

	YES	NO	N
2 Exhibits (para 3-16, AR 15-6)			
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			
3 Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>			
4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6 Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8 If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>			
9 Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
b. Was the date of delivery at least five working days prior to the first session of the board?			
c. Does each letter of notification indicate —			
(1) the date, hour, and place of the first session of the board concerning that respondent?			
(2) the matter to be investigated, including specific allegations against the respondent, if any?			
(3) the respondent's rights with regard to counsel?			
(4) the name and address of each witness expected to be called by the recorder?			
(5) the respondent's rights to be present, present evidence, and call witnesses?			
d. Was the respondent provided a copy of all unclassified documents in the case file?			
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10 If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?			
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11 Counsel (para 5-6, AR 15-6):			
a. Was each respondent represented by counsel?			
Name and business address of counsel:			
(If counsel is a lawyer, check here <input type="checkbox"/> )			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a. Was the challenge properly denied and by the appropriate officer?			
b. Did each member successfully challenged cease to participate in the proceedings?			
13 Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b. Examine and object to the introduction of real and documentary evidence, including written statements?			
c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d. Call witnesses and otherwise introduce evidence?			
e. Testify as a witness?			
f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14 If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15 Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES: 1) Explain all negative answers on an attached sheet.  
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

b(6), b(3)

The (investigating officer) (board), having carefully considered the evidence, finds:

[redacted] did make a statement stating to "beat a detainee" and release him. It is determined that although [redacted] made such a comment, it was not the direct cause of a violation of the Rules of War or the ROE. [redacted] has a history of making hostile comments about Iraqi civilians (Exhibit H,I,J,L) but not in the presence of local Iraqis (Exhibit J,L). [redacted] was counseled by his squadron commander about making such comments (Exhibit I). The circumstances that evolved between the third week of June 03 and the first week of July 03 resulted in the stripping of Iraqi detainees, which cannot be linked to any statements that [redacted] made regarding the treatment of detainees. Questioning of the NCO responsible for the stripping incident revealed that [redacted] might have made a statement to beat the detainee and release him. However, this cannot be proven as fact since no one but [redacted] and [redacted] were able to hear the dialogue that took place between the three soldiers (Exhibit M). If [redacted] gave [redacted] the directive, [redacted] should have asked for clarification, not complied and reported it to his chain of command. [redacted] did not ask for clarification (Exhibit M). 2nd Squadron's actions of releasing some detainees (Exhibits H,J,K,L) are not listed in their battle drill regarding detainees (Exhibit N) and created the opportunity to mistreat detainees as occurred in the stripping incident. There is no evidence of any mistreatment of Iraqi civilians prior to the stripping incident, or after the incident, yet [redacted] has a history of derogatory comments towards Iraqi civilians through this period.

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SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

[redacted]

b(5)-3  
deliberative process

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

001583

USAPA V

b(6), b(3)



DEPARTMENT OF THE ARMY  
Headquarters, 2d Armored Cavalry Regiment  
Unit 92401  
APO AE 09322-2401



AFZX-C-CO

16 August 2003

MEMORANDUM FOR RECORD

SUBJECT: Appointment of Investigating Officer

1. [REDACTED], you are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances covering the actions of [REDACTED] which may have contributed to alleged ROE and Geneva Convention violations.
2. In your investigation, all witness statements will be sworn. From the evidence, you make findings as to whether negligence was involved.
3. Submit four copies of your findings and recommendations on DA form 1574 to this headquarters, ATTN: AFZX-C-RS1, within 3 days.

FOR THE COMMANDER:

[REDACTED SIGNATURE]

Personal Info Redacted IAW Sec of Def Memo 01 -  
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001584

**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 <i>Camp Dragon, IRAQ</i>	2. DATE <i>16 Aug 03</i>	3. TIME <i>2000</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
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 is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am

suspected/accused: Actions which may have contributed to alleged ROE and Geneva Convention violations

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. NAME OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print)	[REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	

**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

001585

CORR-101, dtd 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

**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 <i>CAMP DRAGON, IRAQ</i>	2. DATE <i>16 Aug 03</i>	3. TIME <i>2030</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
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 [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: *Actions which may have contributed to alleged ROE and Geneva Convention Violations*

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]
1a. NAME (Type or Print)	[REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	[REDACTED]

**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

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)



b(6), b(3)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

Table with 4 columns: 1. LOCATION (CAMP DRAGON), 2. DATE (16 AUG 03), 3. TIME (1420), 4. FILE NO.
5. NAME, 6. GRADE/STATUS, 7. ORGANIZATION OR ADDRESS (Fort Polk, LA 71459)

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 [redacted] and wanted to question me about the following offense(s) of which I am suspected/accused: Possible ROE/ Geneva Convention violations

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.

Table with 2 columns: Left column for witnesses (1a, 1b, 2a, 2b) and right column for investigator (3, 4, 5, 6). Includes fields for name, organization, and signature.

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

CORR-101, did 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(2)

### RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

#### DATA REQUIRED BY THE PRIVACY ACT

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION CAMP DRAGON	2. DATE 16 AUG 03	3. TIME 14:20	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
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 [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: POSSIBLE ROE OR GADUA CONVENTION VIOLATIONS

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]
1a. NAME (Type or Print) [REDACTED]	b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	4. TITLE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED]		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		6. ORGANIZATION OF INVESTIGATOR [REDACTED]

##### 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

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

*(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)*

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

COMMENTS *(Continued)*

b(6), b(3)

### RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

#### DATA REQUIRED BY THE PRIVACY ACT

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>Camp Dragon</u>	2. DATE <u>16 AUG 03</u>	3. TIME <u>1420</u>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
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 is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: possible ROE / Geneva Convention violations

Before he asked me any questions about the offense(s), however, he 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.

*(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]
1a. NAME (Type or Print) [REDACTED]	b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED]		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		6. ORGANIZATION OF INVESTIGATOR [REDACTED]

##### 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

Personal Info Redacted JA W Sec of Def Memo 01 - CORR-101, dtd 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

COMMENTS (Continued)

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 CAMP DRAZAN IRAQ	2. DATE (YYYYMMDD) 20030816	3. TIME 2000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

Q. During Operation Scorpion or at any time while being presented with detainees, have you ever told a U.S. soldier to "take the detainees out back and beat the fuck out of them" in any manner seriously or jokingly?

A. I have never seriously told anyone to do that. My soldiers and I have always processed the detainees IAW our Battle Drill or released them. If the detainees are underage we have released them to an adult. If they are an adult we have either returned them to their homes or let them go at the gate.

Q. You have been accused of telling a NCO to "beat the fuck out of a detainee. Given this, do you feel that you should have been taken seriously if you did so ~~commit~~ commit the said act?

A. NO. Even if I had said that, the NCO should never have thought I meant it.

Q. Do you wish to add anything else that may help clear this matter?

A. NO. *nothing follows*

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.

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

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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 \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)



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INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

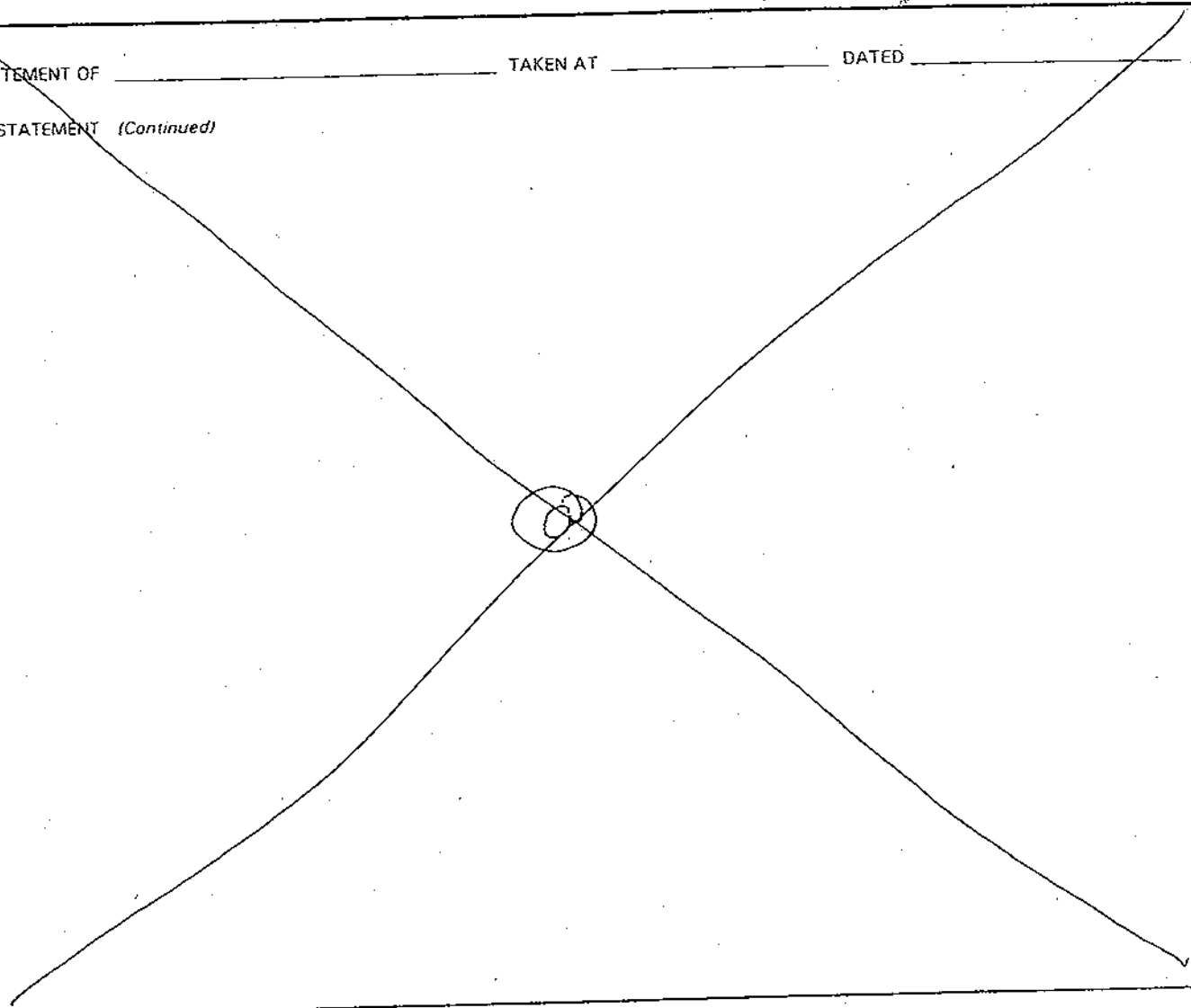
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b(6), b(3)

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)



(C)

CORR-101, dtd 9 Nov 01

AFFIDAVIT

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE \_\_\_\_\_ 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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16<sup>th</sup> day of August, 2003 at Camp Dragon, IRAQ

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

15-6  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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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 CAMP DRAGON, IRAQ	2. DATE (YYYYMMDD) 20030816	3. TIME 2113	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ADDRESS [REDACTED]			

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

Q. Have you ever directed a NCO to "beat" a detainee prior to releasing them?

A. I may have joked about it before but I never seriously ordered anyone to do it. I only joked about this once and was counseled by the SLO to stop it.

Q. ARE the documents that I am showing you in fact your current SOP on the processing of detainees and the current ROE governing the treatment of detainees?

A. Yes.

Q. As the [REDACTED] are you ensuring the enforcement of these documents?

A. I am. I have my 156 check detainees in the couple when they are there and I spot check paperwork to ensure it will pass MP standards.

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.

CORR-101, dtd 9 Nov 01

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 \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)



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INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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b(6), b(3)

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

Personal Info Redacted IAW Sec of Def Memo 01-  
CORR-101, dtd 9 Nov 01

AFFIDAVIT

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August, 2003 at Camp Oragon, IRAQ

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPA 97-00

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: CAMP DRAGON IRAQ
2. DATE (YYYYMMDD): 20030816
3. TIME: 2035
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Q. Please explain what happens to detainees when brought to your unit.

A. The detaining unit brings the suspect(s) to the CMOC (colocated w/ our Battery TOC). They will fill out the apprehension forms and sworn statements relating to the suspected crime, and fill out a chain of custody form if applicable. Once the paperwork is complete, custody of the detainees and evidence is transferred to our control. The detainees are kept in a fenced cement pad w/ over lead shade and given water and MREs. The evidence is safeguarded in the Battery's TOC. Once the detail is ready to transport the prisoners (usually once daily), the detainees and evidence is loaded on vehicles and transported to BIAF under the control of an OIC. Once at BIAF, custody is transferred to the MPs on site.

Q. Are the documents that I am showing you in fact your current SOP on the processing of detainees and the current ROE governing the treatment of detainees?

A. Yes.

Q. Has your unit ever deviated from your SOP of processing of detainees?
A. Not that I am aware. IF children are caught under the age of 16, we hold them at our location until either their

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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.

Personal Info Redacted LAW Sec 01 Del Invenio v.1
CORR-101, dtd 9 Nov 01

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 Camp Dragon DATED 16 Aug 03

9. STATEMENT (Continued)

parents come to pick them up or an Imam or community leader comes to pick them up.

Q. Have you ever heard [REDACTED] say "We should just beat the fuck out of them" in relation to detainees?

A. I have not heard him say this.

Q. Not even in a joking manner?

A. Not in my presence.

Q. Have you heard that he told a NCO who had brought detainees for processing to just "beat the fuck out of them and release them"?

A. I have heard him say something to the effect of "just kick their asses out of the gate and send them home." I have never heard of him instructing someone to beat a prisoner.

Q. Was this a directive or a joke?

A. It was a joking manner, you could tell he didn't expect anyone to physically kick the prisoners.

Q. Have you heard any rumors of anyone taking him seriously when he says this?

A. No. The only time I have heard of anyone striking a prisoner was in self defense, when a detainee attempted to bite a soldier while being transported.

Q. Do you have anything that you wish to add to help clear this matter?

A. When I have been present during the handling of detainees, they have been treated properly.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

USAPA V1.00

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 16 Aug 03

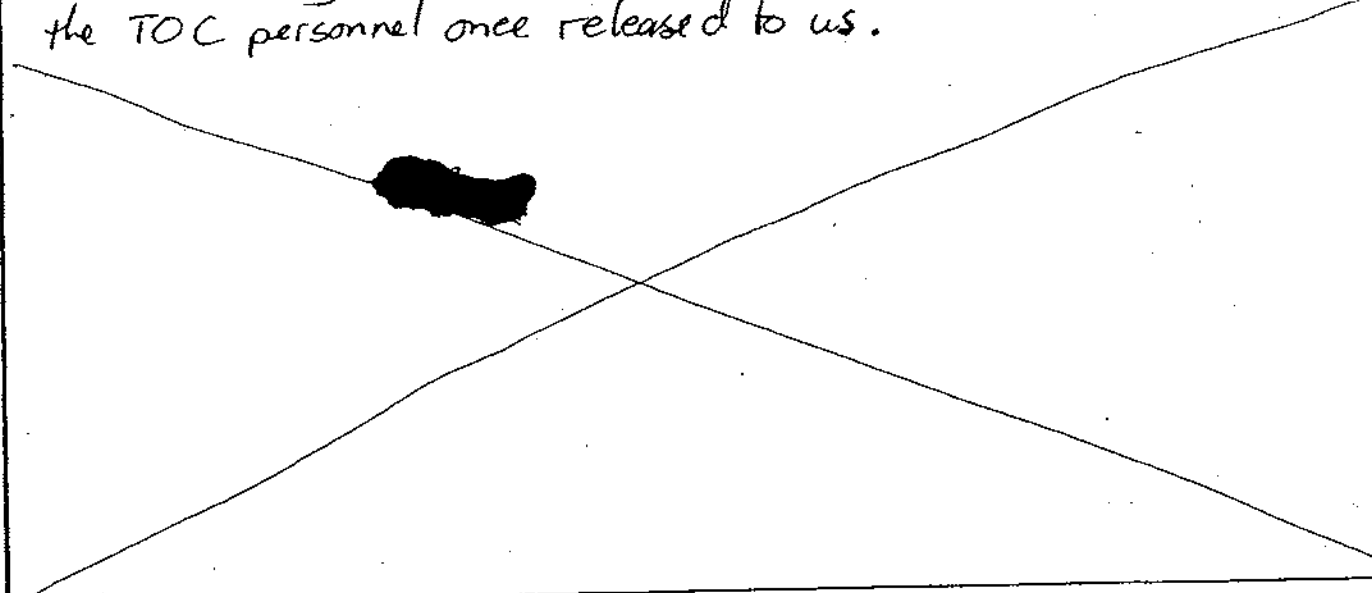
9. STATEMENT (Continued)

I have not seen a prisoner beat or mistreated, nor has anyone approached me about being instructed to do so.

Q. Have you ever observed [REDACTED] displaying unprofessional gestures or saying unprofessional things around or to detainees?

A. No. I have rarely been in contact with [REDACTED] while he is handling detainees. They are usually in the custody of the TOC personnel once released to us.

Personal info redacted IAW Sec 01 Del Memo U1 - CORR-101, did 9 Nov 01



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 of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August, 2003 at Camp Dragon, Iraq

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

IS-6  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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: CAMP Dragosa
2. DATE (YYYYMMDD): 2003/08/16
3. TIME: 14:53
4. FILE NUMBER
5. LAST NAME, FIRST-NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

WHEN WE would get a detainee we would take them to the CMOC WERE THEY would take control of them. I HAVE NEVER SEEN A SOP ON HANDLING WEAS WHAT WE WERE suppose to do. BECAUSE I SAW ALL THE TROOPS DOING THE SAME. WE HAVE TOOK DETAINEES to the CMOC 3 times ONE time they took THE 7 FROM US. THE other time they took them from us. THE LAST TIME MYSELF and [REDACTED] took a detainee WE ASKED WHAT US TO DO WITH THE detainee. I HEARD [REDACTED] tell [REDACTED] TAKE the detainee to the back AND BEAT the shit out of the detainee. I TOOK that as he was being serious and HE wanted us to do that to the detainee. AFTER THAT I HAVE NOT BEEN INVOLVED IN TAKING ANYMORE OR TRYING to take anymore DETAINEES to the CMOC. THE END of July my [REDACTED] HAD the [REDACTED] OVER THE FLAGO THAT PERTAINED ON HOW WE ARE suppose to handle IRAQI PERSONEL WHEN WE DETAIN THEM. AFTER THAT I HAVE NOT HEARD ANYTHING ELSE ABOUT FROM ANYONE HIGHER than my PL.

Q. Who did you report to the first two times you took detainees to the CMOC?

A. I WE TOOK THEM to the Bulldog ELEMENT AT THE CMOC AND HANDED THEM TO THEM.

Q. Why were the procedures changed the third time you took detainees to the CMOC

A. I GESS THEY WERE TIRED of HANDLING the personnel that WE would bring them for taking the copper wire from the back of the camp.

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.

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01



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

STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 8/16/03

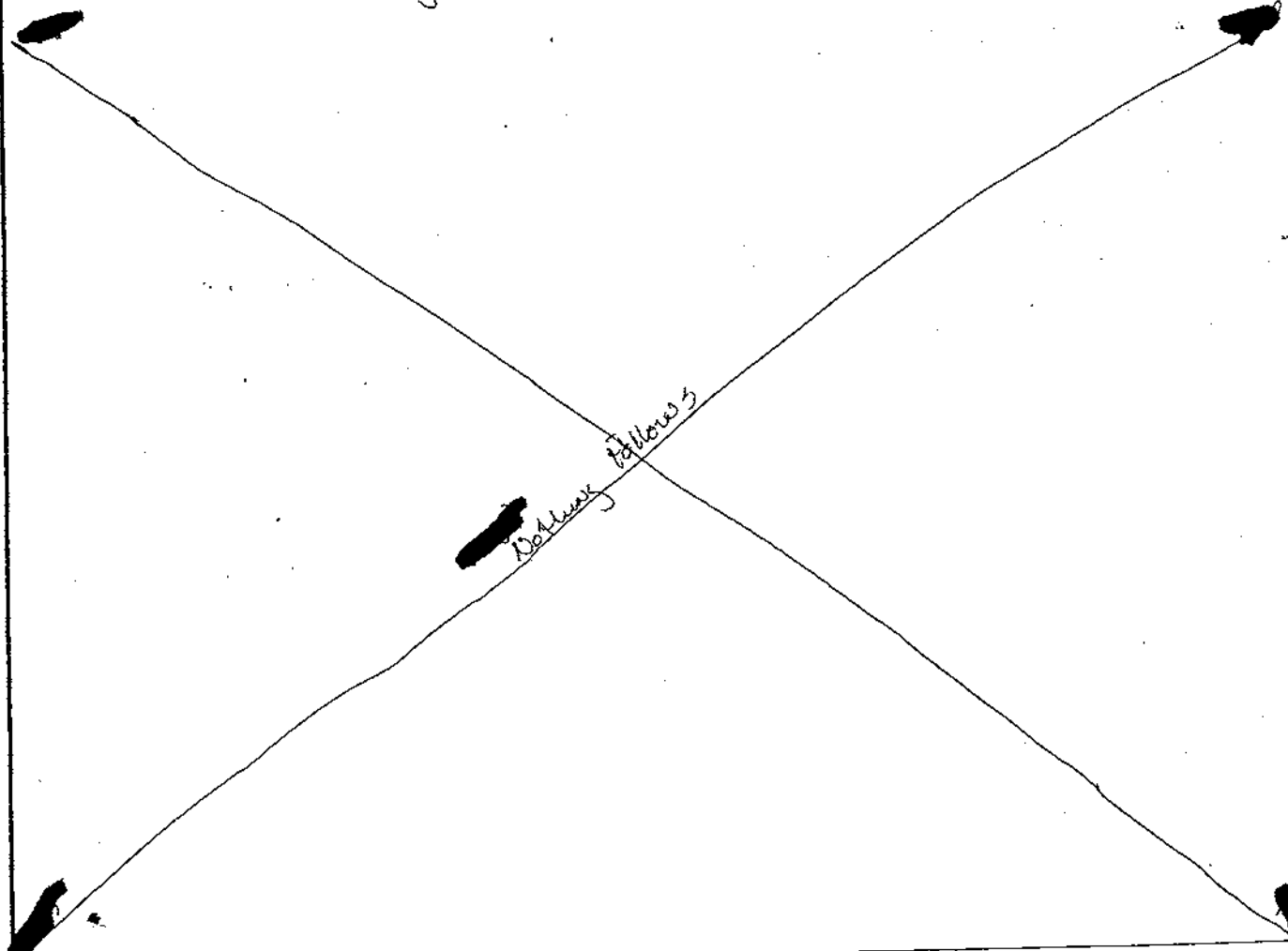
9. STATEMENT (Continued)

Q. Reference the first two times that you took detainees to the CMOC, who did you turn the detainees over to?

A. IT WAS ONE OF THE LTs that was working in the bulldog tower at the time.

Q. Did the lieutenants follow what you think the SOP is?

A. After handing over the detainees I don't know what they did with them. So what they did with them I ~~guess~~ thought was right. because I thought all we had to do was take them to the CMOC were the bulldog element was located at was the SOP. AND the bulldog ELEMENT handled the rest



*Detainees follows*

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

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A USAPAC JUDGE REQUESTED IAW W. DEC 01 DCA IERHDD V1 - CORR-101, dtd 9 Nov 01

b(6), b(3)

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9 STATEMENT (Continued)

[Large redacted area with a large 'X' drawn across it]

*Nothing follows*

Personal Infor Redacted IAW Sec of Def Memo 01 -  
CORR-101, dtd 9 Nov 01

AFFIDAVIT

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

\_\_\_\_\_  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August 2003 at Camp Orzgow, Baghdad, IRAQ

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

15-6

(Authority To Administer Oaths)

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPA V1.00

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 (SSM).
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: CAMP DRAGON
2. DATE (YYYYMMDD): 20030816
3. TIME: 1445
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
This is SOP for actions to take with detainees. When detaining Iraqis we flex cuff them and put the individual in the vehicle to take to Camp Marlboro. Actions with the detainee after arrival to Camp Marlboro is handed to Bulldog X-Ray. At that time a representative from Bulldog made the decision to keep the detainee or have us drop them off 2 or 3 kilometers from the site detained at. (While en route from the site detained at and Camp Marlboro we send a radio transmission stating number of detainees to both Bulldog and Cougar X-RAY). There is two instances when I was involved with detaining Iraqis. First time I was in a four vehicle convoy with my platoon returning from Camp Dragon to Camp Marlboro. I called Bulldog X-Ray to check if they wanted us to enter Camp Marlboro through the back entrance in order to check for looters in the wire yard (Back 40). Bulldog X-Ray responded yes, so we executed the mission and detained four looters. I reported the number of detainees to Bulldog X-Ray so they could prepare for our arrival. Upon arrival to Camp Marlboro we dismounted the detainees outside the gate and escorted them through the ~~personnel~~ walk-thru gate. At this time one of the LT's stated that we Bulldog could hold them overnight or we could drive the detainees around, scare them a little and let them go. We chose to drive around. So I sent my Platoon Sergeant and 2nd Squad leader back out with the detainees while I returned to our warehouse with my 3rd squad leader. The second time we detained an individual and handed them off to Bulldog when dealing with the locals, I was instructed to deal with them with dignity and respect. After the investigation started with my

CORR-101, did 9 Nov 01

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.

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

STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 16 AUG 03

9. STATEMENT (Continued)

Platoon, I received a print out from a division FRAGO that stated how locals could not be treated ie: beating, abusive language etc. Since our investigation, I have been in contact with [REDACTED] (Bulldog 6) through normal daily activities (BUB, discuss force protection issues). During these times he has not made any additional comments about beating local to me.

Q. Have you ever heard [REDACTED] say to "beat the fuck" out of a detainee?

A. I have heard him say "We should beat the fuck out of these people". This comment was not said to me while I had a detainee, but in reference to all Iraqis as I perceived it.

Q. Did [REDACTED] make that comment in a joking or serious way?

A. My opinion is that he truly feels this way about the Iraqis.

Q. Address the question above, what manner did [REDACTED] make the comment "We should beat the fuck out of these people"?

A. While talking about treating looters. He had a more serious than joking expression on his face, he was not smiling, but had a smirk on his face.

Q. Your SOP on processing detainees is fairly detailed, you have stated that you have taken detainees to the CMOC on two occasions. Given this, why did the CMOC not follow the SOP when [REDACTED] supposedly told [REDACTED] to take the detainees and "beat the fuck out of them"?

A. I can't speculate why the detainees were not handled according to SOP. The two times stated earlier are just the times I was present during detaining the individuals. The only reason I can think of why Bulldog did [REDACTED] made that comment was so paperwork did not have to be done, possibly.

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

USAPA V1.00

Personal Info Redacted IAW Sec of Det Memo 01-CORR-101, dtd 9 Nov 01

b(6), b(3)

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

Nothing Follows

Personal Info Redacted LAW SEC 01 JUL 1970  
CORR-101, dtd 9 Nov 01

AFFIDAVIT

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

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16<sup>th</sup> day of August, 2003 at Camp Dragon, Baghdad, Iraq

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

15-6  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPA V. 30

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).  
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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 Camp Dagon	2. DATE (YYYYMMDD) 20030816	3. TIME 1451	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

I think of our S.O.P. for detainees is bring them back to bulldog elements (Camp Marlboro). Turn them over bulldog elements and they will take them to JOC. I never seen S.O.P. until now. when [REDACTED] 1st time we took the looter to Bulldog elements. they told us they couldn't take them, just take them out and send them. so, I [REDACTED] took them there house. before that we took them to there house, I told my translator to tell them we are going to take them to jail. but we took them to there house, turn over to there family. when we are killing the looter "shooting them". we detain the looter from back of camp marlboro. I took them to bulldog elements, I seen [REDACTED], I ask him, where he want these looters at? he told me "Just take them out and beat the fuck out of them". I told all my squad leaders what Bulldog 6 told me to do with all the looters. I told them we are NOT going to do that. we are going to send them and hope they will not return back and get killed. Last week of July we rec'd OP order for how to treat the detainees. Form LT. Consider.

Q. When [REDACTED] told you to take the detainees "out and beat the fuck out of them" did you take him serious?

A. yes

Q. What tone did [REDACTED] address you in? Could anyone else have heard his conversation with you?

A. [REDACTED] was behind me when [REDACTED] told me that, I took as order he was giving me do that [REDACTED] only me and [REDACTED]. I took as serious, I do not know [REDACTED] only seen him at bulldog JOC few times.

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.

CORR-101, dtd 9 Nov 01

001610

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 Camp Dragon DATED 16 Aug 03

9. STATEMENT (Continued)

Q. When [REDACTED] told you to take them and "beat the fuck out of them" did you ask him to clarify his instructions?

A. it was around June. he just told me that and walk away. I didn't ask him to clarify.

Q. Is there any reason why you did not ask for clarification?

A. I was trying to figure out what he just said to me, at the time and he walked away same time, I couldn't follow what he told me to do. I been ~~being~~ told by different people he doesn't like Iraqi people, maybe that's why he say that to me.

Nothing to add

CORR-101, dtd 9 Nov 01

INITIALS [REDACTED] MAKING STATEMENT

PAGE 2 OF 2 PAGES

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b(6), b(3)

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

STATEMENT (Continued)

*Administering Oaths*

CORR-101, dtd 9 Nov 01

AFFIDAVIT

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

\_\_\_\_\_  
 (Signature of Person Making Statement)

WITNESSES:  
 \_\_\_\_\_  
 ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August, 2003 at Camp Orason, Baghdad, Iraq

\_\_\_\_\_  
 (Signature of Person Administering Oath)

\_\_\_\_\_  
 ORGANIZATION OR ADDRESS

\_\_\_\_\_  
 (Typed Name of Person Administering Oath)

15-6  
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_ PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

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## BATTLE DRILL #3

### (DETAINEES)

#### BATTLE DRILL

- Troop notifies Bulldog X-Ray of detainees being brought to Camp Marlboro. Get the number of prisoners and what they are charged with.
- Contact the SOG so that he can ensure the Bang Bus personnel are prepared to guard the chicken coup.
- Contact the OIC for the Bang Bus so that he can ensure the paperwork is filled out correctly and so that he can coordinate for an escort.
- When the Troop comes to the CMOC give them 1 apprehension form and 2 sworn statements for each detainee. Give them 1 evidence custody log for them to fill out listing the seized property. Once completed the BOC NCOIC signs the evidence custody log and gives it to the troop. The RTO types the seized property on the DA Form 1594.
- The Troop guards the detainees while in the CMOC area. Once the paperwork and any interrogation is completed the Troop transports the detainees to the chicken coup.
- Safeguard all seized property now under our control. DO NOT let anyone touch or play with any of the seized property. DO NOT let anyone take any property unless Bulldog 6 personally tells you to give it to someone.
- If there are any questions about anything to do with detainees contact the OIC for the Bang Bus or Bulldog 5.

001613

## DRAGOONS RULES OF ENGAGEMENT

### References:

CENTCOM Order 1003V  
V Corps FRAGO  
1AD FRAGO 18A

#### 1. Situation:

a. **GENERAL POLICY:** Commanders may use all necessary means available and take all appropriate action in self-defense of their units and in defense of other U.S. and coalition forces.

(1) **Effective date:** The ROE in this annex are effective immediately and will remain in effect, until rescinded.

(2) **Collateral damage:** Military operations will be conducted to ensure that incidental injury to civilians and collateral damage to civilian property is minimized.

b. **Enemy forces:** Iraqi military and paramilitary forces loyal to the former regime are declared hostile. They may be engaged on site.

2. **Self-defense** - American commanders and personnel have an inherent right to self-defense. Nothing in these rules of engagement negates a commander's obligation to take all necessary and appropriate action to protect his unit and those entrusted to his care. **All U.S. personnel may exercise the inherent right of self-defense.**

a. U.S. forces may use force, up to and including deadly force, as necessary to protect U.S. forces from civilians who demonstrate a hostile act or hostile intent.

(1) **Hostile act:** a hostile act is an attack or other use of force against U.S. forces, allies, or persons under the protection of U.S. forces.

(2) **Hostile intent:** a threat of imminent attack against U.S. forces, allied forces, or persons under the protection of U.S. forces.

b. If civilians pose a threat to U.S. forces, use graduated force, up to and including deadly force, as necessary to protect U.S. forces. Against civilians, U.S. forces should use the minimal amount of force necessary to protect themselves and other U.S. forces. U.S. troops may use any of the following techniques, as necessary, to protect themselves from harm by civilians:

(1) Provide verbal warnings. The word, "Kiff!" means halt or stop in Arabic.

(2) Provide a show of force. Show a weapon and demonstrate an intent to use it. Call for reinforcements, as necessary.

(3) Use non-deadly force. Physically restrain or detain the civilians.

(4) Fire a warning shot. (Warning shots are not allowed to prevent looting).

(5) Use deadly force.

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3. Protection of civilians – U.S. troops may use necessary force, including deadly force, to protect civilians from violent crimes, such as murder, rape, or armed robbery.

4. Protected persons, property, and places: U.S. forces may use necessary force, including deadly force to protect any of the following specially protected persons, places, or property:

- a. All U.S. citizens;
- b. Prisoners of war or detainees under U.S. control;
- c. Coalition forces and their mission-essential equipment and supplies;
- d. Specified non-governmental organizations, including the International Red Cross/Red Crescent, and UN relief agencies;
- e. Public and private banks and financial institutions;
- f. Courthouses and buildings housing vital government records;
- g. Weapons of mass destruction or WMD manufacturing or storage facilities;
- h. Public utilities or facilities, including those that generate, distribute, or transport electricity, petroleum, or water for public use;
- i. Civilian mass transit facilities;
- j. Waste facilities;
- k. Hospitals or other public health facilities; and
- l. Agricultural processing, storage, or distribution facilities producing food for civilian consumption.

5. Protection of other private property:

a. U.S. forces may use graduated force, not including deadly force, to protect all other private property. Commanders may take any of the following actions to prevent looting or damage to private property:

- (1) Detention of persons who are suspected of looting;
- (2) Establishment of off-limits areas;
- (3) Establishment of checkpoints to control traffic flow;
- (4) Establishment of curfews with approval of CG, 1AD; and
- (5) The temporary confiscation of property used to commit looting.

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(6) Deadly force is only authorized to stop looting against the persons and property designated in paragraph 4.

b. U.S. forces are prohibited from looting or taking war trophies.

c. Troop commanders may authorize soldiers to seize civilian property in emergency situations. Commanders must provide a receipt to the rightful owners of the property.

d. Commanders are not allowed to spend locally seized money for any purpose.

6. Checkpoint ROE: U.S. forces are allowed to stop and search all persons and vehicles for weapons and other contraband. U.S. forces may use the following measures to control movement at checkpoints.

a. Restrict the flow of traffic with vehicles and other obstacles;

b. Shout, "Kiff!"

c. If a vehicle refuses to stop, U.S. soldiers may fire warning shots, fire to disable the vehicle or shoot to kill, as necessary, to protect the safety of U.S. forces.

7. Detaining civilians: U.S. forces are authorized to detain civilians for any of the following reasons:

a. Possession of any of the following items:

(1) A firearm without a valid weapons card;

(2) Explosives;

(3) Bayonets or military style knives;

(4) Equipment for making explosives or firearms;

(5) Maps with locations of U.S. base camps, routes, or other operational information;

(6) Photographs of U.S. areas or operations;

(7) U.S. or coalition forces paperwork, equipment, or uniforms;

(8) U.S. or coalition identification, U.S. or coalition passports, multiple IDs, passports from more than one country;

(9) Illegal drugs or drug paraphernalia,

(10) Stolen power lines; or

(11) More than eight feet of thin rope, wire, or similar material.

b. If the person has committed a crime; or

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c. The person possesses suspected intelligence information.

8. Treatment of detainees.

a. Processing of detainees. For persons detained for looting or other violations of public order, note the circumstances and basis of detention on the capture card accompanying the detainee to the collection point. Information on the basis and circumstances of detention, and contact information (name and phone number) of a detaining unit POC must be provided with each detainee along with sworn statements (DA Form 2823) from two witnesses. This information is essential in order to continue to hold detainees and to successfully prosecute persons who are detained for crimes. Record and safeguard all property seized with the detainee.

b. U.S. forces will not abuse or mistreat any detainees. Maltreatment is any act that is designed to cause physical or mental anguish without cause. Maltreatment includes:

(1) Physical abuse: torture, hitting, butt-stroking;

(2) Demeaning acts: spitting, stripping detainees of their clothes; and

(3) Theft of private property.

c. U.S. forces are not authorized to take private property, money, or personal papers from any detainees, except:

(1) Evidence of crimes;

(2) Weapons, drugs, or other contraband;

(3) Property with intelligence value; or

(4) Property taken for safekeeping.

9. Weaponry:

a. Ammunition: All ammunition issued by the United States government to United States forces complies with the law of war. Soldiers may use cal. .50 machine guns against personnel or equipment.

b. Mines: Except as stated below, the use of mines requires approval by the Secretary of Defense.

(1) The Division Commander may authorize the use of command-detonated (Claymore) mines.

(2) The CENTCOM Commander may authorize the use of self-destructing or self-deactivating mines.

c. Riot Control Agents (RCAs): U.S. forces may not use riot control agents (CS gas, mace, pepper spray, etc.) for offensive operations. Riot control agents may only be used in the following situations:

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(1) To protect U.S. and coalition forces or persons and places under the protection of U.S. forces from civil disturbances (riots);

(2) To control rioting enemy prisoners of war;

(3) To rescue friendly forces from enemy control; and

(4) When the enemy uses civilians for cover.

d. Indirect fires and Close Air Support – Only observed fires are authorized for offensive operations. Positive identification is required.

10. Hostile forces – U.S. personnel may engage hostile forces (Iraqi paramilitary and military forces loyal to the former regime) subject to the following limitations:

a. Positive identification is required prior to engaging any target. Positive identification is a reasonable certainty that the target is a legitimate military target.

b. U.S. forces will not engage anyone who is out of the battle due to sickness or wounds.

c. U.S. forces will not fire at anyone who has surrendered or is attempting to surrender.

d. Protected places: Cultural and historic buildings, nonmilitary buildings, civilian population centers, mosques and other religious places, hospitals, and buildings displaying the red cross or red crescent are protected places. Protected places will not be attacked, unless the enemy is using them for military purposes.

001618

1572



b(1), b(3)

REPLY TO  
ATTENTION OF

AFZN-BB-FAB

10 November 2003

MEMORANDUM FOR RECORD

SUBJECT: Informal 15-6 Investigation Findings

- Background information: TF 2-70 conducted a raid on or about 16 September 2003 that resulted in the capture of approximately 5 detainees. The detainees were suspected of conducting an IED attack against TF 2-70 personnel that resulted in the severe injury of [REDACTED], 2/A/1-41 IN [REDACTED], and his driver. The lieutenant sustained the complete loss of eyesight and the use of one arm and the driver sustained the loss of eyesight to one eye. The raid suspects were questioned, and the evidence and questioning indicated that the detainees were the people involved in the attack. Avalanche Company report that some of the platoons, including 1/A/1-41, do one day on for operations and patrols, then a down day where they would do detainee movement for the task force if it is needed. The 16<sup>th</sup> of September was 1/A/1-41's down day. On 16 Sep 03, TF 2-70 notified 1/A/1-41 to move the prisoners from the 2-70 holding area to TF 1-13 for further questioning by the 3BCT MIT team. They loaded up the prisoners and moved them to TF 1-13 detention facility. The rest of the events are in question. The report from the MIT team states: The 2 ½ ton truck pulled up at the detention facility and the 1/A/1-41 personnel began unloading the detainees. At this time, the army personnel requested that two of the MIT members leave the area or look away, because these guys had severely injured two of their unit's soldiers. The members of the MIT team remained in place and watched anyway. The process was rough by pulling the prisoners of the trucks and laying them face down on the ground. All during this time, the soldiers were yelling at the prisoners who were zip cuffed and blindfolded. It is alleged that after three or four of the prisoners had been downloaded, the personnel on the ground helping to get the detainees off the truck continued to stand by the unloaded detainees on the ground, instead of returning to help with the last detainee. A soldier waited a moment for them to return before he pushed the detainee off the truck to fall to the ground from about 4 feet. He hit the ground on his side. Upon unloading, the soldiers gathered around them and continued to yell at the detainees using profanity and harsh language. The MIT team reports witnessing two of the soldiers kick two of the detainees several times in the sides. At this time, [REDACTED] says that she approached and insisted the activity stop immediately. It did after they told her that the guys did not kill her lieutenant. She then walked over and sat down while the 1/A/1-41 personnel moved the people into the jail and filled out the paperwork. She insists that upon completion of the prisoner transfer, an NCO and LT asked a member of the MIT team what was [REDACTED] rank and who she was with. One of the MIT security personnel replied that she was an interrogator. [REDACTED] said they seemed concerned and made a point to make sure the detainees looked "okay." The 1-41 Infantry personnel state that none of the detainees fell from the truck and this event did not occur as stated by the MIT team whatsoever. Also, they stated that no one was kicked, but that a soldier did use his foot to continue to roll

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over a detainee that would not remain facedown. It may have appeared that he was kicking him. They did admit to using profanity and harsh language, and that they were aware of the suspects' crime and emotions were running high. Upon returning to base, [redacted] reported the incident of abusive actions; this resulted in the 15-6 investigation. The conduct of the investigation and findings are provided herein.

- 2. The findings of the investigation are as follows:
  - a. Members of 1/A/1-41 IN, attached to TF 2-70, did use poor judgment and procedures during the prisoner drop-off on 16 September 2003.
  - b. There was enough evidence based on interviews, to conclude that some abusive actions did take place by no less than three personnel at the detention facility, to include:
    - i. A detainee was either pushed or allowed to fall from a 2-½ ton truck while blindfolded and zip-cuffed.
    - ii. That at least two Caucasian soldiers did kick two detainees in a violent fashion as to cause severe discomfort or temporary pain, not with the intent to cause permanent disability or damage.
    - iii. That the soldiers yelled and used excessive profanity toward the detainees throughout the operation at a time when the detainees were of little threat (blindfolded and zip-cuffed); and at a minimum, the soldiers did not perform the operation with the utmost professionalism expected of our military by failing to preserve the dignity and respect for our prisoners.
    - iv. That the 1/A/1-41 soldiers were aware that their actions were questionable or wrong during the operation.
  - c. The operation's leadership was present and watched during the events, and failed to prevent it.
  - d. There were several procedural issues that could have prevented the events on 16 September 2003 from occurring at the task force level. In the future, the investigation determined the following:
    - i. It is not recommended to have a unit transfer detainees suspected of conducting an attack that resulted in severe injuries to U.S. Army personnel of that same unit (in this case, 2/A/1-41 received two casualties due to the attack by the detainees, and the sister platoon 1/A/1-41 was given the job of transferring those prisoners.) Due to the sensitivity of the issue, leaders should protect the soldiers from themselves and have unbiased units deal directly with the detainees in situations like this. This includes the actual raid, handling of suspects, pre-interrogation, and movement of detainees.
    - ii. That some of the soldiers in TF 2-70 may perceive that the chain-of-command is endorsing "pay-back" by allowing the units most affected by suspected detainee actions to play the greatest role in bringing those suspects to justice. The investigation does not believe this is intentional on the part of the task force chain-of-command, but that the emotionally sensitive issue with the prisoner transferring unit (1/A/1-41) may have escaped their attention. It is simply noted because the chain-of-command may want to place heavy emphasis on proper prisoner handling from the



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top-down in order to ensure that this possibility, if existing, is eradicated as quickly as possible.

- e. The investigation recommends the following actions to deal with the findings:
  - i. That [REDACTED] and [REDACTED] receive counseling covering the treatment of detainees, professionalism and expectations of the command on future operations, and potential punishments under UCMJ on the events that occurred at the detention facility.
  - ii. That [REDACTED] and [REDACTED] receive a formal letter of reprimand from the command, preferably at the Brigade level with TF Commander present, covering the events of this investigation to be put in their local file.
  - iii. That all soldiers in TF 2-70 undergo retraining approved by the 3BCT command, regarding the treatment of prisoners and Law of Land Warfare. Specifically, that the command emphasizes their position condoning it without question, and establishing a strong understanding that harsh punishments will be quickly and judiciously given should anything resembling war crimes be committed in the future.
  - iv. Finally, the TF 2-70 TOC establish procedures to be approved by the 3BCT Command, to ensure that units (Company Level and below) that receive casualties in enemy attacks are placed in minimal contact with prisoners believed to have conducted those attacks.

3. The investigating officer was asked to answer or evaluate the following issues regarding this case:

- a. Investigate the facts and circumstances of an allegation that TF 2-70 AR soldiers abused detainees upon their delivery to the 3 BCT Detainee Holding Facility.
- b. Make findings as to the facts and circumstances of the incident and whether any TF 2-70 soldiers were abusive, used excessive force, or violated any rules of engagement.
- c. Make any recommendations as to whether disciplinary action is appropriate and if any changes to procedures or tactics are appropriate.

4. The findings to the investigation questions were determined based on the following evidence and statements (findings and justifications paired with questions a-c):

- a. The facts and circumstances are stated in the background section (paragraph 1) of this investigation, and included in the findings (paragraph 4.b.) It is believed to have occurred as stated in [REDACTED] sworn statement, and corroborated by the other three members of the MIT team.
- b. The investigation determined that it is likely that the allegations did take place as stated by the MIT team. It is believed that one detainee did fall or get pushed out of the 2-½ ton truck and fall to the ground while blindfolded and in zip-cuffs. It is believed that at a minimum two of the personnel on-site did kick the detainees in their sides as they lay facedown on the ground. Finally, it's believed that the personnel used excess profanity and harsh abusive language during the operation that degraded the detainees' dignity. The following evidence was used to determine this finding:

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- i. The issue of a detainee falling from the truck: ██████████ stated that when the 2-½ ton truck pulled up there was a lot of yelling. She wanted to see what was going on, as well as what prisoners were being dropped off so she could prep for questioning. She stepped out from the guard shack area and witnessed the events she stated from approximately 10-15 meters away. Given the close proximity to the situation, her detail in describing the events, she was in a good location to see the events she described. She stated, "I saw three detainees on the ground and a fourth being thrown out of the truck." (See Sworn Statement, 9 November). Three other MIT personnel on site reinforced this fact. ██████████ of the MIT team, who was positioned approximately 75 meters from the rear of the 2 ½ ton truck and had a straight line view to the events stated, "he could witness men in DCUs, but not close enough to see detail of faces or ranks" (during oral dialog with investigator, 9 November) agreed with ██████████. He stated, "Saw one person thrown from the back of the truck." (See sworn statement, 9 November). ██████████ and ██████████ stated that they were about 15 meters from the truck and did have a good view of the unloading procedures. (See sworn statements, 9 November) ██████████ also stated, "Yes, saw a detainee fall out of the truck." (See sworn statement, 9 November) He admitted that he did not see the detainee thrown, but would agree that someone did fall out of the truck and hit the ground while blindfolded and zip-cuffed. (Oral dialog with investigator, 9 November) ██████████, the fourth member of the MIT team stated, "No, he did not see someone fall from the truck," but that he saw them pulled roughly from the vehicle. (See sworn statement and during oral dialog with investigator, 9 November) The statement from ██████████ is attributed to the likely event that he only witnessed the first three detainees unloaded from the truck and was focused on the personnel who unloaded them, who were at this time with the detainees on the ground yelling at them. The MIT team lacks any reason to report any events other than as they happened, credibility and motive are in their favor. The statements taken from 1/A/1-41 are all consistent in that no personnel were dropped from the truck. (See sworn statements, 9 November) However, it is noted that 1/A/1-41 personnel have the motive to state this was the case whereas; the MIT team has no motive one way or the other. Therefore, the facts stated by the MIT team were given more credibility in this case, but cannot be proven by physical evidence beyond the report of witnesses. **IDENTITY OF PERSONNEL MOST LIKELY INVOLVED:** The personnel in the truck during this event could not be proven beyond doubt. ██████████ stated in his statement, "He knew his guys wanted to kill these guys so he had the foresight to tell them not to get in the truck and handled it completely by himself, passing the prisoners from the truck to people on the ground. He also stated, "I was in the 2-½ ton truck and every one else was on the ground." (See Sworn Statement, and in oral discussion with investigator, 9 November) However, in other sworn statements of ██████████, ██████████ and ██████████ they stated that ██████████ and ██████████ were the

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personnel in the truck downloading the prisoners. (See Sworn Statements, 9 November) If this is the case, it is likely that either [REDACTED] or [REDACTED] would have been most likely in the position to have pushed or dropped the detainee. Furthermore, it is noted that this decreased [REDACTED] credibility as he stated in his statement that he had foresight to prevent abuse and allow only himself in the truck, but his soldiers stated otherwise.

- ii. The issue of 1/A/1-41 IN kicking detainees in custody: Detainees in custody cannot be tortured or suffer any abuse at the hands of American forces, contrary, all prisoners must be protected and treated with dignity and respect as per the Law of Land Warfare, Rules of Engagement, and UCMJ Article 128 - Assault. After reviewing the facts, the investigation determined that at least two individuals on the ground, during the detainee operation kicked two detainees while they were blindfolded and zip-cuffed. [REDACTED] (interrogator on the MIT team) determined that from her vantage point she observed two soldiers kicking the prisoners. She said the prisoners were yelling and crying. (Oral dialog with investigator on 9 November) She also stated, "Two soldiers were kicking the detainees in the ribs." When asked if the detainees did anything to warrant the execution of force to maintain control of the situation, she stated, "Absolutely not warranted." (See sworn statement, 9 November) The facts were reinforced by all three other members of the MIT team [REDACTED], [REDACTED] and [REDACTED], when asked if they witnessed any soldiers behaving aggressively toward the detainees and if yes, whether force was warranted to control the situation. All three stated they saw soldiers kicking the prisoners. (See sworn statements, 9 November) [REDACTED] stated that he also believed they were pushing the detainees around a lot, and it was not really justified to maintain control. (See Sworn Statement, 9 November) [REDACTED] explained it was difficult for him to see because once the detainees were on the ground, the soldiers from 1/A/1-41 gathered around them, yelling at them. He further said it appeared that some may have been kicking them, but it was hard to see through the crowd. (Stated in dialog with investigator, 9 Nov) Understanding that she was in close proximity [REDACTED] was asked what actions she took to stop the situation.

She stated, "I first approached the two soldiers that were kicking the detainees and told them to stop. They did, saying, "They didn't kill your LT!" I asked a 2LT ([REDACTED], identified by picture during interview) if he was in charge, he said, "yes," and explained that the prisoners shot an RPG that hit a LT. I advised him that they (the detainees) were in my charge. I also advised [REDACTED] that prisoners will not be harmed." (See sworn statement, dated 9 November)

[REDACTED] of the detention center for TF 1-13 AR stated in his sworn statement that what he remembered a member of the MIT team saying something about abuse, [REDACTED] stated she was reporting

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2-70 AR for prisoner mistreatment." (See sworn statement, dated 22 October). [REDACTED] was inside the detention center working on paperwork at the time, and did not actually witness any improper behavior. (See Sworn Statement, 23 October) However, the fact that [REDACTED] did talk to him about it on the day it took place reinforces her credibility. Furthermore, the two members of the MIT team stated that they witnessed [REDACTED] say something to the 1/A/1-41 soldiers, but could not hear what was said. (See Sworn Statement, 9 November) [REDACTED] did not have a direct line of sight to [REDACTED] and did not witness any dialog that took place, only the back of the 2-½ ton truck. Also, the 2-70 detention [REDACTED] stated that he did not witness abuse, but that he did see behavior that was rougher than "his style." (Stated in dialog with investigator, 9 November) Finally, the MIT team was asked to look at pictures of all the personnel from 1/A/1-41 and 2-70 present that day to determine if they could determine who was committed the abusive behavior. All four members stated they could not be certain which person committed the acts beyond doubt; however, they stated the two individuals that they believed did kick the detainees were Caucasian. (See sworn statement, [REDACTED], 9 Nov) Lastly, the only pictures identified as people [REDACTED] recognized for sure were [REDACTED] and [REDACTED] and stated that they were present during the incident. (See Sworn Statement and in oral dialog with investigator, 9 November). During the interview she stated that [REDACTED] was present and that he did not go into the jail to fill out paperwork until after she had come over during the events to stop it. She stated that she then walked over and sat down, fuming over the incident while he went inside to fill out the paperwork. Later she overheard [REDACTED] asked [REDACTED] who [REDACTED] was and her rank. At his response of her being the interrogator, and that he could not tell them her rank, she stated [REDACTED] said "Oh Shit" under his breath. (Said in dialog with investigator, 9 Nov 03) The TF 2-70 unit disagreed and stated something contrary to all other parties. First, [REDACTED] stated he went directly inside and did not witness the prisoner downloading operation. (See sworn statement, 9 November) They also stated that no one said anything to them regarding any issues of abuse, and it surprised them when it came up a few days to a week later. (See sworn statements, 9 November). However, in dialog with [REDACTED] during the investigation, he stated that he foresaw the possibility of this very issue occurring and took steps to prevent it. Furthermore, he stated, "that he asked 2 PFCs in the jail to inspect the prisoners to make sure they were okay." (See Sworn statement, 9 November) The fact that he wanted an outside inspection to ensure the prisoners did not have marks or injury is disturbing because it raises the suspicion that he was protecting himself after wrongful behavior. The behavior in question likely was not aimed at causing permanent damage, but rather to intimidate and cause short-term discomfort or pain. Similarly, much of the 7 personnel interviewed shared the same specifics regarding the case to include someone saying, "You

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guys are square," when asked if the unit was done and the prisoners were okay. However, many did not remember dialog that took place or what kind of swearing or interactions occurred on the scene. It is the belief of the investigator that the unit discussed the incident prior to the investigation and determined "the one story to tell" so that everyone would be the same. It is common practice told among combat units that if a unit comes under investigation that if the unit makes sure every one is on the same page, nothing will come out of it. Again, this is simply speculation and no facts can be produced beyond the similar specifics and omissions between all seven personnel. Lastly, it is noted that the PA for TF 1-13, [REDACTED] was sent to inspect the detainees for abuse. He noted a scrape on a detainees shoulder injury (described as a abrasion) and a minor scalp laceration. The PA determined abuse did not occur at the jailhouse. During questioning, he said he asked the prisoners if they were abused while at the jailhouse. They said they hadn't; however, from the point of view of the prisoners, it occurred prior to them arriving. Also, they had blindfolds on during the events, which limits their ability to state facts. Finally, abuse may have occurred in minor fashion, and the prisoners answered no because it was simply viewed as rough handling and a few cheap shots. Improper handling viewed by the American Military may be a very different idea than that of an Iraqi whose experience has been the former Saddam Regime. It is interesting to note that one detainee had a minor scuffmark on his shoulder and only one prisoner is reported of falling or being pushed out of the 2-½ ton truck. It is likely that the small abrasion occurred during this event. Furthermore, it is likely that all kicks were not delivered to cause major injury. In fact, during discussion with [REDACTED] he said he specifically asked if the prisoners looked okay prior to leaving that day, which leads one to believe if he had allowed abusive behavior it would have been controlled to pass jailhouse inspection and not raise suspicion. It is noted that [REDACTED] did not believe the prisoners were abused at the jailhouse. The investigation determined that given the possibility that the kicks to the sides did not leave marks and could still have occurred. Lastly, the investigation found records through the 3BCT S-2 of the prisoners that were involved in this incident. The prisoners were referenced in [REDACTED] sworn statement and are found under the list of 2-70's detainees from 16 SEP 03. The individuals are the following:

[REDACTED], and [REDACTED]  
[REDACTED] The record received from 3BCT S-2 shows that the individuals were released on 19 September to 2-70, except for prisoners 6515 and 6516, who were sent to the Division Interrogation Facility for further questioning. The DIF and Abu Ghurab Prison were contacted in order to find the detainees for questioning. Both facilities do not have the prisoners and further contact information was not available to contact them.

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The issue of abusive language and improper conduct toward detainees:  
The investigation found that all parties agreed that there was a lot of swearing and yelling toward the detainees during the unloading procedures at the TF 1-13 detention facility. (See all sworn statements, 9 November). Under UCMJ, Article 134 - Threat Communicating, the regulation states, "That the accused communicated certain language expressing a present determination or intent to wrongfully injure the person, property, or reputation of another person, presently or in the future. That the communication was known to the person, and that the communication was wrongful. Finally that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces." (UCMJ, 110. Article 134 - (Threat Communicating). Given the already rough treatment, it is the belief that the threat was communicated and enhanced by the unprofessional nature of dialog directed toward the prisoners. The detainees were all blindfolded and zip-cuffed. They did not present a threat to the ten 2-70 personnel on site. The need for further intimidation, scare tactics, or verbal abuse was unwarranted for mission accomplishment. The United States Army states on its rules of engagement card, "Conduct yourself with dignity and honor." (Rules of engagement card) The investigation believes that the verbal tactics used at the detention center violated this aspect of ROE. The fact was enhanced during spoken dialog with [REDACTED] who stated, "Yes, common swear words were used," and spelled it capital letters on his sworn statement regarding whether it was common practice to yell at prisoners after arrest. He further stated that the prisoners were suspected of wounding men from his unit, hell yes he was swearing and yelling at them. He further stated, that was how he did business, and he was not trained for peacekeeping missions. He was here (Iraq) for the war and if they wanted peacekeepers they could send him home, and replace his unit with units trained as peacekeeping! He wasn't going to change his tactics regarding swearing at detainees or using forceful tactics when handling prisoners. (Verbal dialog with investigator, 9 November).

- c. Recommendations for punishment, corrective actions, and changes in procedures for future operations.

- i. [REDACTED]

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deliberative  
process

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ii. [REDACTED]

iii. [REDACTED]

iv. [REDACTED]

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deliberative  
process

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deliberative  
process

[REDACTED]



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 3<sup>RD</sup> BRIGADE COMBAT TEAM, 1<sup>ST</sup> ARMORED DIVISION  
Baghdad, Iraq  
UNIT 92940, APO AE 09324-2940

b(6), b(7)

REPLY TO  
ATTENTION OF:

AFZN-BB-CO

5 NOVEMBER 2003

MEMORANDUM FOR [REDACTED]  
[REDACTED], 1<sup>ST</sup> Field Artillery Regiment, 3<sup>RD</sup> Brigade Combat Team, Baghdad, Iraq

SUBJECT: Appointment as Investigating Officer (Detainee Abuse, 16 Sep 03)

1. You are appointed as an investigating officer IAW AR 15-6. You will investigate the facts and circumstances of an allegation that TF 2-70 AR soldiers abused detainees upon their delivery to the 3<sup>RD</sup> BCT Detainee Holding Facility, located at the TF 1-13 AR FOB, on 16 Sep 03.
2. Use the informal procedures of AR 15-6. At a minimum, make findings as to the facts and circumstances of the incident. Determine whether the TF 2-70 AR soldiers were abusive towards the detainees, whether they used excessive force, and whether they violated any rules of engagement.
3. You will also make any pertinent recommendations. At a minimum, you will make a recommendation as to whether any disciplinary action would be appropriate. You will also make a recommendation as to whether any changes to procedures or tactics would be appropriate.
4. You will take sworn statements from all pertinent witnesses. If you suspect anyone of violating the UCMJ, you will inform them of their Article 31 rights, using DA FM 3881, prior to questioning or taking a statement. In addition, provide them with a Privacy Act statement, prior to soliciting any personal information.
5. You may obtain legal advice from the Brigade Legal Advisor.
6. Submit your findings and recommendations on DA FM 1574 to the Brigade Legal Advisor no later than 10 November 2003.

[REDACTED]

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DEPARTMENT OF THE ARMY  
HEADQUARTERS, 3<sup>RD</sup> BRIGADE COMBAT TEAM, 1<sup>ST</sup> ARMORED DIVISION  
Baghdad, Iraq  
UNIT 92940, APO AE 09324-2940

b(6), b(3)

REPLY TO  
ATTENTION OF:

AFZN-BB-CO

19 September 2003

MEMORANDUM FOR [REDACTED]  
[REDACTED] 1<sup>st</sup> Field Artillery Regiment, 3<sup>rd</sup> Brigade Combat Team, Baghdad, Iraq

SUBJECT: Appointment as Investigating Officer (Detainee Abuse, 16 Sep 03)

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3. You will also make any pertinent recommendations. At a minimum, you will make a recommendation as to whether any disciplinary action would be appropriate. You will also make a recommendation as to whether any changes to procedures or tactics would be appropriate.
4. You will take sworn statements from all pertinent witnesses. If you suspect anyone of violating the UCMJ, you will inform them of their Article 31 rights, using DA FM 3881, prior to questioning or taking a statement. In addition, provide them with a Privacy Act statement, prior to soliciting any personal information.
5. You may obtain legal advice from the Brigade Legal Advisor.
6. Submit your findings and recommendations on DA FM 1574 to the Brigade Legal Advisor no later than 28 September 2003.

[REDACTED]

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SWORN STATEMENT

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

LOCATION	DATE 09 NOV 03	TIME 1740	FILE NUMBER
LAST NAME [REDACTED]	COMPONENT [REDACTED]	NUMBER [REDACTED]	GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS [REDACTED]			

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

1. State your specific location and activities during the prisoner drop-off on 16 Sep 03.  
1-13 DETENTION FACILITY, GUARD STACK, 10 M AWAY FROM STON IN WHICH DETAINEES WERE BROUGHT IN.
2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?  
N/A
3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?  
I SAW 3 DETAINEES ON THE GROUND AND THE FOURTH BEING THROWN OUT OF THE TRUCK.
4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)  
N/A
5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?  
I DON'T REMEMBER ANY OBSCENE LANGUAGE, THOUGH IT IS COMMON PRACTICE TO RAISE ONE'S VOICE AT A PRISONER UPON ARREST.
6. Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.  
NO, THEY WERE TIED AND BLIND-FOLDED.
7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)  
TWO SOLDIERS WERE KICKING TWO DETAINEES IN THE RIBS - ABSOLUTELY NOT WARRANTED.
8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?  
I FIRST APPROACHED THE TWO SOLDIERS THAT WERE KICKING THE DETAINEES AND TOLD THEM TO STOP. THEY DID, SAYING: "THEY DIDN'T KILL YOUR LT". I ASKED A 2LT IF HE WAS IN CHARGE, HE SAID YES AND EXPLAINED THAT THE PRISONERS SHOT AN RPG THAT HIT A LT. I ADVISED HIM THAT THEY WERE IN MY CHARGE. I ALSO ADVISED [REDACTED] THAT PRISONERS WILL NOT BE HARMED.

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

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STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

NO.

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

N/A

11. MIT Team only: Can you specifically identify any of the personnel by rank, facial recognition, or position at the scene who you believe participated in the alleged abusive behavior or actions? If yes, please state to your best knowledge who you believe did the alleged behavior and specifically what you believe you witnessed them doing. If no, can you state to the best of your knowledge, the basic identifying characteristics of the people you believe were involved to include race, height, rank, hair color, other identifying marks (tattoos) and specifically what you believe this person did.

I REMEMBER THE TWO SOLDIERS THAT WERE KICKING THE PRISONERS ARE CAUCASIAN. A SSG WAS STANDING NEARBY. SAME SSG ASKED ONE OF MY SECURITY GUARDS (REDACTED) WHAT MY RANK WAS AND WHO I WAS. REDACTED TOLD HIM THAT HE CAN'T TELL HIM MY RANK, BUT THAT I WAS AN INTERROGATOR.

12. Can you specifically recall what was said during the "yelling episodes" reported in the alleged event? If so, please state what was said and where it occurred at the scene.

NO.

13. Is there anything you would like to add to the investigation at this time?

REDACTED TOLD ME THAT HE WAS TOLD TO "LOOK AWAY OR GO TAKE A PISS" BY SOLDIERS HANDLING THE PRISONERS.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 2003 at 38CT FOB

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

**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	2. DATE 9 Nov	3. TIME 1737	4. FILE NO.
5. NAME (Last, First, Middle)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

**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 [REDACTED], IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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 to answer questions without talking to a lawyer first and without having a lawyer present with me.

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

**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

001632

## PART II - RIGHTS WARNING PROCEDURE

## THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

## THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

*(If the suspect/accused says "yes," find out when and where. If the request was recent *f.e., fewer than 30 days ago*, obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)*

"Do you want a lawyer at this time?"

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

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

## SPECIAL INSTRUCTIONS

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

COMMENTS *(Continued)*

b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE 9 Nov 03	TIME 18:55	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

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

- State your specific location and activities during the prisoner drop-off on 16 Sep 03.  
IN side vehicle about 75m from the 5 ton truck, The gate was open on 14 Sept. 03 approx 16:00hrs.
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?  
N/A
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?  
Saw one person thrown from the back of the truck.
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)  
N/A
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?  
Several soldiers were yelling at the prisoners, while the prisoners were on the ground. These mother fuckers just killed two soldiers!
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.  
NO.
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)  
Some soldiers were kicking the prisoner while on the ground.
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?  
No.

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

001634

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. *NO,*

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

*N/A*

11. MIT Team only: Can you specifically identify any of the personnel by rank, facial recognition, or position at the scene who you believe participated in the alleged abusive behavior or actions? If yes, please state to your best knowledge who you believe did the alleged behavior and specifically what you believe you witnessed them doing. If no, can you state to the best of your knowledge, the basic identifying characteristics of the people you believe were involved to include race, height, rank, hair color, other identifying marks (tattoos), and specifically what you believe this person did.

*Too far. Soldiers in DCU's.*

12. Can you specifically recall what was said during the "yelling episodes" reported in the alleged event? If so, please state what was said and where it occurred at the scene.

*See question number 5.*

13. Is there anything you would like to add to the investigation at this time? *NO,*

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]

*(Signature of Person Making Statement)*

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 2003 at

[REDACTED]

*(Signature of Person Administering Oath)*

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

**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	2. DATE 9 NOV 03	3. TIME 1853	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN 573	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 [REDACTED], 1AD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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
1a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
		[REDACTED]
		6. ORGANIZATION OF INVESTIGATOR
		[REDACTED]

**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



**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

**THE WAIVER**

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

**SPECIAL INSTRUCTIONS**

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

COMMENTS *(Continued)*

b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE 09 Nov 03	TIME 1838	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

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

1. State your specific location and activities during the prisoner drop-off on 16 Sep 03.

In clear view of the Star, standing in back of the Humvee

2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?

N/A

3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?

Yes, saw detainee fall out of truck

4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)

N/A

5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?

Yes, yelling and obscene language was used.

6. Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.

No

7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)

I am guessing; 2 people were kicking the prisoners to the sides.

8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?

The soldiers pulled up in the Star and told me and [redacted] to look away.

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

001638

STATEMENT (Continued)

b(6), b(3)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

NO

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

N/A

11. MIT Team only: Can you specifically identify any of the personnel by rank, facial recognition, or position at the scene who you believe participated in the alleged abusive behavior or actions? If yes, please state to your best knowledge who you believe did the alleged behavior and specifically what you believe you witnessed them doing. If no, can you state to the best of your knowledge, the basic identifying characteristics of the people you believe were involved to include race, height, rank, hair color, other identifying marks (tattoos) and specifically what you believe this person did.

Identified SSG and 2LT as being present, but NOT necessarily participating or present during the events. Saw them 2 talking to [redacted] and prison NCOIC.

12. Can you specifically recall what was said during the "yelling episodes" reported in the alleged event? If so, please state what was said and where it occurred at the scene.

NO

13. Is there anything you would like to add to the investigation at this time?

NO

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 signature]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of Nov, 2003 at

[redacted signature]  
(Signature of Person Administering Oath)

[redacted name]  
(Typed Name of Person Administering Oath)

[redacted authority]  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

001639

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

b(1), 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	2. DATE 1 Nov 03	3. TIME 1836	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
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 [REDACTED] IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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
1a. NAME (Type or Print)		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
		[REDACTED]
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR
		[REDACTED]

**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

## PART II - RIGHTS WARNING PROCEDURE

## THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

## THE WAIVER

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

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

"Do you want a lawyer at this time?"

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

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

## SPECIAL INSTRUCTIONS

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE 9 NOV	TIME 1825	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

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

- State your specific location and activities during the prisoner drop-off on 16 Sep 03.  
*I was at the rear of my truck less than 15m from the five-ton they used*
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?  
*N/A*
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?  
*NO they were pulled from the back of the truck*
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)  
*N/A*
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?  
*Yes they were yelling obscenity's ie: motherfucker, asshole...*
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.  
*NO they were blindfolded & zip-tied*
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)  
*Yes, they threw them to the grade then one soldier kicked a detainee in the side they were also shouting around too much*
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?  
*\_\_\_\_\_ came out and said some words I could not hear*

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

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STATEMENT (Continued)

b(6), b(2)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

NO

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

N/A

11. MIT Team only: Can you specifically identify any of the personnel by rank, facial recognition, or position at the scene who you believe participated in the alleged abusive behavior or actions? If yes, please state to your best knowledge who you believe did the alleged behavior and specifically what you believe you witnessed them doing. If no, can you state to the best of your knowledge, the basic identifying characteristics of the people you believe were involved to include race, height, rank, hair color, other identifying marks (tattoos) and specifically what you believe this person did.

NO

12. Can you specifically recall what was said during the "yelling episodes" reported in the alleged event? If so, please state what was said and where it occurred at the scene.

NO

13. Is there anything you would like to add to the investigation at this time?

NO

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] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 2003 at 3BCT FCB

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

# 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	2. DATE 9 NOV 03	3. TIME 1822	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
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 [REDACTED] IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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 INTERVIEWER [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR [REDACTED]

### 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



## PART II - RIGHTS WARNING PROCEDURE

## THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

## THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

## SPECIAL INSTRUCTIONS

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

### SWORN STATEMENT

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

LOCATION FTCP 2-70 AR	DATE 9 Nov 03	TIME 1011	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

I, William B. Murphy, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- State your specific location and activities during the prisoner drop-off on 16 Sep 03.  
I was located at the front Gate, approximately 100 meters from the truck.
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?  
Yes, about 1 week after drop off of prisoners
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?  
No, I did not physically see them all unloaded from truck
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)  
[REDACTED] were unloading the prisoners.
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?  
Yes, we were swearing. One prisoner tried to remove his blind fold and was yelled at. It wasn't anything out of control though.
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.  
They were trying to get up once we put them on the ground.
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)  
Soldiers put their feet in the back of their hands in order to put the individual on the ground.
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?  
I talk to [REDACTED] to make sure everything was ok and we were all set.

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

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b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

No, [redacted] did paperwork

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

We were told they were arrested for and convicted to setting IED that hit Lt Murrell our 2Lt platoon leader by 2-70 AR holding area

11. Is there anything you would like to add to the investigation at this time?

Yes, If our actions were in question why did they not address me immediately. Bounty did actual raid to detain him. The soldiers who were injured due to the IED were from [redacted] attached to Bounty

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 signature]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of Nov, 2003 at

[redacted signature]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

**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	2. DATE 9 NOV 03	3. TIME 1012	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	[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 [REDACTED], IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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
1a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR

**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

**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

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

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

- or -

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

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

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

**THE WAIVER**

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

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

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

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

**SPECIAL INSTRUCTIONS**

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

**COMMENTS (Continued)**

b(6), b(3)

SWORN STATEMENT

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

LOCATION FTCP	DATE 9 Nov 03	TIME 1045	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

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

1. State your specific location and activities during the prisoner drop-off on 16 Sep 03.  
TC of 2 1/2 ton truck - Back of Duce During Download
2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?  
yes
3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?  
The Detainee was lifted from the truck to the ground
4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck relieving the prisoners after they were unloaded and consolidating them on the ground.)  
I was in the 2 1/2 ton truck. Downloading prisoners, everyone else was on the ground.
5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?  
yes, common swear words. YES!
6. Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.  
They were being uncooperative, not wanting to get off of the truck. One soldier did not want to stay down after being downloaded. One soldier held prisoner down with force.
7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)  
NO.
8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?  
[REDACTED] said we need to be nicer to the detainees. I personally asked 2 AFPC's in the jail to inspect the prisoners to make sure they were OK. They responded "you guys are square"

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

001650

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

See Q.8

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

Yes. IFO;

11. Is there anything you would like to add to the investigation at this time?

Noone at any time <sup>was</sup> mistreated or Abused. The MIT Team needs to stop being so Sensation, and let us do our job or they can do it themselves.

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 Signature] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of Nov, 10 2003 at

ORGANIZATION OR ADDRESS

[Redacted Signature] (Signature of Person Administering Oath)

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

ORGANIZATION OR ADDRESS

[Redacted Authority] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

b(1), 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 FTCP	2. DATE 9/11/03	3. TIME 1045	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
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 [REDACTED] IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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. [REDACTED] VIEWEE
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR [REDACTED]

**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



**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

**THE WAIVER**

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

*(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)*

"Do you want a lawyer at this time?"

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

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

**SPECIAL INSTRUCTIONS**

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

**COMMENTS** *(Continued)*

b(6), b(3)

### SWORN STATEMENT

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

LOCATION <i>Aco 1-41 East Camp Payne</i>	DATE <i>09/16/03</i>	TIME <i>11:14</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED]			

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

- State your specific location and activities during the prisoner drop-off on 16 Sep 03. *I was the truck with prisoners*
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs? *Yes I was aware*
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously? *NO, I didn't witness a detainee being dropped off the 2 1/2 ton truck*
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground) *[REDACTED] and myself were unloading the prisoners [REDACTED] were laying them on the ground then myself [REDACTED] walked to prisoners to their location and left*
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest? *NO and the prisoners were not saying anything to us*
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what. *NO*
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.) *NO*
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said? *NO*

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

001654

b(1), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. *No*

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? *yes because one guy was arrested for blowing out ~~a~~ and Lt's eyes and one from a driver that was in my company*

11. Is there anything you would like to add to the investigation at this time? *No*

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 2003 at \_\_\_\_\_

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

001655

# RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(1), 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 <i>A Co 1-41 7th Army Payne</i>	2. DATE <i>09 AUG 03</i>	3. TIME <i>11:44</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS		
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 [REDACTED] IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
	[REDACTED]
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR
	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR
	[REDACTED]

### 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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (*i.e.*, fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

COMMENTS *(Continued)*

44  
b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

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

- State your specific location and activities during the prisoner drop-off on 16 Sep 03.  
*riding in the Humvee, consolidating prisoners 10ft. from the star*
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?  
*no*
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?  
*no*
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)  
*don't recall*
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?  
*no*
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.  
*no*
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)  
*no*
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?  
*no*

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

001658

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. **NO**

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? **NO** ~~at least~~ **even know**

11. Is there anything you would like to add to the investigation at this time? **NO**

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 [REDACTED] THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE [REDACTED]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 10 2003 at

ORGANIZATION OR ADDRESS

[REDACTED] of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

b(1), 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	2. DATE 9 Nov 03	3. TIME 132	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
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 [REDACTED] IAD

and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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 [REDACTED] lawyer first and without having a lawyer present with me.

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

**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



**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

**THE WAIVER**

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

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

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

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

**SPECIAL INSTRUCTIONS**

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

**COMMENTS** *(Continued)*

b(1), b(3)

SWORN STATEMENT

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

LOCATION	DATE 9 Nov 03	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

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

1. State your specific location and activities during the prisoner drop-off on 16 Sep 03.

Driver of Duce went and smoked a cigart

2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?

NO

3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?

NO

4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)

[redacted] where in the truck  
[redacted] escort the prisoners in  
[redacted] pretay sole he also escorted.

5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?

NO

6. Did you percieve any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.

NO

7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)

NO

8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?

I went and talked to two guys told them these were the guys who had set off an IED

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

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

NO

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

Yes we were told they set off an IED that injured 2 of our fellow soldiers.

11. Is there anything you would like to add to the investigation at this time?

NO

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

[REDACTED] (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

**DATA REQUIRED BY THE PRIVACY ACT**

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	2. DATE 9 Nov 03	3. TIME	4. FILE NO.
5. NAME [REDACTED]	8. ORGANIZATION OR ADDRESS		
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 [REDACTED] IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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)	
1a. NAME (Type or Print)	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR [REDACTED]

**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

**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

**"Before I ask you any questions, you must understand your rights."**

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

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

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

**THE WAIVER**

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

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

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

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

**SPECIAL INSTRUCTIONS**

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

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**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE 9 NOV 03	TIME	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME	[REDACTED]		GRADE/STATUS
ORGANIZATION OR ADDRESS			

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

1. State your specific location and activities during the prisoner drop-off on 16 Sep 03.

Guard in back of Deuce helped untode prisoners

2. Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?

NO

3. Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?

NO

4. Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck recieving the prisoners after they were unloaded and consolidating them on the ground.)

[REDACTED] helped unloaed prisoners

5. Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?

NO

6. Did you percieve any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.

NO

7. Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)

NO

8. Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?

NO

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

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge.

YES The receiving NCOIC checked the prisoners he said you guys are square

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested?

NO

11. Is there anything you would like to add to the investigation at this time?

NO

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 SIGNATURE]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV 2003 at

[REDACTED SIGNATURE]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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.

Table with 4 columns: 1. LOCATION, 2. DATE (9 NOV 03), 3. TIME, 4. FILE NO.
5. NAME (Last, First, MI), 6. SSN, 8. ORGANIZATION OR ADDRESS, GRADE/STATUS

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 [redacted], IAD and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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.

- 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.

- 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.

Table with 2 columns: WITNESSES (If available) and 3. [redacted]
1a. NAME (Type or Print), b. ORGANIZATION OR ADDRESS AND PHONE
4. SIGNATURE OF INVESTIGATOR, 5. TYPED NAME OF INVESTIGATOR, 6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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



**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
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  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. {For personnel subject to the UCMJ} "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

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

**THE WAIVER**

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

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

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

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

**SPECIAL INSTRUCTIONS**

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

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

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

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

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

**COMMENTS** *(Continued)*

b(6), b(3)

SWORN STATEMENT

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

LOCATION	DATE 9 Nov 03	TIME 1204	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

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

- State your specific location and activities during the prisoner drop-off on 16 Sep 03.  
*Inside Jail Filling out paper work*
- Are you aware of the specific allegations of potential abuse during the prisoner drop-off operation on 16 Sep 03, 1600hrs?  
*No idea of incident until BN XO calls me in his office to question me*
- Did you participate or witness any detainee dropped or thrown from the 2 1/2 ton truck during the drop-off, either accidentally or maliciously?  
*No I did not*
- Can you please state, to the best of your memory, who on site participated in the unloading of prisoners from the 2 1/2 ton truck and their exact position in the operation? (example: SGT Snuffy was located just behind the 2 1/2 ton truck receiving the prisoners after they were unloaded and consolidating them on the ground.)  
*No*
- Did you witness any obscene language or unprofessional language directed at the prisoners, if so - what was it? Is it common practice to yell at prisoners upon or after arrest?  
*No*
- Did you perceive any threat from the detainees that would warrant aggressive action to maintain control of the situation? If so, please state specifically what.  
*No*
- Did you witness any soldier participating in the prisoner drop-off operation acting aggressively towards any of the prisoners, was it warranted in your opinion to maintain control of the situation? (example: kicking to the sides of the body, kneeling to the body or head, striking, or combative actions.)  
*No, they were off the truck when I came out of the building*
- Did you witness any dialog between the MIT team and any soldiers from TF 1-13 or TF 2-70 during any aspect of the prisoner drop-off operation, if so - what was said?  
*No*

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

b(6), b(3)

STATEMENT (Continued)

9. Did you witness any dialog between the detention NCOIC and any of the personnel dropping off prisoners? If so, please state what was said to the best of your knowledge. Detention NCOIC Said to his guys, be easy with prisoners, Don't beat them up.

10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so, what do you believe they did to be arrested? My opinion based on the evidence we had they appeared guilty

11. Is there anything you would like to add to the investigation at this time?  
Nothing follows

AFFIDAVIT

I, [redacted], 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.

[redacted signature]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of NOV, 2003 at

[redacted signature]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

**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	2. DATE 9 Nov 03	3. TIME 1203	4. FILE NO.
5. NAME (Last, First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS		
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 [REDACTED], IAD

and wanted to question me about the following offense(s) of which I am suspected/accused: 15-6 Questioning regarding alleged mistreatment to include assault on detainees on 16 SEP 03 approx 1600 hrs

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 othe UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- 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
1a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
		[REDACTED]
		6. ORGANIZATION OF INVESTIGATOR
		[REDACTED]

**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

001672

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

THE WAIVER

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

COMMENTS (Continued)

**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 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 Dakota FOB, Baghdad, Iraq	2. DATE (YYYYMMDD) 2003 10 10	3. TIME 13 00	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

On 16 Sept 03, I was called by the BN TOC to go to the jailhouse to determine whether or not any of the detainees had suffered any physical abuse while they have been in the jailhouse. I determined that none of them did. However, there was one detainee that did have a minor scalp and shoulder injury, which he said occurred at a gas station where he was detained by coalition troops. Both wounds only required simple first aid for treatment. One of the witnesses on the scene said that while this person was being detained he kicked one of the soldiers and the soldier retaliated back by butt stroking him in the head.

End of statement

10. EXHIBIT	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 INDICATED.

001674

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT 1300 DATED 10 Oct 03

9. STATEMENT (Continued)

Q: Did the Detainees arrive at I-13AR with any visual injuries?

A: yes, there was one detainee that had a minor scalp laceration and abrasion on his shoulder. I am not sure which one the four it was though.

Q: Why did they call you to examine Detainee?

A: The Chain of Command wanted me to evaluate whether a prisoner had been abused at our jailhouse.

Q: How many injuries did the Detainee have on his Body?  
A: Two, an abrasion on his left shoulder which was nothing more than a scuff mark and a superficial laceration on his scalp which did not require stitches.

Q: Did you ask him how he received the injuries? If so what did the Detainee say?

A: yes, He told me that a soldier butt ~~stroke~~ stroked him in the head.

Q: Who were the witnesses who reported/stated seeing the butt-stroke incident? Did you see any soldier butt stroke a Detainee?

A: It was a Sgt MP at the prison that told me that, when I was questioning the detainee on how he got his injuries no, I did not see any soldier butt stroke a detainee.

nothing follows

INITIALS OF PERSON MAKING STATEMENT  
ORP

PAGE 2 OF 3 PAGES

001675

STATEMENT OF \_\_\_\_\_

TAKEN AT \_\_\_\_\_

DATED, b(6), b(3)

9. STATEMENT (Continued)

Nothing

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 \_\_\_\_\_ WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UN\_\_\_\_\_

\_\_\_\_\_  
(Name of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10<sup>th</sup> day of October, 2003 at \_\_\_\_\_

ORGANIZATION OR ADDRESS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS \_\_\_\_\_

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_

001676



b(6), b(3)

SWORN STATEMENT

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

LOCATION Dakota Fab	DATE 17 Sept 03	TIME 2100	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
OCCUPATION OR ADDRESS [REDACTED]			

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

On 17 Sept 03 at approximately 2000hrs went to the Dakota jail to evaluate prisoners #'s 6513, 6514, 6515, 6516, 6517 for signs of physical abuse, which might have occurred at the jailhouse. I asked the prisoners if any of them had been abused since being in the jail. They all replied no. I also examined the prisoners and found no signs of abuse.

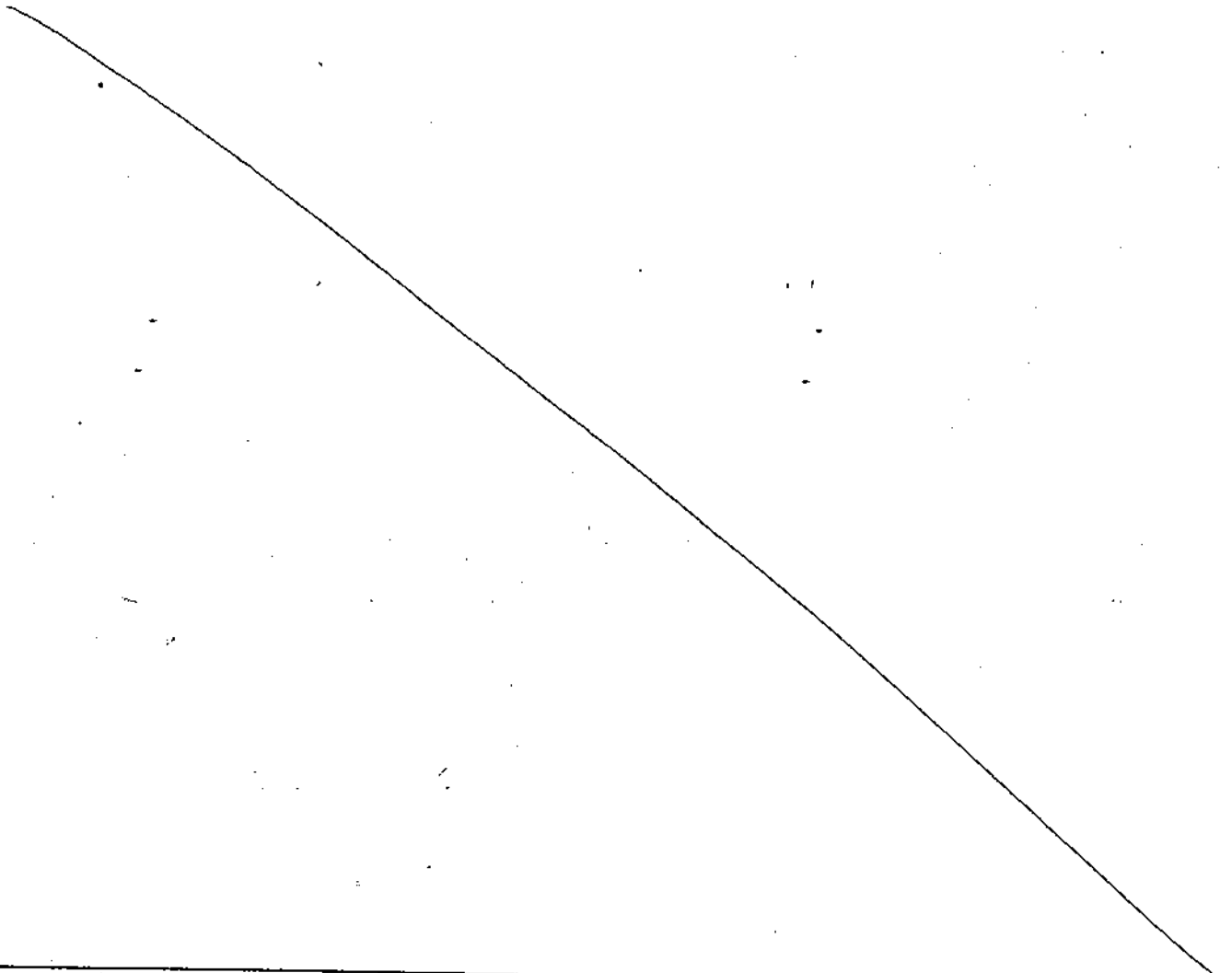
End of Statement

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

b(6), b(3)

STATEMENT (Continued)



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 17 day of Sept, 1920 at FAB Dakota

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

001678

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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

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: 1-13 Av FOB, Baghdad, Iraq
2. DATE (YYYYMMDD): 2003 10 22
3. TIME: 1720
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 16 Sept I had the day shift, and was the UCOIC when 270 AR brought prisoners in. Due to my location and routine I was checking paper work by the entrance of the jail for in processing. I remember one of the MIT personnel saying that they were reporting 270 AR for abuse of prisoners. I did not see or witness any of that incident. This statement is provided to the best of my knowledge and memory.
Nothing follows

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.

b(6), b(3)

9. STATEMENT (Continued)

Q: Did you witness/see a detainee being butt stroked by a Soldier?

A: No

Q: Where were you the receiving NCDIC for the Detainees on 16 Sept 03 from 2-70AD soldiers?

A: Yes

Q: Did ~~the~~ Anyone report anything to you regarding a Detainee being butt-stroked or Detainee being Abused? IF SO, <sup>WHO</sup> was the Individual?

A: I was told by [redacted] from the MIT team that they (the MIT team) was reporting 2-70 AR for prisoner mistreatment. I dont remember the type of mistreatment that was being talked about.

Nothing 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 22 day of October, 2003 at [redacted]

ORGANIZATION OR ADDRESS [redacted]

[redacted] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [redacted]

[redacted] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]