Cardiac chest pain is often vague, or dull, and may be described as a pressure or band-like sensation, squeezing, heaviness, or other discomfort. Heart attacks frequently occur from 4:00 A.M. to 10:00 A.M. due to higher adrenaline amounts released from the adrenal glands during the morning hours. Increased adrenaline in the bloodstream can contribute to the above mentioned plaque rupture.

Possible Causes for the Death of Abu Malik Kenami

Interestingly, heart attacks do not usually happen during exercise, although exercise is commonly associated with exertional angina. Approximately one quarter of all heart attacks are silent, without chest pain. In diabetics, the incidence of "silent" heart attacks may be much higher. The pain or discomfort of a heart attack may be very mild despite its ominous implications. For this reason, patients may attribute the symptoms to "indigestion," "fatigue," "stress," or other common maladies. Denial is also a common element which can dangerously delay the seeking of medical attention. One cannot overemphasize the importance of seeking prompt medical attention. Heart attack victims may complain of:

- chest pressure
- sweating
- jaw pain
- heartburn and/or indigestion
- arm pain (more commonly the left arm, but may be either)
- upper back pain
- general malaise (vague feeling of illness)
- nausea
- shortness of breath

B. Asymmetric septal hypertrophy (Idiopathic hypertrophy subaortic stenosis) consists of genetically abnormal, usually hypercontractile and asymmetric myocardium that may obstruct output and cause sudden death if the hypertrophy is localized in the upper septum. The disease includes asymmetric septal hypertrophy, and idiopathic subaortic stenosis (IHSS), but the term HCM is preferred because the majority (75%) of patients do not present with outflow obstruction (Braunwald, 1997), and 30% do not exhibit asymmetric hypertrophy.

C. Cerebral hemorrhage (stroke). While ischemic strokes happen when the blood flow to a part of the brain is interrupted, a hemorrhagic stroke is caused when there is bleeding into brain tissue that kills blood cells.

1) There are several causes of bleeding inside the skull, including:

a. Head injuries. For people under the age of 50, this is the most common cause of

hemorrhage inside the skull. In the elderly, subdural hematoma after relatively minor head injury is not uncommon.

b. Arteriovenous malformation (AVM). This is an anatomical abnormality in the arteries or veins in or around the brain. Such an abnormality may be present from birth, but it is only detected if symptoms develop. Symptoms resulting from bleeding of an AVM vary, depending on size and location.

c. Aneurysm. This is a weakening in a blood vessel wall that swells. The thin wall of

Possible Causes for the Death of Abu Malik Kenami

an aneurysm can burst and cause bleeding into the subarachnoid space and the brain, leading to hemorrhagic stroke.

d. Hypertension. Poorly controlled hypertension over a long period of time can weaken symptomatic one.

2) The symptoms of bleeding inside the skull tend to come on rapidly and include the following:

- A sudden headache
- Steadily increasing neurologic losses, such as weakness, inability to move (paralysis), numbness, loss of speech or vision and confusion
- Nausea and vomiting
- Seizures
- Loss of consciousness

6. I believe that Kenami probable had a acute myocardial infarction on 9 Dec 03 for the following reasons:

- A. That he was a male.
- B. His medical and family history is unknown, e.g. his cholesterol level or if he smoked.
- C. At the time of his death, he was 65 inches tall and weighed 175 pounds.
- D. That he was performing ups and downs for ten to twenty minutes several times over a two to three hour period.
- E. That he had diaphoreses (sweating) during and after performing ups and downs, and that the room temperature was probably in the 40-50s degree Fahrenheit range when this occurred.
- F. That he seemed to be agitated and continued to talk after doing his ups and downs.

7. I don't believe that Kenami asphyxiated or strangulated from his sandbag hood for the following reasons:

- A. There was no visible bruising on his neck.
- B. The sandbag was never tied or tightens, see picture 8 in Appendix B.
- C. The plastic sandbag that was used as a hood is too permeable to cause either asphyxiation or hypoxia.

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Witnesses and People Involved With Kenami's Death**Guards (from B Battery 2-44th ADA)**

[REDACTED] a shift leader for guarding the detainees, from B Battery 2-44th ADA, was inside the general population holding area from 2300 hours on 8 Dec 03 to 1100 hours on 9 Dec 03, he was the NCO in charge of guarding the detainees. During this shift, [REDACTED] notices that Kenami is violating the BHA rules by lifting up his sandbag; he makes Kenami do ups and downs for twenty minutes. When Kenami lifts his hood (sandbag) up once again, [REDACTED] flex cuff his hands behind his back and has him do ups and downs for ten minutes. [REDACTED] notices that Kenami is sweating during the ups and downs, ensures that Kenami gets water along with the rest of the detainees around 0100 hours. After giving the detainees water, [REDACTED] beds the detainees down by placing blankets over the detainees, but Kenami continues talking and [REDACTED] places a blanket over Kenami, but not over his head. Around 0300 hours, [REDACTED] notices that Kenami is talking again, walks over and tells him to go back to sleep in Arabic. [REDACTED] notices nothing from Kenami for the rest of the morning until [REDACTED] comes in to wakeup the detainees. [REDACTED] informs [REDACTED] that he thinks that a detainee was dead. [REDACTED] sends [REDACTED] to get [REDACTED] and [REDACTED] from the Operations room. [REDACTED] had had several previous episodes from 5-9 Dec 03 with Kenami violating the BHA rules, either by lifting his sandbag hood or talking and had punished Kenami with ups and downs for violating the rules. EX 6
C3.2.1.6

[REDACTED] a detainee guard from B Battery 2-44th ADA, was inside the general population holding area from 2300 hours on 8 Dec 03 to 1100 hours on 9 Dec 03 guarding the detainees. [REDACTED] places a blanket over Kenami after 0100 hours on 9 Dec 03 and watched as [REDACTED] tried to wakeup Kenami at 0730 hours on 9 Dec 03. When the detainees are separated, he is sent to another room to watch them. EX 6
C3.2.1.6

[REDACTED], a detainee guard from B Battery 2-44th ADA was inside the general population holding area from 2300 hours on 8 Dec 03 to 1100 hours on 9 Dec 03 guarding the detainees. [REDACTED] watched [REDACTED] make Kenami do ups and downs for talking during this shift and witnessed Kenami "constantly moving around and mumbling" when the rest of the detainees were sleeping. EX 6
C3.2.1.6

Interrogators (from B Company 311th MI)

[REDACTED] a interrogator for B Company 311th MI had just came on shift at the Operations room at the BHA at 0400 hours on 9 Dec 03. At 0730 hours, he went from the Operations room to the general population holding area to wakeup the detainees, when he tried to wakeup Kenami, he noticed no response either verbally or by touching him. He checks for a pulse, which he doesn't find then goes to the Operations room to notify [REDACTED]. Later [REDACTED] and him move Kenami's body from the general population holding area to an empty room within the BHA, after Kenami is pronounced dead they place the body into a body bag. EX 6
C3.2.1.6

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Witnesses and People Involved With Kenami's Death

[REDACTED] shift leader for 311th, from B Company 311th MI had just came on shift at the Operations room at the BHA at 0400 hours on 9 Dec 03. When [REDACTED] returns to the Operations room and notifies [REDACTED] that a detainee is dead, he attempts to C Company three times on the DNVT then walks over to the general population holding area to inform [REDACTED] that he didn't get through. He goes back to the Operations room and notifies his chain-of-command of the events, then he returns to the hold area to remove the zip cuffs from Kenami's wrist, Kenami's wrist were located behind his back. EX 6
C3.2.1.6

[REDACTED] B Company 311th MI, first meet Abu Malik Kenami during his inprocessing into 2nd BCT's BHA on 5 Dec 03; during this twenty minute interrogation by [REDACTED], he asked Kenami if he had any medical conditions or was currently taking any medication. [REDACTED] had just come on shift at 0400 hours on the morning of 9 Dec 03 and was in the Operations room in the BHA when [REDACTED] entered the Operations room to inform him that a detainee was died. He then proceeded to the general population holding area to look at Kenami, after determining that Kenami wasn't responding and finding out that the DNVT system wasn't working from [REDACTED], he then proceeded to 526th to get medical assistance. He meets [REDACTED] during his walk and brings her back to the general population holding area. He then uses the DNVT to inform [REDACTED] that detainee had died. EX 6
C3.2.1.6

[REDACTED] Detention Facility OIC from B Company 311th MI was present on 5 Dec 03 with Kenami's interrogation with [REDACTED]. Kenami's initial integration lasted about twenty minutes, in which Kenami was asked if he had been taking medications or has any medical ailments, which he denies. [REDACTED] was notified of Kenami's death on 9 Dec 03 and arrives at the same time as [REDACTED] arrives to the BHA. [REDACTED] is responsible for writing the BHA SOP for the guards on 14 November 2003, see attachments for a copy of the SOP. EX 6
C3.2.1.6

Medical Responders/Providers

[REDACTED] a physician assistant at 526th, is the first medical personnel to respond to [REDACTED] request for medical assistance for Abu Malik Kenami. She looks at Kenami in the general population holding area at 0815 hours on 9 Dec 03. She determines that Kenami is dead and has him moved to an empty room within the BHA. EX 6
C3.2.1.6

[REDACTED] a physician at 526th, is the first physician to look at Kenami after [REDACTED]. After performing a post-mortem exam, he pronounces Kenami dead at 0830 hours on 9 Dec 03. EX 6
C3.2.1.6

[REDACTED] 21st CSH, is the physician that sign Kenami's death certificate at 1552 hours in the parking lot of the 21st CSH. EX 6
C3.2.1.6

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Witnesses and People Involved With Kenami's Death

Commander of the BHA

[redacted] of the 2nd BHA, from B Company 311th MI was informed by phone of the death of Kenami from [redacted]. He later informed the 2nd BCT [redacted] of Kenami's death. [redacted] directs [redacted] to get sworn statements from everyone involved. [redacted] then calls CID to initiate an investigation. He later has [redacted] and [redacted] take Kenami's body to mortuary affairs at Mosul Airfield (D-REAR). Ex 6 C3.2.1.6

Transported Kenami's body from the BHA to 21st CSH

[redacted] from B Company 311th MI transport Kenami's body from the BHA to 21st CSH around 1500 hours on 9 Dec 03. They all stayed with the body until [redacted] and [redacted] pickups up the body at the 21st CSH around 1600 hours on 9 Dec 03. Ex 6 C3.2.1.6

54th Q.M. (Mortuary Affairs) Ex 6 C3.2.1.6

[redacted] picks Kenami's body at the 21st CSH around 1600 hours on 9 Dec 03 and then return to their shop. Kenami is placed into their reefer van after the special agents from CID look at and take photo of Kenami. Kenami's corpse stays in the reefer van until they are told by [redacted] (801st MSB [redacted]) to transport his body to the north gate and turnover to a local mortician on 14 Dec 03. Ex 6 C3.2.1.6

b(6), b(3)

Chronological History in the Investigation into the Death of Abu Malik Kenami

21 December 2003

- 1. 1300 hours notified by phone of my appointment as the investigation officer (IO) from SJA.
- 2. 1600 hours, [redacted] (SJA) has my appointment orders scanned and e-mailed to [redacted] at DIVARTY.
- 3. Called and tried to talk with either [redacted] (S3 for 2nd BCT) or [redacted] (XO for 2nd BCT) at:
 - A. 1630 hours
 - B. 1800 hours
 - C. 1930 hours
 - D. Both are in meetings, the person that takes my phone calls each time has promised to give my messages to either [redacted] or [redacted]

EX 6
C3.2.1.6

22 December 2003

- 1. Called and talked with [redacted] at 0830 hours, he then gives me [redacted] as the POC for my investigation.
- 2. Called [redacted] office at 0900 hours, he is not in, left my message with his staff.
- 3. 1100 hours, [redacted] returns my phone call, I'm able to arrange through him:
 - A. For the individuals in the BHA during the death of detainee # 0672583 to be at the BHA tomorrow at 1000 hours.
 - B. [redacted] agrees to have all the witnesses there and to arrange for a room for me.
 - C. Called [redacted] at 2030 hours to confirm our meeting and to find out how many witnesses will be present tomorrow, six witnesses.

EX 6
C3.2.1.6

23 December 2003

- 1. At BHA at 0915 hours, [redacted] allows me to take pictures of the general population holding area and the location that detainee # 0672583 is interrogated on 5 December 2003.
- 2. Moved to 311th MI at 0950 hours to take the statements and talk with the witnesses, [redacted] and [redacted] (the DIVARTY legal team) are present throughout the entire process.
- 3. Witnesses are read:
 - A. The narrative of why the AR 15-6 is being conducted, read their rights and have their oaths sworn prior to writing their statements.
 - B. From 1015-1340 hours I went over their statements while [redacted] was present.
- 4. 1430 hours went to the 54th Q.M. (Mortuary Affairs) at D-REAR. Talked with [redacted] and [redacted] about detainee # 0672583. They were able to furnish the death certificate on detainee # 0672583.
- 5. 1600 hours went to the 21st CSH and talked with [redacted], Patients Admissions and Dispositions NCOIC.
- 6. Filtered through the witness's statements and information gathered from 2000-2300 hours.

C3.2.1.6
EX 6

EX 6
C3.2.1.6

24 December 2003

- 1. 0800-1200 hours started the initial draft of my investigation.
- 2. 1430 hours, called [redacted] at SJA to asked him about my extension for the AR 15-6, was

EX 6
C3.2.1.6

b(6), b(3)

Chronological History in the Investigation into the Death of Abu Malik Kenami

told to do a memorandum requesting a seven day extension. Also inquired about the statements and photographs that were taken by CID on 9 Dec 03, told that I can request and receive them if the case is closed by CID.

3. 1500 hours called W01 Coppedge to request:

A. That the three 2-44th ADA guards [redacted] and [redacted] are at the BHA at 0900 hours on 26 Dec 03 for follow-up questions.

Ex 6
C3.2.1.6

- 1) To have a sandbag present, similar to the one used on detainee # 58 on 8 Dec 03.
- 2) To have a blanket present, similar to the one used on detainee # 58 on 8 Dec 03.

B. Asked him to have [redacted] call me back, she was the vehicle commander that drove detainee # 58 body to D-REAR.

4. 1600-1830 hours, continued working on the first draft of the investigation.

25 December 2003

Took the day off

26 December 2003

1. 0845 hours went to 526th FSB, to receive a additional statement from [redacted]

Ex 6
C3.2.1.6

2. 0905 hours, went to the BHA:

A. Meet with the three ADA guards and went over follow-up questions. Had the guards show me the type of sandbag, flex cuffs and blanket was used on detainee # 58 on 9 Dec 03.

B. Talked with [redacted], who was in charge of taking the body down to D-REAR. He and [redacted] tell me the events and timeframe for moving the body.

3. 1040 hours, went to 21st CSH:

A. Talked with [redacted], who signed detainee # 58's death certificate.

Ex 6
C3.2.1.6

B. Talked with [redacted], an anesthesiologist about probably causes of death with detainee # 58.

4. 1120 hours went to pick-up copies of the witness statements and photo from the CID.

5. 1330-1800 hours read the new information and started to revise the original draft.

27 December 2003

0700-1130 and 1700-2100 hours, worked on the final draft of my investigation.

28 December 2003

Worked on final draft from 0900-2000 hours.

b(6), b(3), b(7)(C)

POCs During the Investigation into the Death of Abu Malik Kenami

[REDACTED] at SJA
(Advisor)

[REDACTED] Ex 6 C3.2.1.6

[REDACTED]
[REDACTED] at the BHA)

[REDACTED] Ex 6 C3.2.1.6

[REDACTED]
(Detention Facility)

[REDACTED] Ex 6 C3.2.1.6

[REDACTED]
(CID)

[REDACTED] Ex 6 & Ex 7
C3.2.1.4 & C3.2.1.7.3.4

21st CSH A&D
[REDACTED]

[REDACTED] Ex 6 C3.2.1.6



b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, DIVISION ARTILLERY
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP GLORY, MOSUL, IRAQ

REPLY TO
ATTENTION OF

AFZB-KB-MED

29 December 2003

Ex 6
3.2.1.6

MEMORANDUM FOR [REDACTED], 101st Airborne
Division (Air Assault)

SUBJECT: Request for an Extension into the AR 15-6 Investigation Into the Death of Abu
Malik Kenami, detainee # 0672583.

1. I'm asking for an extension into the AR 15-6 investigation into the death of Detainee # 0672583.
2. I'm requesting an extension of seven days to the no later date of 23 December 2003 for the following reasons:
 - A. That my notification of being the investigation officer into the death of detainee # 0672583 first occurred at 1300 hours on 21 December 2003.
 - B. If I was notified properly by SJA, I would have had fifteen days to do the investigation instead of two to three days that I presently have.
 - C. That it is physically impossible to conduct a proper investigation into the death of detainee # 0672583 in two days because of the coordination process and the current hostile conditions of our environment.

3. The POC for this memorandum is the undersigned at DNVT [REDACTED] or Ex 6 C3.2.1.4
[REDACTED]@us.army.mil. Ex 6 C3.2.1.4

[REDACTED]

b(6), b(3)



DEPARTMENT OF THE ARMY
HEADQUARTERS, COALITION FORCES NORTHERN IRAQ
MOSUL, IRAQ APO AE 09325

REPLY TO
ATTENTION OF

AFZB-CG

9 December 2003

Ex 6
C3.2.1.6

MEMORANDUM FOR [REDACTED] HIB, DIVARTY, 101st Airborne Division (Air Assault), Mosul, Iraq 09325

SUBJECT: Appointment as Investigating Officer to conduct an investigation UP AR 15-6

1. You are appointed to conduct an investigation under the provisions of AR 15-6 into the death of Abu Malik Kenami, DOB 25 October 1959, detainee tag # 0672583. The place of death was the 2BCT holding area. You will make specific findings of fact concerning:

- a. The cause of Abu Kenami's death;
- b. All factors that contributed to Abu Kenami's death;
- c. Persons, if any, whose actions or failures to act led directly or indirectly to Abu Kenami's death;
- d. All other matters you deem relevant.

2. You will provide a detailed chronology of events, which clearly explains all facts and circumstances concerning, leading up to, and following the death of Abu Kenami to include the discovery of his body. You will also provide, as a separate exhibit, a list of all parties to this event and a brief explanation of the role they played.

3. You will make recommendations, based on your findings, for what action, if any, should be taken with respect to any responsible persons, ways such fatalities can be avoided in the future, and any other matter you deem appropriate.

4. You will conduct your investigation using the informal procedures of Chapter 4, AR 15-6. All witness statements will be sworn.

5. If, in the course of your investigation, you suspect an individual of a criminal offense under the UCMJ, you will advise that person of his or her rights under Article 31, UCMJ, using a DA Form 3881 and proceed with questioning only if the individual waives their rights.

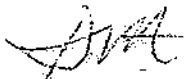
6. You will consult [REDACTED] at the DREAR SJA section (581-0975) for legal advice on the conduct of this investigation.

Ex 6
C3.2.1.6

AFZB-CG

SUBJECT: Appointment as Investigating Officer to conduct an investigation UP AR 15-6

7. You will submit your report in the form of a Memorandum For Record (MFR) attachment to the Report of Proceedings UP AR 15-6 to the DREAR SJA for legal review NLT 23 December 2003. Requests for extension of this suspense will be submitted to me through the Staff Judge Advocate.


DAVID H. PETRABUS
Major General, USA
Commanding

888
03 2 14

001304

SWORN STATEMENT

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

b(6), b(3)

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
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 AD Glory in Mosul Iraq	2. DATE (YYYYMMDD) 20031223	3. TIME 1207	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS Ex 6 C3.2.1.6	
8. ORGANIZATION OR ADDRESS [REDACTED] Ex 6 C3.2.1.6			

Ex 6
321

1. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 9 Dec, I was called to the Brigade Holding area to see a patient/detainee. Upon arrival to the BHA, I went into the room where all the detainees were kept and asked to see the detainee. The guards pointed to the detainee laying on the floor and said that's the patient. I asked what was his issue. Reply "I think he's dead." Then I approached the detainee, checked for rise fall of chest, carotid pulse, pupillary reaction without any signs of life. Skin was beginning to cool a little. I then closed his eyes and told the guards and staff that he had expired. I informed my PRO FIS doc, who did the postmortem exam. The time I arrived to the BHA was about 0815. There was no obvious deformities to the detainee nor did I see evidence of blood.

Nothing follows

Upon notification, it took me approximately 5-10 minutes to get to the BHA. I carried medical equipment with me. [REDACTED] Ex 6 C3.2.1.6

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

SWORN STATEMENT

b(6), b(3)

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, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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: 2 BCT Holding Area
2. DATE (YYYYMMDD): 20031223
3. TIME: 1011
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: Ex 6 C3.2.1.6

On 09 0500L DEC 03, I, [redacted], and our interpreter were in the operations office of the BHA. [redacted] went to the main holding cell to wake up the detainees along with the guards. We returned to the office to tell me he thought a detainee was dead. I went to the holding area to see for myself. After seeing the detainee was in fact dead, I went to the [redacted] cell to notify a medic. After having a medic sent to the facility, I called [redacted] at 2 BCT TOC to inform him of the incident. Afterwards, I returned to the BHA. On the way, I met with the medic, who told me to have the guards move the body into the interrogation room next to the holding cell.

On 04 DEC 03, [redacted], the interpreter, and I questioned the detainee in the courtyard. At this time, we had no knowledge of any medical problems the detainee may have had. The questioning lasted approximately 20 minutes. Afterwards, he was returned to general population. The detainee was questioned once, that I know of.

I contacted the sergeant of the medical facility, who in turn, contacted [redacted]. It took approximately twenty minutes from the time I notified the medical sergeant, to the time I met [redacted] at the intersection, on the way back to the BHA.

Nothing follows

[redacted]

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

001307

EX 6 C3.2.1.6

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Pttd / BSA DATED 2003 / 11 / 23

9. STATEMENT (Continued)

[REDACTED]

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

[REDACTED] EX 6 C3.2.1.6
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at Do Glory @ Moral, J...

[REDACTED] EX 6 EX 6 EX 6
ORGANIZATION OR ADDRESS

[REDACTED] EX 6 C3.2.1.6
(Signature of Person Administering Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED] EX 6 C3.2.1.6
(Typed Name of Person Administering Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

001308

b(6), b(3)

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, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 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 BHA	2. DATE (YYYYMMDD) 2003 Dec 23	3. TIME 10:12	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS EX 6	
8. ORGANIZATION OR ADDRESS EX 6 C3.2.1.4			

EX 6
3.2.1.4

EX 6
3.2.1.4

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 It was me, [REDACTED]. During the night of Dec 9 03 [REDACTED] was making #58 do up downs for talking. I do not know how long he made #58 do up downs. After #58 was finished [REDACTED] gave him water as the rest of inmates. At 1200pm we put all of the inmates to sleep, but for some reason #58 refused to sleep. He was constantly moving around and mumbling. I would say about an hour after #58 went to sleep. Around about 0800 we woke up all the inmates that's when found #58 dead. As soon as we found him we notified the M.I and the M.I notified the medics. This all took place at the BHA. I occurred at night in his sleep.

The inmates went to bed at 2400 hrs and was not checked on until 0800 hrs. There is always two people in the room at all times.

nothing follows
 [REDACTED]

EX 6
3.2.1.6

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

001309

EX 6 C3.2.1.6

b(6), b(3)

STATEMENT OF

[REDACTED]

TAKEN AT

AO Glory Iraq

DATED

2003 12/23

9. STATEMENT (Continued)

[REDACTED STATEMENT CONTENT]

EX 6 C3.2.1.6

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at AO Glory @ Mosul Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001310

0101/b(2)

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, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 BHA	2. DATE (YYYYMMDD) 03 Dec 23	3. TIME 10:13	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS ExE [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] ADA Ex 6 C3.2.1.6		C3.2.1.6	

Ex 6
3.2.1.6

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

On the morning of Dec 9, 03 we discovered the body of a detainee was deceased. The things that happened the night prior are as followed. We put the detainee's to bed at 1:00 Am and once during the course of the night the detainee that past away was speaking Arabic aloud and when we noticed this we figured that he was cold because his blanket wasn't on him so we placed his blanket on him and then he was quit so that was about all we herd out of him until the next morning. The next morning when we where waking them up [REDACTED] discovered that his body was very stiff and called for one of use to come and check the body out with him. After finding no Pulse

10. EXHIBIT Ex 6 C3.2.1.6	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

001311

b(6), b(3)

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Al Glory, Iraq DATED 2003/12/23
Ex 6 C3.2.1.4

9. STATEMENT (Continued)

Someone was sent to get a medic from the ops room and to have a medic called. After that the detainees were separated and placed in different rooms. When they were placed in separate rooms I was sent to the other room to watch the detainees, and that's all I observed to that point.

[REDACTED], [REDACTED] and myself were there during the course of the night and [REDACTED] came in the morning.

Nothing follows

Ex 6
C3.2.1.4

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

001312

Ex 6 C3.2.1.6

b(6), b(3)

STATEMENT OF

[Redacted Name]

TAKEN AT Al Qadisiyah, Iraq DATED 2003/12/23

9. STATEMENT (Continued)

[Large Xed-out area]

[Redacted]

Ex 6
C3.2.1.6

Ex 6 C3.2.1.6

AFFIDAVIT

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

[Redacted Signature]

Ex 6
C3.2.1.6

(Signature of Person Making Statement)

WITNESSES:

C3.2.1.6

[Redacted Witness Name] B- Btry. Ex 6
[Redacted Witness Name] Ex 6

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December 2003 at Al Qadisiyah @ Mosul, Iraq

[Redacted Signature]

Ex 6

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted Initials]

Ex 6 C3.2.1.6

PAGE 3 OF 3 PAGES

001313

b(6), b(3)

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, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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: 2nd BCT Holding Area
2. DATE: 2003 12 23
3. TIME: 1015
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED] EX 6
6. SSN: [REDACTED] EX 6 C3.2.1.6
7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS: C3.2.1.6
9. [REDACTED] EX 6 C3.2.1.6

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

EX 6
3.2.1.6

On Dec 8, 2003 [REDACTED] and myself assumed duty at the BHA at 2300 hrs I noticed that #58 kept pulling his sandbag up so he could look around. He had done this on my previous shift as well. The first time he did it, I had him do "up and downs" for 20 min. A little after that he looked again so I put his hands behind him and cuffed him. I made him do 10 more minutes of "up and downs" I then sat him down and gave him and the rest of the prisoners water. [REDACTED] and I gave them water at least twice before putting them to bed at 0100 on 9 Dec 03. After I sat him down he layed on his side and continued to try to pull his mask off to look around. I sat him back up 2 or 3 times until it was time to put them to sleep. At 0100 on 9 Dec 03 we started issuing out the blankets #58 continued to give me a hard time by talking. I put a blanket on top of him and he finally went to sleep. At or around 0300 on 9 Dec 03 he made a little more noise. I went to check him out and told him to go back to sleep in Arabic. After that we heard nothing. At or around 0830 [REDACTED] a soldier from 311th MI came to inform us it was time to wake the detainees up. We began waking them up when [REDACTED] informed me he thought a detainee was dead. I came over to assist. [REDACTED] checked his pulse and felt nothing. I then told him to go inform [REDACTED] and [REDACTED] of the matter.

EX 6
C3.2.1.6
EX 6
C3.2.1.6

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

001314

b (6), b (3)

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT BHA DATED 27 Dec 03
Ex 6 C3.2.1.4

9. STATEMENT (Continued)

On the nights prior to his death, #58 would give us problems with looking around pulling his sand bag up. He was briefed by the interpreter on the rules of the BHA and the consequences if any rules were broken. #58 had been there for at least 3 nights prior to his death. I do not know the last time he had eaten because the day shift gives them lunch and dinner meals. We send the SOP about how to treat and handle the detainees we looked over and gave over it with my soldiers about a week prior to #58's death.

Nothing Follows [REDACTED] Ex 6 C3.2.1.4

Ex 6 C3.2.1.4

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

001315

Ex 6 C3.2.1.4

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT BIA DATED 23 Dec 03

9. STATEMENT (Continued)

[Large Xed-out area]

Ex 6
C3.2.1.4

Ex 6 C3.2.1.4

AFFIDAVIT

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

[REDACTED] Ex 6 C3.2.1.4
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at AO (Army) in Mosul, Iraq

[REDACTED] Ex 6 C3.2.1.4
[REDACTED] Ex 6
ORGANIZATION OR ADDRESS C3.2.1.4

[REDACTED] Ex 6 C3.2.1.4
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] Ex 6 C3.2.1.4

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

b(6), b(3)

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
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: Ft. Bliss, El Paso, Texas
2. DATE (YYYYMMDD): 2/24/12
3. TIME: 1030 hrs
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: [Redacted]
8. ORGANIZATION OR ADDRESS: [Redacted]

C3.2.1.

Who was involved and the extent of their involvement? It should have been 4x 2/144 ADJ soldiers who were tasked to provide the guards for the BSHA. B/2-44 ADJ had 4x guards on shift 24 hrs a day, who specifically was on shift I do not know.

C3.2.1.

What happened? On the morning of the 24th of Feb 2012 I received a phone call from [Redacted] informing me that when the guards woke all the detainees did not wake up. He told me they immediately called the medics and the medics later confirmed the detainee was dead. I then informed the [Redacted] commander that one detainee died and he told me to get sworn statements and call CID to have them come down to the BSHA to conduct an investigation. I had [Redacted], the SOE MA LVO, coordinate with CID to have them go down to the BSHA. I later arrived at the BSHA and had [Redacted] and [Redacted], two B Co, 311th ME soldiers, move the body - which was already in a body bag - to the DEER to Mortuary affairs. Those two soldiers and some soldiers from B, 2/144 ADJ then left to turn the body over to Mortuary Affairs.

Where did it occur? The detainee died while sleeping in the main holding room of the BSHA.

How did it occur? I was told that this detainee would not go to sleep, he sat up and refused to lay down, for several hours. He eventually settled down and went to sleep. The next morning the guards tried to wake him and discovered he was dead.

The who, what, when, how, and why of the matter? This detainee was detained because he was a former body guard of [Redacted] who is wanted for financial activities on coalition forces. He had been at the BSHA for, I think, 4x days. All detainees are processed into the BSHA and asked if they have any medical conditions or take medicine.

10. EXHIBIT: E-1, C3.2.1.6
11. INITIALS OF PERSON MAKING STATEMENT: [Redacted]
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Camp Stewart, Mosul, Iraq DATED 2003/12/23

9. STATEMENT (Continued)

3.2.1.6
3.2.1.4

NOT

USED

[REDACTED]

[REDACTED]

AFFIDAVIT

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

Ex 6
3.2.1.6

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at Camp Stewart, Mosul, Iraq

Ex 6
3.2.1.4

[REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED] Ex 6

[REDACTED] Ex 6

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

001319

b(4), b(3)

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, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 AD Glory in Mosul Iraq	2. DATE (YYYYMMDD) 20031223	3. TIME 1010	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED] Ex 6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] Ex 6 C3.2.1.4 C3.2.1.4			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 Who was involved and what was the extent of their involvement? Two interrogators were on shift and four ADA guards were present.
 What happened? Detainee # 672583 died during his sleep.
 Where did it occur? The Brigade Holding Area (BHA).
 How did it occur? Guards went to wake detainees at approximately 0530L on 4 DEC 03 and he did not wake up.
 At 090845L, I returned to the BHA from an overnight meeting at Strike Main. Upon my return, [REDACTED] informed me that one of the detainees died. As the OIC, I immediately contacted my Company Commander, [REDACTED], a doctor from C-MEDD was already at the site. I contacted CID at DREAR to inform them of the incident. CID arrived at approximately 1000L and conducted their investigation. By the time they arrived, all soldiers involved had completed sworn statements about the incident. 672583 arrived at the BHA on 5 DEC 03. During his initial inprocessing, he claimed no medical problems. Subsequently, during sick call hours (1200) from 6-8 DEC 03, he did not say he was having any problems. As per SOP, detainees are fed three times a day and given water at regular intervals. Additionally, detainees are given extra water upon request.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
-------------	---	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

001320

STATEMENT OF

TAKEN AT

AD Glory, Iraq DATED 2003/12/23

9. STATEMENT (Continued)

Guards read instructions about detainee treatment before assuming duties at the BHA. They are informed that detainees will not be mistreated or harmed in anyway. The guards sign these instructions and receive verbal reminders daily. The guards from 2-44 ADA were assigned to me as permanent guard force for the BHA on 13 DEC 03. During that time, the guards have always maintained their professionalism and I have had no issues with their conduct at any time. When detainees arrive, they are also given instructions. Detainees are forbidden from talking and must raise their hand to inform guards if they need to use the restroom or if they have medical problems. If they talk or violate other rules, they are subject to corrective training. Corrective training consists of mild calisthenics for 15-20 minutes. Examples of corrective training includes arm raises and "ups and downs", similar to a knee bender. Additionally, all detainees conduct a short PT session daily to keep them warm and to increase circulation and promote a healthy lifestyle. This is not done for harassment purposes. Detainees receive 4-6 hours of sleep per night. They also receive a blanket to sleep with. At the time of the incident, the BHA had over 60 people in the holding area. Due to over crowding, two detainees were placed side by side under the large mink blankets. This also provided additional body heat to keep them warm. 672583 had been at the site approximately 4 days at the time of his death. He did not display any unusual signs or symptoms.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3

PAGES

46
2-16

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Al Gharbi, Iraq DATED 30/12/2003

9. STATEMENT (Continued)

~~Grant~~ during his stay. Of the 450 detainees that have cycled through the BHA since it became a permanent facility on 13 Nov 03, the average stay for detainees is 10-14 days. 672583 was only on-site four days prior to his death. At no time did he complain of medical problems. Additionally, he did not claim to have any medical problems during his initial inprocessing. nothing follows

Ex 6
C3.2.1.6

Ex 6 C3.2.1.6

AFFIDAVIT

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

[REDACTED] Ex 6
C3.2.1.6
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at Al Gharbi, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] Ex 6
C3.2.1.6
(Registering Oath)

[REDACTED] Ex 6 C3.2.1.6
[REDACTED] Ex 6
[REDACTED] Ex 6

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] Ex 6

PAGE 3 OF 3 PAGES

C3.2.1.6

001322

b(6), b(3)

SECRET REL MCFI

DEPARTMENT OF THE ARMY
BRAVO COMPANY, 311TH MI BN (2BCT)
MOSUL, IRAQ

AFZB-KL-B

9 December 2003

MEMORANDUM FOR RECORD

SUBJECT: Death of detainee

Ex 6
3.2.1.4

1. On or about 090845LDEC03, I returned to the Brigade Holding Area (BHA) at Camp Performance, Iraq. My shift NCOIC, [REDACTED] and my senior interrogator, [REDACTED] informed me that detainee # 672583, Abdul Kareem Abdureda Lafta died in his sleep. The guards allowed everyone to go to sleep around 0430L. The detainee did not want to go to sleep, so the guards attempted to have the detainee conduct corrective training. Detainees have a set of rules read to them when they arrive. These instructions are very clear and they are asked if they understand the rules. 672583 was resistant during corrective training, which usually consists of mild calisthenics. He did not complain to guards or ask for any assistance. He went to sleep at approximately 0430. When the guards attempted to wake him up at 0730, he did not wake up. [REDACTED] checked his pulse and determined that he might not be alive. C-MED personnel were contacted [REDACTED] and [REDACTED] conducted the initial examination and determined that 67283 was deceased.

Ex 6
3.2.1.4

2. 672583 arrived on 5 December 2003. During initial inprocessing, he did not claim to be taking any medication nor did he claim to have any medical ailments. C-MED personnel arrive daily to conduct medical checks on detainees. 672583 did not claim to have any medical problems during C-MED visits from 6-8 December 2003. All detainees are fed three times a day and given water at regular intervals. They are also allowed to sleep a minimum of four consecutive hours each day. At no time was 672583 physically abused or put under any physical duress, other than regular exercise and corrective training. Corrective training lasts no more than 15-20 minutes at a time.

Ex 6
3.2.1.4

3. POC this memorandum is [REDACTED] DNVT [REDACTED] or [REDACTED]

Ex 6
3.2.1.4

[REDACTED]

Ex 6
3.2.1.4

001323

SWORN STATEMENT

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

b(6), b(7)

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
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: AG Glory in Mosul, Iraq
2. DATE (YYYYMMDD): 2004/12/23
3. TIME: 10:30 hours
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS:
8. ORGANIZATION OR ADDRESS:
9. Ex 6 C3.2.1.4

46
2.1.6

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On Dec 09 2003 I arrived at the BHA around 04:00. At about 07:30 we began to wake the detainees. I was yelling for the detainees to get up in both english and arabic. I then noticed one detainee that had not responded. I then shook his leg to wake him. Still there was no response so I removed the sandbag that was over his head. The detainee had bloodshot eyes and was not responding so I checked for a pulse. Upon identifying that the detainee had no pulse, I went to inform my NCOIC. He then came with me to check on the detainee. He then proceeded to call a medic. As the medic arrived, she confirmed that the detainee was dead. Myself and then moved the body into a separate room away from the other detainees.

46
2.1.6

In the holding area with me was and we called the medics from the DNV and it took them about five minutes to respond. When we originally saw the detainee he looked dead. I have been working at the BHA since early November when it opened permanently.

46
3.2.1.6

Nothing Follows

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 2 PAGES

46
3.2.1.6

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT AO Green, Iraq DATED 2003/12/23

9. STATEMENT (Continued)

46
3.2.1.4

Not

Used

46
3.2.1.4

AFFIDAVIT

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

Ex 6
C3.2.1.4

[REDACTED]
(Signature of Person Making Statement)

Ex 6
C3.2.1.4

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at AO Green, in Mosul, Iraq

[REDACTED]
(Signature of Person Administering Oath)

Ex 6
C3.2.1.4
APAC

ORGANIZATION OR ADDRESS

[REDACTED] Ex 6 C3.2.1.4
[REDACTED] Ex 6

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] Ex 6

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

b(6), b(3)

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...
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: AO GLORY, MOSUL, IRAQ
2. DATE (YYYYMMDD): 2003 12 23
3. TIME: 1130 HRS
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: Exp C3.2.1.6

1.6
2.1.6
2.1.6
2.1.6

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 09 DEC 03, I ARRIVED AT THE BREEDER HOLDING AREA AT 0400 HOURS TO START MY SHIFT. AT ABOUT 0600 [REDACTED] CAME TO THE OPERATIONS OFFICE AND SPOKE BRIEFLY WITH [REDACTED]. THEY BOTH APPEARED CONCERNED ABOUT SOMETHING AND LEFT THE OFFICE, AS THEY EXITED THE OFFICE, I ASKED WHAT WAS WRONG. [REDACTED] TOLD ME TO CALL THE MEDICS. I IMMEDIATELY CALLED BUT COULD NOT GET THROUGH. I ATTEMPTED TO CALL THREE MORE TIMES WITHOUT SUCCESS. I LEFT THE OFFICE AND WENT TO THE ROOM WHERE [REDACTED] AND [REDACTED] WERE. IN THE ROOM WAS THREE SOLDIERS FROM 2/44 ADF AND ABOUT 70 DETAINEES. THE SOLDIERS WERE [REDACTED] AND [REDACTED]. I TOLD [REDACTED] THAT I HAD BEEN UNABLE TO REACH THE MEDICS ON THE PHONE. AT THIS POINT, [REDACTED] TOLD ME THAT ONE OF THE DETAINEES HAD DIED. I ASKED WHAT HAD HAPPENED AND THE SOLDIERS TOLD ME THAT THE DETAINEE HAD NOT AWAKEN FROM HIS SLEEP. I ASKED FOR MORE DETAILS AND WAS TOLD THAT WHEN THE GUARDS HAD PUT ALL OF THE DETAINEES TO SLEEP THE NIGHT BEFORE, ONE HAD SET UP AND TALKED, THE GUARD HAD HIM LAY DOWN AGAIN. THE DETAINEE REFUSED TO LAY DOWN SO THE GUARDS HAD LET HIM SET UP AND LEAN AGAINST A WALL. ABOUT AN HOUR LATER, THE DETAINEE HAD FINALLY LAID DOWN, AND ONE OF THE GUARDS HAD COVERED HIM WITH A BLANKET. WHEN THE GUARDS HAD AWAKENED THE DETAINEES IN THE MORNING, HE HAD NOT MOVED. AFTER HEARING THE DETAILS [REDACTED] DECIDED TO WALK TO THE MEDIC STATION. I PROCEEDED TO THE OPS OFFICE AND CALLED MY CHAIN OF COMMAND TO NOTIFY THEM OF THE SITUATION. ONE OF THE GUARDS CAME AND ASKED ME FOR A KEY TO THE ZEP CUFFS. I TOOK A KEY TO THE ROOM AND REMOVED THE ZEP CUFFS FROM THE DETAINEE. SHORTLY AFTER, THE MEDIC ARRIVED AND WENT TO SEE THE DETAINEE. THE SOLDIERS FROM 2/44 ADF THAT WERE WORKING AT THE BIHA AS GUARDS WERE GOOD SOLDIERS AND I HAD NOT HAD ANY PROBLEMS WITH THEM SINCE THEY HAD STARTED WORKING THERE.

NOTHING FOLLOWS

2.1.6

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT AD GLORY FRAD DATED 2003/12/23

9. STATEMENT (Continued)

46
33

[REDACTED]

46
21

AFFIDAVIT

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

EX 6
C3.2.1.6

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at AD GLORY in Mosul, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] (Typed Name of Person Administering Oath) EX 6 C3.2.1.6

[REDACTED] EX 6
581-9343 EX 6

ORGANIZATION OR ADDRESS

[REDACTED] (Authority To Administer Oaths) EX 6

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] EX 6 C3.2.1.6

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

b(6), b(3)

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
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: AO Glory in Mosul, Iraq
2. DATE (YYYYMMDD): 2003/12/23
3. TIME: 1230
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS:
8. ORGANIZATION OR ADDRESS: Co. EA 6 C3.2.1.6

Ex 6
3.2.1

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Ex 6
3.2.1

Question #1 Who was involved. I can comment specifically on the medical personnel only. The first provider notified was [redacted]. The medics present were [redacted] and I believe [redacted]. I myself was also notified and involved.

Question #2 I heard a radio call for [redacted] but did not hear a response. After a few minutes I radioed to find out what was needed but got no response. I went to our aid station & learned [redacted] had been notified of something needed at the BHA and had gone there. Then a person from the BHA came in saying that a detainee was dead. I then went to the BHA, met [redacted] ex rate who confirmed there was a dead detainee. I instructed our medics to get a body bag and go to the BHA. I then went to the BHA, did a post-mortem exam, and took some historical info (how the detainee had been behaving/participating/acting up until this time). I made a sworn statement at that time regarding my exam. I called ZICAT about the disposition of the body and sent the body to military affairs.

Question #3 It occurred at the BHA (brigade holding area) in AO glory.
Question #4 How did it occur. -> I can only guess at an accurate answer to this, based on information I obtained that morning and knowledge of how medical care is provided at the BHA. If indeed, the patient was alert with normal behavior/participation until 0400 on the day of his death, and an autopsy did not/does not show a clear cause of his death, I know no common explanation for this sudden change from well to dead. It is possible that his behavior was not normal prior to 0400, but because of the many detainees present his abnormal behavior was not noticed and whatever developing problem he had was not addressed. It is possible that he had a medical problem

Ex 6
3.2.1

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

001329

STATEMENT OF [REDACTED] TAKEN AT Of Camp in Iraq DATED 2003/12/21

9. STATEMENT (Continued)

Known to himself, but not known to our personnel/myself having refused to answer questions on his initial screening or having not given us his medical information. It is also possible that he told us of an existing medical condition when he was screened, but that we did not adequately address his medical problem because I had not developed a medical record system for the detainees. There are many possibilities to explain "how" it occurred - this is only a partial list, but I know of no common cause of sudden death with no pre-existing medical conditions, no previous symptoms and abrupt onset to explain his death at his age. It is certainly possible but extremely unlikely.

Question #5 -

etc
It would be useful to explain how medical care was provided to this and all detainees.

All detainees arriving at the BHA in either one of two states. Either they ~~they~~ arrive in the same condition they were previously in - or their health had been altered by the way they were brought to the BHA/detained. If their health was altered, the issue is addressed as arrived to the BHA. Otherwise all detainees are interviewed about their health, medications. If a medical problem was identified, a provider was asked to come and address the problem/treat the condition. At that point the detainee is put with the other detainees. On a daily basis, a provider goes to the BHA to do sick call and address any new conditions that have arisen. Problems are identified by soldiers working in the BHA and by detainees making their needs known.

Additional information to question #4

Hypothermia is also a possibility, although his clothing was dry and historically he had not shown any unusual behavior prior to 0400. Also, no other detainees had previously become symptomatic from hypothermia - but it is possible he was hypothermic, symptoms were missed and personnel were unaware. It is possible he was altered by the cold and others were not. The overall condition of

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] Eyt

PAGE 2 OF 3 PAGES

b(6), b(5)

STATEMENT OF [REDACTED] TAKEN AT AO Glory in Iraq DATED 2003-12-23

9. STATEMENT (Continued)

The BITA could have been cold enough to have caused hypothermia. Weeks before, I cannot recall exactly when-but when. The weather was turning colder, I requested of the BITA leadership to provide climate control. Specifically doors and windows and space heaters. While a door was placed in the main room-other measures were not taken. When I inquired about this, I was told that according to state fix the doors were all we were going to get. I then asked that all the detainees would have some kind of footwear or sandals at least to keep their skin off the cold concrete. Since then, I believe they have not been benefited. There have been space heaters in the room intermittently also.

As for the most likely cause of death (excluding any medical, non-trauma causes) in a man this age and in these conditions I would have to say an infectious disease that would have been missed due to possibilities discussed earlier or from hypothermia-missed due to possibilities discussed earlier.

His exam also, ~~has~~ demonstrated a small scalp laceration and hematoma which forces me to entertain trauma as a cause. However it is unlikely to be the cause as lesions as small as he had on exam would be ~~likely~~ probably not indicate intracranial bleeding.

Ex 4 C3.2.1.6

AFFIDAVIT

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

Ex 6
C3.2.1.6

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of December, 2003 at AO Glory in Mosul, Iraq

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

001331

Ex 6
C3.2.1.6

b(6), b(3)

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, 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.

2.1.4
2.1.4
3.2.1.4

1. LOCATION AO Glory, Mosul Iraq	2. DATE (YYYYMMDD) 2003/12/23	3. TIME 1320	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] OK	6. SSN [REDACTED] Ex 6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS			C 3.2.1.4

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

This statement is to augment my sworn statement made this same day. It is an attempt to duplicate the sworn statement made previously to CID on the day the detainee in question died. I was notified of a detainee death at the brigade holding area and went to the holding area as described in other statements. At this time I confirmed that the patient was indeed deceased and I did a post-mortem exam. My findings were as follows:

- Ulceration on left wrist, radial side, grade II, somewhat circular and 3x3 cm. Impressions from flex cuffs, now removed, remained on the left wrist. These went around the ulcer and were elliptical, present only on the radial side of the wrist.
- Ulceration on the right wrist, extensor side, somewhat circular and 2x2 cm. No impressions from flex cuffs. Grade II.
- Ulcerations on bilateral ankles, over lateral malleoli, grade II, 1x1 cm.
- Ulceration over right fifth metatarsal head dorsal side, grade I, 1x1 cm.
- Somewhat linear bullae on medial side of right biceps. 2x0.5 cm, fluid filled.
- Occipital laceration 1 cm in length with associated 3x3 cm hematoma.
- Multiple faint and small ecchymoses over epigastrium. Total of 8-10 closely grouped together, barely discernable.
- The limbs were easily flexible at the time of examination which was approximately 0830 on the day of death.
- All measurements were estimated.

[REDACTED] 26 Dec 03

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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b(6), b(3)

#424

CERTIFICATE OF DEATH (OVERSEAS)
Acte de décès (D'Outre-Mer)

NAME OF DECEASED (Last, First, Middle) Nom du décédé (Nom et prénoms) Karim Abdul Ridha, Abdul Al		GRADE - Grade	BRANCH OF SERVICE Branche	SOCIAL SECURITY NUMBER Numéro de l'Assurance Sociale	
ORGANIZATION - Organisation		NATION (i.e., United States) Pays POTUS	DATE OF BIRTH Date de naissance	SEX - Sexe <input checked="" type="checkbox"/> MALE Masculin <input type="checkbox"/> FEMALE Féminin	
RACE - Race		MARITAL STATUS - Etat Civil		RELIGION - Culte	
CAUCASOID - Caucasiens		SINGLE - Célibataire		PROTESTANT Protestant	
NEGROID - Nègres		MARRIED - Marié			CATHOLIC Catholique
OTHER (Specify) Autre (Spécifier) Middle eastern		WIDOWED - Veuf			
DIVORCED - Divorcé		SEPARATED - Séparé		OTHER (Specify) Autre (Spécifier)	
NAME OF NEXT OF KIN - Nom du plus proche parent		RELATIONSHIP TO DECEASED - Parenté du décédé avec le tuzik			
STREET ADDRESS - Domicile à (Rue)		CITY OR TOWN AND STATE (include ZIP Code) - Ville (Code postal compris)			

MEDICAL STATEMENT - Déclaration médicale

CAUSE OF DEATH (Enter only one cause per line) Cause du décès (N'indiquer qu'une cause par ligne)		INTERVAL BETWEEN ONSET AND DEATH Intervalle entre l'attaque et le décès
DISEASE OR CONDITION DIRECTLY LEADING TO DEATH ¹ Maladie ou condition directement responsable de la mort ¹		unknown
ANTECEDENT CAUSES Symptoms - symptômes de la mort	MORBID CONDITION, IF ANY, LEADING TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire	6 hours in sleep
	UNDERLYING CAUSE, IF ANY, GIVING RISE TO PRIMARY CAUSE Raison fondamentale, s'il y a lieu, ayant suscité la cause primaire	none known
OTHER SIGNIFICANT CONDITIONS ² Autres conditions significatives ²		none known

MODE OF DEATH - Condition du décès	AUTOPSY PERFORMED - Autopsie effectuée <input type="checkbox"/> YES Oui <input checked="" type="checkbox"/> NO Non	CIRCUMSTANCES SURROUNDING DEATH DUE TO EXTERNAL CAUSES Circonstances de la mort relatives par des causes externes
<input checked="" type="checkbox"/> NATURAL - Mort naturelle	MAJOR FINDINGS OF AUTOPSY - Conclusions principales de l'autopsie	
<input type="checkbox"/> ACCIDENT - Mort accidentelle		
<input type="checkbox"/> SUICIDE - Suicide	NAME OF PATHOLOGIST - Nom du pathologiste	
<input type="checkbox"/> HOMICIDE - Homicide	SIGNATURE - Signature	AVIATION ACCIDENT - Accident à Avion <input type="checkbox"/> YES Oui <input type="checkbox"/> NO Non
DATE OF DEATH (Hour, day, month, year) Date de décès (l'heure, le jour, le mois, l'année)	PLACE OF DEATH - Lieu de décès	

I HAVE VIEWED THE REMAINS OF THE DECEASED AND DEATH OCCURRED AT THE TIME INDICATED AND FROM THE CAUSES AS STATED ABOVE.
J'ai examiné les restes mortels du défunt et je conclus que le décès est survenu à l'heure indiquée et à la suite des causes énumérées ci-dessus.

NAME OF MEDICAL OFFICER - Nom du médecin militaire ou du médecin sanitaire	TITLE OR DEGREE - Titre ou grade
GRADE - Grade	INSTALLATION OR ADDRESS - Installation ou adresse
DATE - Date	SIGNATURE - Signature

9 Dec 2003, 1552 **Mosul, Iraq**

9 Dec 03 **B.C.D., Mosul, Iraq Ex 001333**

1 State, disease, injury or complication which...

EX 1.6
3

[REDACTED]

DEPARTMENT OF THE ARMY
BRAVO COMPANY, 311TH MI BN (2BCT)
MOSUL, IRAQ

AFZB-KL-B

14 November 2003

MEMORANDUM OF INSTRUCTION

SUBJECT: Instructions for guard force assigned to 2nd Brigade Holding Area

1. Purpose. To establish procedures and Rules of Engagement for the Sergeant of the Guard (SOG) and Guard Force assigned to the 2nd Brigade Holding Area (BHA).

2. Overview. The primary mission of the guard force is Force Protection of all workers at the BHA. The secondary mission is to establish and maintain control of the detainees. Firm control and strict regimen will greatly assist interrogators in accomplishing their mission. Firm control, coupled with mental stress, can greatly weaken a detainee's will. However, guards must be cognizant of all applicable laws and regulations. While control is a must, human rights will not be violated. Emotions can run high when people are face to face with the enemy. Self discipline and professionalism will be maintained at all times. **At no time will a member of the guard force inflict bodily harm to an individual unless it is in self defense or defense of other Coalition personnel. Physical contact will be limited to sufficient force to move individuals or regain control of a situation.** The following is a list of responsibilities for different elements operating out of the BHA:

3. BHA NCOIC Responsibilities.

- a. Maintain schedule for detainees.
- b. Provide guard force with office/storage space.
- c. Coordinate meals for guard force in absence of SOG.
- d. Coordinate with SOG for transport of detainees.
- e. Supervise roll call, physical training and all other mass movements.
- f. Pick up food and water for detainees on Mondays and Fridays.
- g. Maintain control of detainees.
- h. Ensure laws and regulations are strictly enforced.

3. SOG Responsibilities.

- a. Supervise guard force.
 - b. Provide logistical support to guards.
 - c. Coordinate for transportation of guards.
 - d. Supervise mass movements.
- [REDACTED]

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- c. Maintain accountability of guard force.
- f. Ensure proper rest cycle is
- g. Assist in feeding detainees.
- h. Maintain control of detainees.
- i. Ensure laws and regulations are strictly enforced.
- j. Establish and maintain fields of fire and QRF procedures to ensure safety of Coalition personnel.

4. Guard force responsibilities. The guard force will take all instructions from the SOG, BHA NCOIC and interrogation team personnel (as applicable).

- a. Maintaining visual contact of entire room assigned.
- b. Maintaining good order and discipline in holding areas and interrogation rooms.
- c. Limiting access of unauthorized personnel.
- d. Supervising work details
- e. Providing appropriate mental stress on detainees.
- f. Escorting detainees to latrine and wash facilities.
- g. Ensure laws and regulations are strictly enforced.

5. Rules of Engagement (ROE): The ROE is designed to maintain the safety of both detainees and personnel working at the BHA. All detainees will be treated humanely and provided the basic human needs IAW the Geneva Convention, FM 27-10, FM 19-40 and other related publications. Corrective training may be assigned to a detainee in order to reestablish control over the detainee, in the interest of good order and discipline. Physical labor as corrective training must not exceed two consecutive hours and must be either related to the offense or improvement of living conditions for the detainee. Detainees will maintain living areas within the BHA. Guards working at the facility will use the **minimum amount of force necessary to eliminate the threat. At no time will detainees be beaten or physically harmed in any way.** Weapons status for guards is amber at all time during their tour of duty at the BHA. The following risks are outlined below starting from the least dangerous and ending in the most dangerous:

- a. Disorderly Conduct: In the event an individual detainee becomes disorderly, the guards will immediately subdue the detainee, and contact an interrogator and interpreter working in the BHA. The detainee will be escorted to a separate room, where the interrogator will determine the nature of the problem. If the detainee is calmed down, he will be returned to the general population. If he remains defiant, he will be blindfolded, and sent to a separate room, where he will stay until he becomes calmer.
- b. Escape: If a detainee attempts to escape, the first person that observes the attempted escape will shout, "HALT" or use the appropriate code word of the day. If the detainee does not stop, the guards will shout, "HALT" again. Guards will attempt to stop the detainee using the

[REDACTED]

MINIMUM force necessary to regain control of the detainee. As a last resort, detainee may be engaged with small arms fire. This should be a well-aimed shot with the sole purpose of preventing escape. If a detainee is engaged, the NCOIC will contact Performance Main, the 2 BCT ACT, and the unit to which the guard belongs in order to begin appropriate administrative paperwork and medical treatment. All personnel who witnessed the incident, will prepare sworn statements.

- c. Riots: In the event more than two detainees attempt to escape from the compound, guards will use necessary force (lethal force if required) to regain control of the situation. After the riot ceases, and Coalition Forces regain control, all living detainees will be placed in the holding cells. The detainees will lie on their stomachs facing the wall and guards will be placed at the entrances of the holding cells. Anyone who attempts to get up from the lying position will be restrained, by tying the hands and feet to prevent further disturbance. One interpreter will be with the guards in order to translate instructions in order to avoid confusion. Once order is restored, the BHA NCOIC will then contact Performance Main, the 2 BCT ACT, and the 2 BCT Battle Captain in order to obtain medical support and provide a SITREP to pertinent commands.

6. Access: All Coalition personnel are authorized in the administrative (next to operations) room in the BHA. However, unescorted access to holding and interrogation rooms are subject to approval by the BHA OIC or NCOIC. Guards will not allow unauthorized personnel in to the holding areas.

6. Communications: All emergency communications at BHA will be FM voice utilizing vehicle mounted radios or DNVN @ [REDACTED] Ex 6 C3.2.1.6

7. POC this memorandum is [REDACTED] or [REDACTED] Ex 6 C3.2.1.6

[REDACTED] Ex 6 C3.2.1.6

[REDACTED]

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- E. ORIGINAL COMMANDER'S INQUIRY FROM 3-187 INF BN

6 May 2004

C3.2.1.6 Ex 6

MEMORANDUM FOR [REDACTED], HHC, 3BDE, 101st ABN DIV (AASLT)

SUBJECT: Appointment Order

1. I appoint you as an investigating officer to conduct a commander's inquiry into a suspected incident of assault. On or about 29 November 2003 in the vicinity of Husaybah, Iraq, some members of 3rd Platoon, B Company, 3rd Battalion, 187th Infantry Regiment detained an Iraqi male for questioning. Shortly after detaining the Iraqi male, these soldiers took a video of themselves apparently assaulting the detainee. Sometime later, these same soldiers played the video for other members of the platoon. The chain of command has a copy of that video. [REDACTED] has already conducted a commander's inquiry into this incident. His inquiry uncovered sufficient evidence to warrant further investigation at my level.
2. Although this is not an AR15-6 investigation, you will review the guidelines in AR15-6 prior to initiating this commander's inquiry. Additionally, you will contact that Administrative Law section of the OSJA, 101st Airborne Division and Fort Campbell prior to beginning your investigation.
3. You will specifically address the following matters in your investigation:
 - a. Review the video. Report on exactly what the video portrays. Positively identify each person in the video, to include the name of the detainee, if possible.
 - b. Determine what occurred prior to the filming of the video. Why was the Iraqi male detained? Who detained him? Where was he detained? Was he interrogated at all prior to the filming of the video? Who conducted the interrogation? How long before the video had he been detained? How was he treated prior to the video? When was he flex-cuffed? Develop the facts as thoroughly as you can and report them to me.
 - c. Determine what occurred immediately following the filming of the video. Was the detainee struck again? Where was he taken? Who took him there? Did the unit conduct any more interrogation of him? Was the detainee humiliated in any way? Again, develop the facts as thoroughly as you can and report them to me.
 - d. Determine how many times the video was played for other soldiers that were not there. For example, the commander's inquiry initiated by [REDACTED] suggests that the video was played for seventy percent of third platoon "just for laughs." How was this done? Was it shown to everyone all at once? Did soldiers see the film two or three at a time? Was it shown repeatedly? Who showed it? Did anyone narrate the video? What did they say? Determine how the video was downloaded and how copies were made. Develop the facts as thoroughly as you can and report them to me.
 - e. Determine when the chain of command discovered this incident and what they did to correct it.

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- f. In the course of your investigation, if you uncover any other incidents of detainee abuse or any other acts committed against this particular detainee, thoroughly investigate them and report them to me as well.

- 4. Begin your investigation by thoroughly analyzing the video. Once you have identified the soldiers directly involved in the incident captured on the video, understand that those particular soldiers may have been interviewed previously during [REDACTED] commander's inquiry. Before you speak with the soldiers directly involved, consult the Administrative Law section to make sure that those soldiers are properly advised of their rights pursuant to Article 31, UCMJ. Additionally:
 - a. Interview every member of the platoon that was at the location where the Iraqi male was detained. Thoroughly develop their statements by asking specific questions about their recollection. Include in your report an assessment of whether or not the witnesses are willing or able to recall all of the events of that day.
 - b. Interview every soldier that you believe saw the video. Thoroughly develop their statements regarding anything that was said to them by the soldiers directly involved in the apparent assault.

- 5. Throughout this investigation, ensure that the testimony of witnesses is properly sworn and documented on DA Form 2823 and that those you suspect of an offense are properly advised of their rights pursuant to Article 31, UCMJ. You should use DA Form 3881 to ensure compliance with this requirement.

- 6. I expect written findings and recommendations from you by 14 May 2004.

EX 6
C3.2.1.6

[REDACTED] EX 6
C3.2.1.6

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DEPARTMENT OF THE ARMY
Headquarters and Headquarters Company, 187th Infantry Regiment
101st Airborne Division (Air Assault)
Fort Campbell, Kentucky 42223

AFZB-KC-HQ

10 May 2004

MEMORANDUM FOR COL [REDACTED] 3d BDE 187th
INF REGT, 101st Airborne Division (AASLT) FTCKY, 42223

SUBJECT: Commander's Inquiry

1. On Thursday 6 May 2004, I was informed by [REDACTED] XO, and [REDACTED] SJA Officer, that I was appointed the Investigating Officer to look into the possible abuse of an Iraqi detainee. The event in question took place on 29 November 2003, in Husaybah, Iraq during an operation supporting OPERATION RIFLE'S BLITZ. This was a combined operation between 3d BN 187 Infantry Regiment and the forces 3d ACR. I reviewed the previous commander's inquiry done by the Battalion, met with Admin Law representative at JAG, and met with the [REDACTED] to discuss my plan for the investigation and what I would require. EX 6
C3.2.1.6

2. The following are the facts I was able to develop from the video and interviews:

The video is exactly 52 seconds in length. I was able to positively identify three individuals: [REDACTED] and [REDACTED]. The name of the detainee was not available. No one remembered a name and there was no paperwork completed at the time of detainment. The video itself portrays [REDACTED] conducting his own version of the MTV show "JACKASS". He, [REDACTED], refers to it as "JACKASS IRAQ". It starts off with [REDACTED] using his digital camera asking the detainee and [REDACTED] to wave to the camera. He then turns the camera to himself and states "I am going to punch this guy in the stomach, this is Jackass Iraq." There is an approximate delay in the video from the audio by two to three seconds. Meaning you hear what is going on before it happens on the video itself. At this point you can see [REDACTED] walking into the area around the back side of [REDACTED] while trying to hold the camera with his left hand attempts to punch the detainee in the stomach with his right hand. As he attempts to punch, the detainee moves back and to his right avoiding any straight on hit from [REDACTED]. You can hear [REDACTED] say "Oh he moved, hold up, he's a trickster, we need a camera man." At this point [REDACTED] tries to place the camera on a tree or post and moves around for a better position. [REDACTED] slips in the mud while trying to move around to the other side of the detainee. At this point the camera is still recording and is pointing at the ground. [REDACTED] then takes possession of the camera and is recording. When the camera comes back up [REDACTED] is in the foreground with his back EX 6
C3.2.1.6

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to the camera holding the detainee and [REDACTED] on the far side of the detainee holding him. You can hear moving and shuffling going on. A voice comes across saying "hold him", then what sounds like "hold on, hold on, hold on". At this point the video comes across in front of the detainee. It shows the detainee's face and what appears to be an expression of pain as he is going down to the ground. In the right hand side of the video you can see [REDACTED] standing next to the detainee facing the opposite direction of the detainee and away from the camera. As you play the video in slow motion you can see [REDACTED] elbow comes straight down in between the detainee's shoulder blade. He is no longer paying attention to the camera and is paying attention to the soldiers approaching them. The detainee is helped back up by [REDACTED] by lifting him by the flexi cuffs on his wrists. You can see in the last few seconds of the video where there are two soldiers approaching. I could not identify these soldiers. There are other people in the area due to voices being heard in the back ground. The video doesn't show anyone that can be identified. No one could recollect who it was. At this point the detainee is being lead way by [REDACTED]. His face is noticeably distressed and looks as though he is breathing hard like he had the wind knocked out of him.

Ex 6
C3.2.1.6

3. The following are the facts of the detainment based upon interviews of the Platoon members:

a. The situation which led up to the video occurred in the beginning of the Platoon's mission, approximately 30 minutes when the platoon moved out looking for weapons in the area. At this point the Platoon was spread out on line searching for weapons. 2nd Squad being on the far right, 3d squad in the middle and 1st squad to the far left. [REDACTED] and [REDACTED] found an AK-47 and several rounds of ammunition in a plastic bag under a pile of barley. The detainee was approximately 100m away attending some sheep or goats. The platoon interpreter, Aziz, called him over along with the Platoon Leader, [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. The detainee was questioned about the weapons and ammunition and due to his story changing about owning or not owning the weapon and ammunition, the PL with the recommendation from the interpreter that the individual was not telling the truth, decided to detain him and bring him along till they could get him to a vehicle. Since they were no where near any roads to link up the truck designated for holding detainees he was brought along. There was also no initial detainment paper work conducted on the individual. He was flexi-cuffed by [REDACTED] and placed in his custody during the movement.

Ex 6
C3.2.1.6

b. Several interviews all described the area as rough and broken terrain. There had been recent rainfall and caused the ground to be muddy and difficult to move across. Several people had been falling and slipping during the movement. They

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brought the detainee with them through the area. The visibility in the area ranged from 100+ meters in the open fields to less than 10 meters in the wooded areas. During this time he had fallen at least once and was helped up. He was also being slow and mumbling in Arabic the whole way as described in the interviews. If he was being slow or difficult, the flexi-cuffs would be raised and pushed forward in order to get him moving. The interpreter asked him a few more questions while they were continuing the movement but did not have any success in getting any further information from the detainee.

c. The incident occurred in one of the wooded areas about 45 to 60 minutes after the detainee was taken by 2d squad. The platoon had stopped in order to cut their way through a field fence. At this time it was decided by [REDACTED] to do a short film in order to have fun and relieve some of the tension that had been building up during the mission. Most of the squad had pushed out to provide security while the platoon was waiting to cut the fence and continue movement. [REDACTED] heard something about [REDACTED]'s making a movie but he didn't pay much attention to it and was focused on pulling security for his section. The filming of the video was done with [REDACTED], [REDACTED] and [REDACTED] in the immediate area. [REDACTED] was also not in view of the incident when it happened. Ex 6 C3.2.1.6

d. Once the video was complete the platoon moved through the fence area. Approximately 15 minutes after moving through the fence the Platoon Sergeant told [REDACTED] to take the detainee to the Bradley vehicle waiting at a link up point on the road they were adjacent to. At no time were [REDACTED] and the detainee out of sight of the rest of the squad. [REDACTED] brought the detainee to the Bradley and handed him over to [REDACTED], from the platoon, who had been detailed to guard detainees. The PL and PSG then reconfirmed that the detainee was not providing any further intelligence and was not of any further use. They called up to their commander and requested to release the detainee due to being of no further intelligence value. The decision was made to release the detainee and the PSG cut the flexi-cuffs and released the detainee. The detainee then started walking back in the direction from where he was picked up. He was not seen again and the platoon continued on the mission looking for weapons caches in the area. Ex 6 C3.2.1.6

4. The following are the facts surrounding the viewing of the video prior to it being brought to the attention of the chain of command.

a. It was shown on both [REDACTED] Digital Camera and [REDACTED] Laptop computer.

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- b. It was never shown as a single event to the platoon. It was shown to select individuals who happen to be watching other videos and pictures on [REDACTED] Laptop computer.
- c. None of the other soldiers took it as a serious incident where [REDACTED] was actually abusing the detainee. Everyone who saw it thought it was a joke.
- d. It was shown in Husaybah, Al Asad Air Field, Tall Afar, and back at Ft Campbell prior to the command conducting an investigation.

EX 6
C3.2.1.6

5. The following are the findings I have been able to determine from my investigation:

a. The first person in the chain of command to discover the video was [REDACTED] back in Iraq. Initially he thought there was no reason to report the incident to higher due to it not looking serious, he did not hear the audio portion of the video, and he verbally reprimanded [REDACTED] on the spot when he saw it. It was not until he was shown the video again in the ISG's office around the 27th of March. At first he thought it was a different video and then realized it was the same one he saw back in AL ASAD Airbase. Once the video was in the hands of the Company Chain of Command they immediately brought it to the attention of [REDACTED] and a commander's inquiry was done at the Battalion level.

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C3.2.1.6

b. During my investigation and interviews I was not able to determine or uncover any other incidents of detainee abuse or any other acts committed against this particular detainee. The platoon and squad had dealt with several other detainees during their mission time in Husaybah, Iraq. The only recommendation to be made on actions with detainees is that the initial detaining unit needs to fill out a detention form with all the available information to the circumstances and reasons of detention. This was not the procedure they had been following. According to my interviews, they would detain an individual and then put him on a vehicle which would take him back to another location to be processed. Understandably units in the field do not always have time to do paperwork on the spot or resources but in this case they could have done it. The optempo of the mission was not going at such a speed that it could not have been accomplished. The other reason for doing paper work on the spot is so when a detainee does make it back to the rear the detention center doesn't have to start paperwork from scratch and the interrogators already have some information and details of detainment in order to start questioning of the individual.

c. After the mission was over. The platoon returned to the base they had been working out of. Several interviews indicated that the video was shown that night on both [REDACTED] camera and on [REDACTED] laptop. There are

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discrepancies with statements as to who was exactly there and how many times it was shown. To the best I can determine through interviews the video was shown the night immediately after the mission, while the platoon was staying at AL ASAD airbase in route back to Tall Afar, in the sleep tents at Tall Afar, and once back at Fort Campbell in the Platoon CP and in [REDACTED]'s barracks room. The video was never shown as a specific event where people were called over to watch it specifically. The video was among several that had been taken on missions. The occasions that it was viewed were generally while reviewing other pictures and videos that had been taken on the units missions. Nine soldiers had claimed to have seen the video prior to its discovery by the chain of command and the initial investigation being conducted by the Battalion. The original investigation claimed that seventy percent of the platoon had seen the video. My investigation determined less than fifty percent actually saw it. No one could state specifically, all who had seen it back in Iraq. Many times it was shown people were passing by or stopped briefly to see what other people were watching on the laptops or cameras. Ex 6 C3.2.1.6

d. The times that it was shown people thought it was a joke and that [REDACTED] was doing something stupid. None of the soldiers took it seriously and did not believe that [REDACTED] was abusing the detainee. Everyone interviewed that had previously seen the video prior to the initial investigation thought it was a joke and did not take it seriously. [REDACTED] claims that he saw it while the platoon was in AL ASAD airbase, waiting return to Tall Afar. He watched the video once without the audio being played on it. He claims that upon seeing the video he verbally reprimanded [REDACTED] about making the video and his flawed decision in what he did. Unfortunately, no one in the interviews can remember [REDACTED] being present at any showings of the video, nor remembering any verbal reprimand of [REDACTED]. When I re-questioned [REDACTED] about being reprimanded by the platoon leader he could not remember nor could he say for sure it happened. Several people could not recall specifics of each viewing of the video clip to include exactly where, when and who was there. Ex C3.2.1.6

e. The original title of the video according to [REDACTED] was "Our first Iraqi prisoner" and that was done by [REDACTED]. [REDACTED] recalls naming it as "Our Prisoner". The copy which was turned over to me for review and use in the investigation is titled "Our Prisoner (The Smash)". Neither [REDACTED] nor [REDACTED] knows how it was renamed. In order to determine the actual name you would need to find all the copies and review the dates on them to see where the name could have been changed. Since the video has changed hands several times and the laptop it was on was not in the sole possession of [REDACTED] the entire time since the video was made, it is difficult to determine how and when the name was changed. Ex C3.2.1.6

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SUBJECT: Commander's Inquiry

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f. Several copies have been distributed due to people passing folders of pictures and videos around. Pin Drives were shared regularly between computers to share documents and files. Sharing these photos and videos was common among units while in Iraq and after. The video came to the company chain of command by this very reason. [redacted] the company training NCO, had down loaded several pictures to his laptop from [redacted] back in December 2003. Upon returning to Ft Campbell, he started to review through the folders and pictures and found the video in question. He immediately handed it over to the Company Chain of Command. As far as I can determine the video is on or was loaded on [redacted]'s pin drive which is located at his house in California, loaded on [redacted]'s desktop computer in his barracks room, [redacted] laptop, [redacted] laptop, an unidentified laptop in the platoon cp, a CD copy is in the possession of the JAG office and I have one loaded on my laptop to conduct the investigation.

Ex 6
C3.2.1.6

g. There are no significant discrepancies in the interviews of how or why the individual was detained. There are no other reasons to believe that the detainee was abused or further humiliated while in US Military custody.

h. [redacted] mental condition or judgement can be called into question. One of the other NCOs, [redacted], said in an interview recalls [redacted] was having family troubles while in Iraq and was not sleeping at night and stayed up playing video games. He would then sleep in the day. This was during down time when they were not on missions. Since returning to Ft Campbell and the initial investigation started he has been a self referral to Mental health, claiming he could not sleep and that he felt like he was going to hurt someone. He was placed on suicide watch by his company. He was also enrolled into ADAPC.

Ex 6
C3.2.1.6

i. At the end of the video when [redacted] hits the detainee in the back with his elbow he is no longer looking at the camera nor is he posing as though it was done for the camera. From my interview with him he was not aware that the camera was still going at the time. He claims that he slipped and bumped into the detainee and they then helped the detainee up. I cannot discern from the last portion of the video where it looks as though he is falling and knocks into the detainee. It looks as though his arm and elbow are deliberately hitting the detainee between the shoulders and knocking him to the ground.

Ex 6
C3.2.1.6

j. Neither [redacted] nor [redacted] thought that anything they were doing was wrong. They were doing it as a joke and to relieve tension and boredom from the mission. The fact that this incident was done as entertainment rather than out of malicious reasons still does not change the fact that a detainee under US military custody was abused and publicly humiliated.

Ex 6
C3.2.1.6

b(6), b(3)

AFZB-KC-HQ
SUBJECT: Commander's Inquiry

10 May 2004

6. Recommend that computers in the company and individual's laptops and desktops identified be reviewed for any further copies of this video and permanently deleted. This will reduce any possible spread or dispersion of the video.

7. There were three individuals I was not able to interview. Two were due to being ETS'd since returning to Ft Campbell. One was on pass over the weekend that I was conducting the interview. I do not believe that these individuals can provide anymore information relevant to this investigation. Since they were not present to the incident in question and if they saw the video prior to the investigation it doesn't change the facts as they already have been determined.

8. I recommend that [redacted] be taken against [redacted] for his actions of misconduct against a US detainee. I recommend [redacted] against [redacted] and [redacted] for assisting in the misconduct of the detainee.

EX 6

C3.2.1.6

b(5)-3
deliberative
process

[Large redacted block]



EX 6
C3.2.1.6

b(6), b(3)

Interview questions

Incident

What was your mission: CLEARING AREA

What was the mentality of the soldiers like: GOOD SPIRITS

How many other detainees had you dealt with that day: NO

What had been the previous detainee actions like:
30-40 TOTAL IN IUSTRA

When did you detain the individual in question:
EARLY MORNING EARLY MISSION

Why was he detained (circumstances): STORIES NOT RIGHT
Resisting? NO

Who initially detained him:
DONT REMEMBER

Was he interrogated at all prior to the film or after:

Who interrogated him: [REDACTED], INTERP

Was any paperwork filled out on him being detained: NO

Did he speak any English: NO

How long before the video had he been detained:

NOT STANDARD TO TAKE DETAINEES - TOOK UNTIL THEY COULD
HAD TO PULL THEM ALONG LINK UP w/ VENT
SLOW PACE

001347

TOOK HIM AWAY - TO SEE IF THEY COULD GET
MORE INFO UPON REACHING LCP. RELEASED HIM

b(6), b(3)

How was his treatment prior to and after the video:

MILITARY BY CUFFS PULLING ALONG

When was he flexicuffed: AFTER DETAINMENT

Who did it

What happened after the video:

Who else was in the immediate area:

Was he stuck again:

Where was he taken:

MET UP W/ TRUCKS & BRADLEY

Who took him there:

[REDACTED] EX 4
C3.2.1.6

Was there any additional interrogation done:

NONE DONE.

Was the detainee humiliated in any other way:

NOT TO HIS KNOWLEDGE

Did anyone say anything to stop it:

Why was he released and how:

NO INTEL VALUE

To your knowledge has there been any other incidents of mistreatment of detainees:

NO

SWORN STATEMENT

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

b(6), b(3)

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
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 FTCKY
2. DATE (YYYYMMDD) 2004-05-07
3. TIME 2213
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS Ex 4 C3.2.1.6

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On or about ~~December~~ November 29, 2003 my platoon was charged with clearing the area north of Husaybah. Approximately 30 minutes after we had begun clearing these fields, members of 2nd sqd. found 1 AK-47 and approximately 200 7.62 rounds in a pile of brush. We detained the sheep herder who was approximately 100 yds. away from the AK-47 and began questioning him with an interpreter. I determined with the aid of the interpreter, that the detainee's story was incongruous and because of this decided to detain the subject for further questioning. He was placed into handcuffs and moved with the platoon until we were able to drop him off with the vehicles. His treatment was normal. We released him after the vehicles arrived at the link-up point. No further questioning occurred and no paperwork was filed. Ex 4 C3.2.1.6
Approximately 7 days later, I witnessed the video on [redacted] computer in Al-Asad the night before we were to return to Tall Afar. Upon witnessing the video, I verbally reprimanded [redacted] calling into question his flawed decision making to video himself on a mission. I left it at that. As I saw the video minus the audio portion, I saw no reason to report the incident to higher command.
The second time that I witnessed the video was back at FTCKY in my ISG's office. This time I was able to hear the audio. Initially I thought it was a different video because the audio portion made the video more serious in nature. My company commander informed me that he was going to inform his command about the video. [redacted]

NOTHING FOLLOWS

10. EXHIBIT Ex 4 C3.2.1.6
11. INITIALS OF PERSON MAKING STATEMENT [redacted]
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

001349

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT 2213 DATED 07 MAY 04

9. STATEMENT (Continued)

EX 6
C3.2.1.6

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS [REDACTED] 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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY, 04 at HQ 3rd BN 187 INF

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 2 OF 2 PAGES

001350

EX 6 b(6), b(3)
03.2.1.6



Video

When and How many times was the video shown to the platoon:

SAW IT IN HQS AL ASAD AIR BASE
GUYS HUDDLED AROUND COMPUTER MIX OF GUYS FROM PLATOON
SITTING ON CHITS

Who was there and who was not:

Was it shown repeatedly:

Who showed it:

ON [REDACTED] COMPUTER

Did anyone narrate the video:

What did they say:

LT (NO AUDIO WHEN SEEN)
WHAT IS THIS, THIS IS IRRESPONSIBLE

Was the showing of the video selective to certain individuals.

Was the video shown to anyone outside the platoon:

What the demeanor or attitude when the video was being shown:

What was the feelings of the group toward the video:

GUYS STOPPED TALKING WHEN PL STARTED TALKING
TO [REDACTED]

Were people laughing about it:

Did they take it seriously or as a joke:

To your knowledge who has copies of the video:

When did you report it to the chain of command:

DID NOT - FELT THAT IT DID NOT NEED
HIGHER INVOLVEMENT (NO AUDIO)

REPRIMANDED ON SPOT TO [REDACTED]
NO OTHER ACTION

001351

Why didn't you report it:

REPORTED AFTER SITTING IN ISG/CDL OFFICE
THAT HE HAD SEEN VIDEO

Who in the chain of command had knowledge of this incident:

NO ONE ELSE

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

CO CSR TOOK IT TO BC

Has this incident been discussed to anyone outside of the unit to your knowledge: NO

Why was the video deleted off the computer:

When?

NO OFFICIAL POSSESSION SHOWN

b(6), b(3)

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, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 HQ 3 rd BN 187 INF	2. DATE (YYYYMMDD) 20040507 ^{WMS}	3. TIME ^{WMS} 2124	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED] Ex 6	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] C3.2.1.6			
9. [REDACTED]			

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

During the Husabagh mission, at no time did I witness any prisoner-(detainee) abuse. I also did not see the video clip until I was back in the states. It was shown to me by my chain of command. Ex 6, C3.2.1.6

When the platoon detained the Iraqi person, I had [REDACTED] escort the individual. After bringing the prisoner along for a ways, I decided to have [REDACTED] place the individual on the tank that was following the Platoon movement. Later, I called my [REDACTED] and discussed with him about letting the detainee go. We saw no reason to keep him any longer and determined that he was not a threat. We then notified the company commander [REDACTED]. After discussing the issue with him, we let the detainee go.

nothing follows

Ex 6
C3.2.1.6

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

001353

0(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

EX 6
05.2.1.6

[Redacted content]

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001354

Ex 6
C3.2.1.6

b(6), b(3)

Interview questions

Incident

What was your mission: AREA CLEARING

What was the mentality of the soldiers like: DECENT / GOOD SPIRITS

How many other detainees had you dealt with that day:

What had been the previous detainee actions like: DEALT WITH SEVERAL / A LOT OF
DETAINEES DURING HUSABA MISSION
TRAINED IN DEALING WITH DETAINEES

When did you detain the individual in question:

AFTER

Why was he detained (circumstances): LYING, CHANGED STORIES
Resisting? NO TAKEN TO SEE IF HE WOULD TALK
GIVE STRAIGHT STORY

DIDN'T GIVE MUCH INFO

Who initially detained him:

(PL) INTERP, [REDACTED] IN AREA

Was he interrogated at all prior to the film or after:

Who interrogated him: SOME AT INITIAL

Was any paperwork filled out on him being detained:

NO

Did he speak any English:

NO

How long before the video had he been detained:

1.11.107

b(6), b(3)

How was his treatment prior to and after the video:

When was he flexicuffed:
Who did it

What happened after the video:

Who else was in the immediate area:

Was he stuck again:

Where was he taken:
DSC TAD [REDACTED] TO TAKE HIM TO VEHICLE

Who took him there: EXL, C3.2.1.6
[REDACTED]

Was there any additional interrogation done:

Was the detainee humiliated in any other way:

Did anyone say anything to stop it:

Why was he released and how:
CALLED BTL 6 & ASKED TO RELEASE (4US E OF
NO INTEL VALUE

To your knowledge has there been any other incidents of mistreatment of detainees:
NO

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

b(6), b(3)

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 HQ 3 rd BN 187 INF	2. DATE 7 MAY 04	3. TIME 1316	4. FILE NO.
5. NAME (Last) [REDACTED]	8. ORGANIZATION OR ADDRESS		
6. SSN [REDACTED] (3.2.1.6)	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army HHC 3rd BDE
101st ABN DIV and wanted to question me about the following offense(s) of which I am
 suspected/accused: ABUSE OF IRAQI DETAINEE

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:

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE [REDACTED] Ex 6 (3.2.1.6)
1a. NAME (Type or Print)		4. SIGNATURE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE
b. ORGANIZATION OR ADDRESS AND PHONE		

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 2923) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

SWORN STATEMENT

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

b(6), b(3)

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
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 HQ 3RD BN 3-18-7
2. DATE (YYYYMMDD) 20070507
3. TIME 1:00
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS Ex C3.2.1.6
8. ORGANIZATION OR ADDRESS ex C3.2.1.6

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
DURING THE INTERVIEW WITH [REDACTED] THE FOLLOWING WAS DISCUSSED THE
DETAINEE IN QUESTION. OUR MISSION WAS TO SUPPORT THE 3 ACR IN THE
CITY OF HUYAYHAN TO CAPTURE HVT AND KID THE CITY OF HUYAYHAN
WHILE THE SQUAD WAS MOVING IN-LINE IN A WIDE OPEN AREA LOOKING
FOR LAHES, [REDACTED] AND [REDACTED] HEARD THE 1st SGT. SAID THAT
THE BR-17s ON SEVERAL ROUNDS OF AMMO. WHEN A LARGE DASH PLANE
[REDACTED] CALLED ME TO THE AREA AND I THEN CALLED THE PL AND 1SG.
THE PL BROUGHT OVER THE 1st SGT INTERVIEW (PL DSG INTERVIEW (PL SAID)) SEEN
AN ARMY GEAR HARDER APPROX 100 METERS AWAY THE 1st SGT CALLED ME OVER
TO ASK ABOUT THE WEAPONS IN QUESTION THE 1st SGT ASKED HIM QUESTIONS
ABOUT THE WEAPONS. AT FIRST THE DETAINEE SAID THE WEAPONS WERE NOT HIS
AND THEN LATER CHANGED HIS MIND AFTER THE 1st SGT SAID HE WOULD
GO TO JAIL. THE PL WANTED HIM SEARCHED AND FLEXCOFFED. [REDACTED]
DID THAT. WE BROUGHT THE DETAINEE WITH US (SAID). AT THAT TIME I
DID NOT WITNESS ANY MISTREATMENT. THE SQUAD DID NOT DO ANY
PAPERWORK UP ON THE DETAINEE. THE PL, DSG INT-P, AND 2nd SGT WERE IN THE
IMMEDIATE AREA I DID NOT KNOW HOW LONG WAS TAKEN BY THE DETAINEE
IN QUESTION. THE DETAINEE WAS NOT MISTREATED OR COMPLICATED IN ANY
WAY THAT I WITNESSED. THE DETAINEE WAS IN THE SQUAD FOR APPROX
15 MINUTES TO 1 HOUR AFTER THAT TIME THE PL AND INT-P ASKED HIM
A COUPLE MORE QUESTIONS AND PL RELEASED THE DETAINEE. [REDACTED]
[REDACTED] CUT THE FLEXCOFFS OFF AT THAT TIME.

EX 6
3.2.1.6

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER
MUST BE BE INDICATED.

001358

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 7 MAY 04

Ex 6 C3.2.1.4

9. STATEMENT (Continued)

I DID NOT HAVE ANY KNOWLEDGE OF THE VIDEO UNTIL I RETURNED TO FORT CAMPBELL. UNTIL TWO WEEKS AGO, I WAS INFORMED BY PSG TO SEE THE BC ABOUT THE INCIDENT. THE BC ASKED ME QUESTIONS ABOUT THE ALLEGED ABUSE OF A DETAINEE. I TOLD HIM I HAD NO KNOWLEDGE OF MISTREATMENT AND VIDEO OF A DETAINEE.

Q: [REDACTED]: SINCE THE INCIDENT HAS BEEN BROUGHT TO THE ATTENTION OF BN LEADERSHIP WHAT DISCUSSIONS WHO HAS BEEN TALKING ABOUT THE INCIDENT IN THE SQUAD OR PFT? Ex 6 C3.2.1.4

A: [REDACTED], IN GENERAL, NO SPECIFICS IN OPEN DISCUSSION AMONG THE PLATOON. OVERHEARING THAT HE DID NOT USE A CLOSED FIST ON THE DETAINEE AND WAS ONLY A JOKE. [REDACTED] NOTHING FOLLOWS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

b(6), b(5)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 7 MAY 04

9. STATEMENT (Continued)

Alp

EX 6
C3,2,1,6

[Large diagonal line across the statement area]

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY, 2004 at HQ 3rd Bn 1st INF

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
INVESTIGATING OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

001360

[REDACTED]

DAVE AT WEST K LOCATION

EX 6, C3.2.1.6

b(6), b(3)

Interview questions

Incident

What was your mission: RESFCE ORDER TO CITY & SUPPORT 3 ACR

What was the mentality of the soldiers like: COMBAT WHICH FOLLOWED INTO SUPPORT 10 DAYS RUNNING AS EVERY DAY PATROLS EVERY DAY SOME STRESS & TIRED EQUAL ACCESS

SO INTERP

How many other detainees had you dealt with that day: NONE THAT DAY

What had been the previous detainee actions like:

NO INITIAL HAD 8 DETAINEES ~~3~~ 3 TO 4 DAY PRIOR NONE AFTER 29TH

SEARCH, FLEX CUT A MOVE TO COORDINATED FORT PAPERWORK

When did you detain the individual in question:

NOT AWARE OF DETAINING IN AREA OF CACITE DID NOT FIND CNT TILL RETURN TO FT CAMPBELL ABOUT INCIDENT

DID NOT SEE INCIDENT

Why was he detained (circumstances): HAD SOME GOATS IN IMMEDIATE AREA RESISTING NO WALKING WITH THEM

AMMO & WEAPONS CACITE FOUND PL INTERP & BE TALKED WITH HIM WHILE SGT COVERED AREA

Who initially detained him:

CALLED OVER BY INTERP AFTER CACITE FOUND [REDACTED] DID INITIAL DETAINING AFTER TALKING W/ INTERP

EX 4 C3.2.1.6

(LT) IN AREA AS WELL Was he interrogated at all prior to the film or after:

YES INTERP ASKED HIM ABOUT WEAPONS & AMMO FIRST DENIED THEN CHANGED MIND AFTER INTERP SAID SOMETHING TO HIM AND SAID IT WAS HIS & IT WAS FOR PROTECTION

Who interrogated him:

PL, INTERP [REDACTED]

Was any paperwork filled out on him being detained:

NOT ON SITE NOT AWARE OF AT ALL

Did he speak any English:

DIDN'T SPEAK ANY ENGLISH

How long before the video had he been detained:

1/2 HR 45 MIN

DETAINED & BROUGHT ALONG WITH SQUAD

INTERP ASSIGNED TO PLATOON [REDACTED] STAYED W/ PL OR PSG

EX 6, C3.2.1.6

001361

45 MIN TO 1 HR TO DETAINEE TIME

b(6), b(3)

DETAINEE HAD MIL STYLE BOOTS ON

How was his treatment prior to and after the video:

DID NOT SEE ANY MISTREATMENT

When was he flexicuffed: AFTER HE CHANGED HIS MIND ABOUT
Who did it [REDACTED] CARRYING WPNS
[REDACTED] HAD HIM WHERE TIME

What happened after the video:

WALKED WITH SQUAD FOR AWHILE & WAS
RELEASED BY PL

Who else was in the immediate area:

PL, PSG, INTERP, & SQUAD,

Was he stuck again:

Where was he taken:

Who took him there:

Was there any additional interrogation done:

PL INTERP & PSG CONTINUED TO ASK HIM QUESTIONS
WHILE MOVEMENT

Was the detainee humiliated in any other way:

DID NOT SEE

Did anyone say anything to stop it:

Why was he released and how:

RELEASED BY PL UNCLIPPED HIM & HE WALKED
BACK TOWARD AREA HE WAS DETAINED

To your knowledge has there been any other incidents of mistreatment of detainees:

NOT THAT HE IS AWARE OF

EX 6
C3.2.1.6

NOT AWARE OF EXISTANCE UNTIL BACK AT
CAMPBELL

Video

WAS NOT PRESENT FOR ANY SHOWINGS OF
VIDEO
When and How many times was the video shown to the platoon:

Who was there and who was not:

Was it shown repeatedly:

Who showed it:

Did anyone narrate the video:

What did they say:

~~Was the showing of the video selective to certain individuals:~~

Was the video shown to anyone outside the platoon:

What the demeanor or attitude when the video was being shown:

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke:

To your knowledge who has copies of the video:

When did you report it to the chain of command:

001563

b(6), b(3)

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

PL INFORMED [REDACTED] DISCUSSED CHARGES
ENL, C3.2.1.4

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge: UNSURE

Why was the video deleted off the computer:
When?

CALL PL → XO WHEN NEEDED ASSISTANCE
OR DETAINEE PICK UP
GIVE GRID TO BRING DETAINEE
DROP OF DETAINEE TO XO/PL & MOVE OUT
CONTINUE MISSION

VIDEO ID

INTERVIEWED BY BC BUT NOT INVESTIGATING OFFICER

RECOGNIZE DETAINEE

b(6), b(3)

██████████ & ██████████ INITIALLY FOUND CASHE
2 AKS & AMMO IN SEALED PLASTIC BAG
UNDER LARGE BRUSH PILE

100M⁺ AWAY W/ 5-6 GOATS

██████████ WAS WITH THEM AT TIME

INITIALLY DIDN'T KNOW SPECIFICS OF INCIDENT
UPON SHOWING HIM VIDEO HE RECOGNIZED DETAINEE
& GAVE DESCRIPTION AND DETAILS OF WHAT HE KNEW

001365

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

b(6), b(3)

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 Headquarters 3 rd BATTALION 107 INFANTRY	2. DATE 07 May 04	3. TIME 1922	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] EN 6 C3.2.1.6	8. ORGANIZATION OR ADDRESS [REDACTED] Fort Campbell KY 42223		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army HHC 3rd BDE
101st ABN DIV and wanted to question me about the following offense(s) of which I am
 suspected/accused: INCIDENT INVOLVING POSSIBLE MISTREATMENT OF DETAINEE

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:

- 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.
- (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.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] EN 6 C3.2.1.6	
1a. NAME (Type or Print) i		4. SIGNATURE [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]	
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE 101 st ABN DIV	
b. ORGANIZATION OR ADDRESS AND PHONE			

Section C. Non-waiver

- I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

b(6), b(3)

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
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
2. DATE (YYYYMMDD) 2004 05 09
3. TIME 2015
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS EX 6 C3.2.1.6
9.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

"I understand that you have been interviewed previously about the incident of an alleged assault of an Iraqi detainee near Husaybah, Iraq. I have been appointed to conduct a separate and independent investigation of the alleged assault. I am not using your prior statement as a basis for my questions of you today. Do you understand that? Do you have any questions at all about your Article 31 rights that we just addressed on the DA 3881?"

ON THIS DAY, we and my platoon went on a mission IN husaybah and on our way we found a man with a hidden weapon so we detained him and when we were walking we were held up at a fence and to ease the tension we made a movie of our prisoner and in the movie I said this is Jackass Iraq I going to punch this guy but I missed and he moved the camera and a fence and started to rick when I tried to elbow the guy I fell and he fell then I went back and in the bag I transferred the movie to my pin drive straight from the camera and watched it once and that was the last time I saw it and at this time other person from my platoon saw it I know this was a stupid idea but I thought I was keeping the moral up and if anyone was not we apologize. and there was no distribution of this tape.

EX 6 C3.2.1.6

Nothing else follows.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED 2004 05 09

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT 2015 DATED 05/09/2004

STATEMENT (Continued)

EN 6
C3.2.1.6

Nothing else follows

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY 04 at HQ 3rd BN 187th AB

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 7 OF 7 PAGES

[REDACTED]

EN 6
C3.2.1.4

b(6), b(3)

Interview questions

Incident

What was your mission: LOOKING FOR LANDMINES & WEAPONS CACHES

What was the mentality of the soldiers like: PISSED OFF AT WALKING MEDIOCRE SIGHTS "KEEPING OURSELVES ENTERTAINED"

How many other detainees had you dealt with that day: NO

What had been the previous detainee actions like: SEVERAL OTHER DETAINEE IN MISIONS @ HUSABA, DIDN'T HAVE TAGS OR DOCS WITH THEM BROUGHT TO TRUCKS WHITING & TURNED OVER

When did you detain the individual in question: MID-DAY WALKED WITH THEM FOR FORTY MINUTES

Why was he detained (circumstances):
Resisting? NO

Who initially detained him:
[REDACTED] EN 6, C3.2.1.4

Was he interrogated at all prior to the film or after:
TALKED WITH HIM SHORTLY THEN BROUGHT ALONG TO CONTINUE MISSION EN 6, C3.2.1.4

Who interrogated him: [REDACTED] (INTER), PL OR 756?

Was any paperwork filled out on him being detained:
TOOK ALONG WITH THEM CASE NO MEANS TO GET THEM OUT

Did he speak any English:
NO

How long before the video had he been detained:
30 MIN WAITING TO BREACH CUT FENCE

TREE/POST MOVED AND I SLIPPED & BLEW ED INTO HIM
[REDACTED] WAS CALLED AFTER, WASN'T AWARE CAMERA STILL RECORDING
FELL FORWARD FIRST
b(6), b(3)

How was his treatment prior to and after the video:

FELL 4 FEW TIMES IN MUD & TERRAIN
HURT HIMSELF FEW TIMES WHILE WALKING

When was he flexicuffed: AFTER TALKED WITH HIM
Who did it: [REDACTED]

What happened after the video: MOVED OVER FENCE
SEARCHED FIELD MOVED DETAINEE TO BRADLEY (HUMAN)
[REDACTED] & XC DROPPED OFF & KEPT ON WALKING ON
MISSION. DECIDED TO LET HIM GO

Who else was in the immediate area:

HARRIS, GAINES, RIVERA, SQUAD IN AREA
WAITING AROUND TO GET OVER FENCE

Was he struck again:

Where was he taken:

~~RELEASED~~

Who took him there:

[REDACTED] EX 6 C3.2.1.6

Was there any additional interrogation done:

NOT KNOWN TALKED W/ INTERF WHILE WALKING

Was the detainee humiliated in any other way:

NO

Did anyone say anything to stop it:

NO ONE IN IMMEDIATE AREA TO STOP IT

Why was he released and how:

To your knowledge has there been any other incidents of mistreatment of detainees:

MADE IT TO BE JOKE, FELT IT WAS FUNNY RAISE
SPIRITS OF SQUAD

001370

LOCATION AT THIS TIME UNKNOWN
DIDN'T KNOW WHO PUT IT ON COMPUTER b(6), b(3)
CLAIMED TO HAVE RIGHT TO PIN DRIVE

Video

When and how many times was the video shown to the platoon: EN6, C3.2.1.6
THE NIGHT AFTER MISSION ON [REDACTED] LAPTOP
ONCE OR TWICE

Who was there and who was not:
"LET A PEOPLE BATH IT" IN AMONGST PLATOON @
HUSABAH 1

Was it shown repeatedly:
WAS NOT DISTRO'D TO ANYONE OR SHOWN

Who showed it:

Did anyone narrate the video:

What did they say: LAUGH SAYING IT WAS STUPID
COMMENTING ON HOW HE MISSED

Was the showing of the video selective to certain individuals:

Was the video shown to anyone outside the platoon: NOT AWARE OF

What the demeanor or attitude when the video was being shown:
LAUGHED ABOUT IT CALLED IT STUPID

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke: JOKE NO ONE TOOK
SERIOUSLY OR SAID ANYTHING WRONG ABOUT IT

To your knowledge who has copies of the video:

When did you report it to the chain of command:

FIRST NAME

"OUR PRISONER"

001371

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer:
When?

DONE AS JEEZ TO RELIEVE TENSION
NO INTENT TO CAUSE HARM

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

b(6), b(3)

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 HHC 3 BDE 101ST ABN DIV	2. DATE 7 May 04	3. TIME 17:45	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED] Desert Storm Avc		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	Fort. Campbell Ky 42223	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army HHC 3 BDE
101ST ABN DIV and wanted to question me about the following offense(s) of which I am suspected/accused: INCIDENT INVOLVING POSSIBLE MISTREATMENT TO DETAINEE

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.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print) [REDACTED]	[REDACTED] EXL C3.2.1.6
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)	5. TYPED NAME OF ORGANIZATION [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HHC 3 rd BDE 101 st ABN DIV

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

SWORN STATEMENT

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

b(6), b(3)

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
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: HO 3BDE 3/187LINE
2. DATE (YYYYMMDD): 2004 05 07 SRC
3. TIME: 1342 SRC
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS: INF, Fort Campbell KY 42223

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

"I understand that you have been interviewed previously about the incident of an alleged assault of an Iraqi detainee near Husaybah, Iraq. I have been appointed to conduct a separate and independent investigation of the alleged assault. I am not using your prior statement as a basis for my questions of you today. Do you understand that? Do you have any questions at all about your Article 31 rights that we just addressed on the DA 3881?"

ON THE 29 Nov 03 3rd PLT Bca 3/187 conducted A mission outside OF HUSAYBAH we were searching the area for weapons and came upon A pit that seemed to be empty and found An AK and ammo in A plastic Bag. close By A Man was seated and we called Him over To us and the man was His. He started to lie and change His story so we searched Him and cuffed Him and continued the mission. about 40-45 mins. later The PLT was held up By A fence and needed to be [REDACTED] brushed. During That Time we made A video clip Title "our first Iraqi Prisoner" [REDACTED] as A joke for laughs and pretended to hit Him in the stomach [REDACTED] and myself. after that I walked Him to the Bradley crew and turned Him over to them. we continued the mission and later that Night down we Downloaded the file to my laptop and viewed IT. The Profile That saw it laughed and That was IT. We watched it in the sleep area on our cots I didnt know the video had gotten to other people I didnt show people outside the guys that wanted to see it. I Deleted the file of the video to make more room on my drive and IT wasnt A Big Deal to me. everyone took it as A joke and laughed about IT SRC

Nothing else follows

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] 871, DATED 7 May 04 S2c

9. STATEMENT (Continued)

EN 6
C3.2.1.6

AFFIDAVIT

[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 S2c FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

EN 6
C3.2.1.6

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of MAY 04 at HQ 3rd BN 187 INF

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
INVESTIGATING OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

001375

██████████ EN6 C3.2.1.4 NOT WOOD PILE 1 AK & SEVERAL BOXES (150 RDS)

b(6), b(3)

Interview questions

Incident

What was your mission: LOOKING FOR WPNS & HVTS

What was the mentality of the soldiers like: TIRED BUT CONTINUED TO DO JOB

How many other detainees had you dealt with that day: NO

What had been the previous detainee actions like: HAD SEEN SEVERAL & TAKE SEVERAL OTHER PEOPLE DETAINED DID NOT FILL OUT ANY PAPER WORK ANOTHER GROUP SOLDIERS DETH TO DEAL W/ DETAINES

When did you detain the individual in question: AFTER FINDING AK & RDS

Why was he detained (circumstances): HE STATED AMMO WAS HIS & Resisting? NO HE PUT ME THERE BECAUSE HE DIDN'T WANT IT TAKEN BY US FORCES CHANGED MIND AFTER OR BEFORE? NOT SURE WHAT STORY WAS FIRST

Who initially detained him: ██████████ PL, INTERP, ██████████ EN6 C3.2.1.4 QUESTIONED HOW DECIDED HE HAD NICE DETAINED WITH SEARCH & FLEXCOFF (SPEAD BACK OUT CONTINUED MISSION)

Was he interrogated at all prior to the film or after: YES BY IL ██████████ INTERP 20-30 MINUTES INTO MISS INTERP WHILE WALKING

Who interrogated him: ██████████ & ██████████ (INTERP) EN4 C3.2.1.4 ASHLEIGH WALKING

Was any paperwork filled out on him being detained: NONE

Did he speak any English: NO

How long before the video had he been detained: 45 MINS, SLIGHTLY AFTER 10 MIN - AFTER BREACHING FENCE TURNED OVER TO BRADLEY CREW FROM CHECKPOINT-GUARD @ BRADLEY SEE ASHTMAN PRESENT AS WELL

HAD DETAINEE FOR 1 HR

b(6), b(3)

How was his treatment prior to and after the video:

PULLED LIMBS UP BY FLEXY CUFFS TO MAKE HIM
QUICKER HE FELL CROSSING OVER DITCH HELPED UP & KEPT
WALKING

EX 4
C3.2.1.4

When was he flexicuffed:

Who did it [REDACTED]

What happened after the video:

VIDEO WAS TAKEN WAITING TO CROSS THE FENCE
AFTER HE WAS TAKEN TO BRADLEY

EX 4
C3.2.1.4

Who else was in the immediate area:

DOESNT REMEMBER [REDACTED] [REDACTED] [REDACTED] 15-20 m to R.

Was he stuck again:

NO

Where was he taken:

TO BRAD

Who took him there:

[REDACTED]

Was there any additional interrogation done:

NOT AWARE

Was the detainee humiliated in any other way: DOESN'T THINK SO

Did anyone say anything to stop it:

Why was he released and how: DOESN'T KNOW

To your knowledge has there been any other incidents of mistreatment of detainees: NO

EX 4. C3.2.1.4

[REDACTED] SLIPPED DUMPED INTO GUY IN MUD ALSO INTO [REDACTED]

JUST SCREAMING AROUND, SOMETHING TO DO FUNNY
[REDACTED] SWUNG WIDE & [REDACTED] PULLED HIM BACK
DIDN'T OCCUR TO BE INAPPROPRIATE AT TIME
DIDN'T PLAN ON BEATING HIM UP

001377

b(6), b(3)

MAJORITY OF PLT SAW IT

Video

PL MAY HAVE AS WELL AS PSC

When and How many times was the video shown to the platoon:

AFTER MISSION THAT NIGHT IN BAY WHERE THEY WERE STAY
SHOWN ON LAPTOP [REDACTED] 4 TO 5 TIMES TOTAL WAS SHOWN ON LAPTOP

Who was there and who was not:

RANDOM PEOPLE IN SQUAD & PLT

Was it shown repeatedly: NO

Who showed it: ANYONE WHO HAD CONTROL OF COMPUTER

Did anyone narrate the video:

What did they say: LAUGHED ABOUT IT WASN'T ANY BIG DEAL

Was the showing of the video selective to certain individuals: NO

Was the video shown to anyone outside the platoon: DOESN'T KNOW

What the demeanor or attitude when the video was being shown: NO OFFENSE TAKEN BY ANYONE

What was the feelings of the group toward the video: DONE FOR FUN AS JOKE

Were people laughing about it: YES

Did they take it seriously or as a joke: JOKE

To your knowledge who has copies of the video: NO ELSE
DOESN'T KNOW HOW IT WAS OFF HIS COMPUTER

When did you report it to the chain of command:

EX 4
3.2.1.6

b(6), b(3)

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge: NO

Why was the video deleted off the computer: TAKEN UP SPACE DIDN'T WANT ANYMORE
When? JAN

EXP
C3.2.1.6

[REDACTED] LABELLED THE VIDEO

"OUR FIRST IRAQI PRISONER" FIRST LABEL

OUR PRISONER (THE SWASTH) DOESN'T KNOW WHO LABELLED IT

CLAWNING AROUND

ADMITS IT WAS NOT A SMART IDEA
NOW LOOKING BACK

AFTER SEEING VIDEO & ME POINTING OUT WHERE IT
LOOKS LIKE [REDACTED] HIT HIM HE WILLING TO
SAY THAT HE DIDN'T

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

b(6), b(3)

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 #10 3rd APT 1/13712F	2. DATE 7-12-04	3. TIME 15:35	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 1-110 3rd BDE
101ST ABN DIV AASLT and wanted to question me about the following offense(s) of which I am
suspected/accused: INCIDENT INVOLVING POSSIBLE MISTREATMENT TO DETAINEE

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:

- 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.
- (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.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] EXP C3.2.1.6
1a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR [REDACTED]
		6. ORGANIZATION OF INVESTIGATOR 1-110 3 rd BDE

Section C. Non-waiver

- I do not want to give up my rights
 I want a lawyer
 I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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