2	Exhibits (para 3-16, AR 15-6)	YES	NO) N
÷	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?	$- \times $	
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as	1	
:	an exhibit?	×	
	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)?] ;
_	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2h, AR 15-6)?	-	
3			
	COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)		
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)?		28
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)?	5.1	
C.	COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)		
	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?		
	the state of the s	1	
	10	1	
		- -	
•		 	
	(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?		1880
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?		
01	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):	Cally College	
	a. Was he properly notified (para 5-5, AR 15-6)?	5 (12	
İ	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 1.	7-0/:	a de sido de Mi
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 🗌)		
:	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?		Ŀ
	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):	777855	23.625.03
	a. Was the challenge properly denied and by the appropriate officer?		
	b. Did each member successfully challenged cease to participate in the proceedings?		10 July 10 Jul
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?		
ļ	b. Examine and object to the introduction of real and documentary evidence, including written statements?		
i	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?		<u> </u>
	C. Object to the restancity of witherses and cross continue visitation of the continue visitation of t		
	d. Call witnesses and otherwise introduce evidence?		
ł	e. Testify as a witness?		
Į	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	- 	i i
	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	ĺ	
13	inclosure or exhibit to it (para 5-11, AR 15-6)?		
با	the state of the s		
FC	OTNOTES: Y Explain all negative answers on an accurate 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.	4 P 6 4	(ISABA V
Pa	ge 2 of 4 pages. DA Form 1574, Mar 83	1581	UDALW V

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

6(6), 6(3)

CORR-101, dtd 9 Nov 01

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

did make a statement stating to "beat a detainee" and release him. It is determined that although making hostile comments about Iraqi civilians (Exhibit H,I,J,L) but not in the presence of local Iraqis (Exhibit J,L). 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 made regarding the treatment of detainees. Questioning of the NCO responsible for the stripping incident revealed that might have made a statement to beat the detainee and release him. However, this cannot be proven as fact since no one but were able to hear the dialouge that took place between the three soldiers (Exhibit M). If gave the directive, should have asked for

clarification, not complied and reported it to his chain of command. And the 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 the stripping incident of derogatory comments towards Iraqi civilians

through this period.

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

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

6(5)-3 deliberative process

001582

USAPA V

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		SECTION VI -	AUTHENTICA	ATION (para 3-17	, AR I		
THIS REPORT OF PROC	EEDINGS IS COMP	LETE AND AC	CURATE. (If any voting men	nber or the recorder fails to	sign here or in Section	ı VII
below, indicate the reason	in the space where hi	is signature show	ıld appear.)	-	•		
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	(Recorder)			- ,	(Investigating Officer) (President)	
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			<u> </u>		(Member)	<u> </u>	
- •	(Member)				(Menoci)		
		SECTION VII	- MINORITY R	EPORT (para 3-1	13, AR 15-6)		
To the extent indicated in	Inclosure	the unders	igned do(es) no	or concur in the f	findings and recommendationing member(s) do(es) not consider the inclosure	ns of the board.	
						<u> </u>	
	(Meniber)				(Mentber)	·	
	SECTION	ON VIII - ACTIO	N BY APPOIN	TING AUTHORIT	Y (para 2-3, AR 15-6)		··-
The findings and recomme		actionting office	el (board) are	(approved) (dis	approved) (approved with for	ollowing exceptions/	
substitutions). (If the appo corrective action, attach t	ointino authority retw	rns the broceeau	ngs to the trive	manna officer i	or obtained by the state of the	ungs on	
corrective action, widen i	na correspondence v	or.a sassiai yi ;	<i>y</i> 0			•	
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001583



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

- you are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances covering the actions of the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct an informal investigation into the circumstances covering the actions of the conduct and investigation into the circumstances covering the actions of the conduct and conduct an informal investigation into the circumstances covering the actions of the conduct and conduct and conduct an informal investigation into the circumstances covering the conduct and c
- 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:



RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(b), b(3)

DATA REQUIRED BY THE PRIVACY ACT

DATA RECOINED	DI TILL THE PARTY OF THE PARTY
AUTHORITY: Title 10, United States Code, Section 3012(PRINCIPAL PURPOSE: To provide commanders and law enforcement	at officials with means by which information may be accurately stemmed.
ROUTINE USES: Your Social Security Number is used as an a	idditional/alternate means of identification to facilitate tiling and recreval
DISCLOSURE: Disclosure of your Social Security Number is	; voluntary
	2. DATE 3. TIME 4. FILE NO.
1. EOCATION	2. DATE 3. TIME 4. TILE NO. 16 Aug 03 2000
CAMP Dragoon, LRAQ	8. ORGANIZATION OR ADDRESS
5. NAME (Last, First, MI)	O. Constant
6 CSN 7. GRADE/STATUS	
6. SSN	
PART I - RIGHTS WAIVE	R/NON-WAIVER CERTIFICATE
Section A. Rights	
(A) (A) (A) (A) (A)	and States Asmy
The investigator whose name appears below told me that he have is with the Un	and wanted to question me about the following offensets of which I am
suspected secures: Actions which may nave contribu	ted to Alleged ROV AND GENERA CONVENTION VIOLATIONS
suspected asked me any questions about the offense(s), however, he/she m	and wanted to question me about the following offensels of which I am ted to Alesed Rob and General Convention Violations:
I do not have to answer any question or say anything.	101
trial	. ·
	tweet haine, during, and after questioning and to have a few for province
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 m
or both.	Z
The second state of the se	a lawyer before, during, and after questioning and to have a lawyer present with
(For civilians not subject to the UCMJ). I have the right to talk privately to	onge 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 objects.	rithout 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.
Shear buspies with a market and	
5. COMMENTS (Continue on reverse side)	
Section B. Waiver	
I understand my rights as stated above. I am now willing to discuss the offense without having a lawyer present with me.	e(s) under investigation and make a statement without talking to a lawyer first and
	3. E OF INTERVIEWEE
witnesses (If available)	
ta. NAME (Type or Print)	
	4 PROPERTOR OF THE STREET
b. ORGANIZATION OR ADDRESS AND PHONE	4.
· · · · · · · · · · · · · · · · · · ·	
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR
Zo. Harrie 1, 150 or 1 min	
	6. ORGANIZATION OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	6. Original of the control of the co
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-	
Section C. Non-waiver	
	 ,
1. I do not want to give up my rights	I do not want to be questioned or say anything
t want a lawyer	
2. SIGNATURE OF INTERVIEWEE	·
	THE SUSPECTIACCUSED
ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT IDA FOR	USAPA 2.01

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

THE WARNING

- WARNING Inform the suspect/accused of:
 - Your official position.
 - b. Nature of offensels).
 - The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
 - "You do not have to answer my questions or say anything."
 - "Anything you say or do can be used as evidence against you in a
 - (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."

- ot -

tFor 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 li.e., lewer than 30 days agol, 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?"

Iff 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 offensels) 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

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 offensels) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: lo 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 supsect/accused has made spontaneous incliminating 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. Ifor example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

		ncy is ODCSOPS	b(6),	***
DATA REQUIRE	D BY THE PRIVACY A	CT		
UTHORITY: Title 10. United States Code, Section 301		•		
NINCIPAL PURPOSE: To provide commanders and law enforcem	nent officials with mea	ns by which informat	ion may be accu	rately identifie
OUTINE USES: Your Social Security Number is used as an		neans of identification	to facilitate filio	g and retrieva
SCLOSURE: Disclosure of your Social Security Number	r is voluntary.		• .	
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CAMP Dragow, IRAR	16 Aug 03	3. TIME	. 4.	FILE NO.
NOME IL FILL	8. ORGANIZAT	ON OR ADDRESS		
SSN 7. GRADE/STATES				-
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PART 1 - RIGHTS WAIV	VER/NON-WAIVER CEI	RTIFICATE		
ction A. Rights	<u> </u>			
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fore he/she asked me any questions about the offensels), however, he/she	made it clear to me that	I have the following rigi	his:	
	s made if these to me tra	Thore me ramo sang sign		
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 tri	vial			
(For personnel subject othe UCMJ I have the right to talk privately to 8	i Jawver hefore, during, a	nd after questioning and	to have a lawyer:	present with me
during questioning. This lawyer can be a civilian lawyer I arrange for at r	no expense to the Govern	ment or a military lawy	er detailed for me a	st no expense to
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THE WARNING

- 1. WARNING Inform the suspect/accused of:
 - a. Your official position.
 - Nature of offensels).
 - The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows:
 Before I ask you any questions, you must understand your rights.
 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal real."
 - 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.

(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 offensets! 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 lurther, even if you sign a waiver certificate."

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

THE WAIVER

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

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

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., lewer than 30 days agol, 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?" Iff 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 offensels) under investigation, and refuses to sign the waiver certificate.

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PRIOR INCRIMINATING STATEMENTS:

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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 tirst 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.")

·	For use of this form, see			is ODCSOPS		
	DATA REO	UIRED BY THE	PRIVACY ACT			
AUTHORITY:	Title 10, United States Code, Section	3012(g)				
RINCIPAL PURPOSE:	To provide commanders and law enfo	orcement offici	als with means	by which informatio	n may be accurately idea	ntified.
OUTINE USES:	Your Social Security Number is used			ns of identification t	o facilitate filing and retr	ieval.
DISCLOSURE:	Disclosure of your Social Security Nu	imber is valunta	ary.			
LOCATION		2.	DATE	3. TIME	4. FILE NO.	
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	PART 1 - RIGHTS	WAIVER/NON-		<u> </u>		
ection A. Rights						
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	y questions about the offense(s), however (neishe made it cli	ear to me that th	ave the tonowing right	a ,	
	er any question or say anything. an be used as evidence against me in a crim	inal trial		•		
Anything I say or do c	othe UCMJ I have the right to talk privately	iy to a lawver be	fore, during, and	after questioning and t	o have a lawyer present wit	th me
. (For personnel subject during questioning. Th	is lawyer can be a civilian lawyer I arrange I	or at no expense	to the Governme	nt or a military lawyer	detailed for me at no expen	ise to n
or both.						
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(For civilians not suble	ect to the UCMJI. I have the right to talk private	vately to a lawye	r before, during, a	and after questioning a	nd to have a lawyer present	with
me during questioning	. Lunderstand that this lawyer can be one th	nat Larrange for a	at my own expens	se, or if I cannot afford	l a lawyer and want one, a l	lawyer
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t. If I am now willing to	discuss the offense(s) under investigation, w	vith or without a	lawyer present, l	have a right to stop an	iswering questions at any ti	me, ar
speak privately with a	lawyer before answering further, even if I s	ign the waiver be	elow.	_		
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Section B. Waiver						
understand my rights as s without having a lawyer pr	stated above. I am now willing to discuss the	e pflensels) unde	r investigation an	d make a statement w	ithout talking to a lawyer fir	rst and
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ORGANIZATION OR	ADDRESS AND PHONE	6.	ORGANIZATIO	N OF INVESTIGATOR		
ORGANIZATION OR		j	_ _			
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Section C. Non-waiver			-			
1. I do not want to give	e up my rights	_	_	•		
☐ i wanta lawy	·	C] Ido not want	t to be questioned or s	ay anything	
2. SIGNATURE OF INT	ERVIEWEE					
_						
ATTACH THIS WAIVER CE	ERTIFICATE TO ANY SWORN STATEMENT	(DA FORM 2823)	SUBSEQUENTL	Y EXECUTED BY THE	SUSPECT/ACCUSED	

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position.
 - h. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
 - You do not have to 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

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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?"

lif 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 li.e., lewer than 30 days ago), obtain legal advice whether to continue the interregation. 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?"

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"At this time, are you willing to discuss the offensels! 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 certilicate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offensels) under investigation, and refuses to sign the waiver certificate.

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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 waive: 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.")

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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ITHORITY	

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

PRINCIPAL PURPOSE:	To provide commanders and law enforcement Your Social Security Number is used as an a	nt officials with means dditional/alternate mea	by which information ins of identification to	may be accurately identified. facilitate filing and retrieval.
ROUTINE USES: DISCLOSURE:	Disclosure of your Social Security Number is			
Maccosone.	disclosure of your dated documents	•	·	
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6. SSN	7. GRADE/STATUS			
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	PART I - RIGHTS WAIVE	RINON-WAIVER CERTI	FICATE	
Section A. Rights				
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suspected/accused: POSIA	WHE ROE OR GHOFUN CANVEDITION	o voilations)
Before he she asked me an	y questions about the offensels), however, helphe m	iade it clear to me that I h	have the following rights:	3
1. I do not have to answ	er any question or say anything			
n a simble a Language do a	an he used as evidence against me to a criminal trial			be a few war against the man
m em	asks UCALL I have the right to talk privately to a la	wyer before, during, and	after questioning and to	have a tawyer present with me
during questioning. Th	his lawyer can be a civilian lawyer I arrange for at no	expense to the Governme	ent or a military lawyer of	Railed to the at to expense to the
or both.	•			
		- Or -	and after guarticolog and	i to have a lawver present with
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me during questioning	p. I understand that this lawyer can be one that I arra	iude tot at må omit syber	ise, of a realition criterio o	
will be appointed for r	me before any questioning begins. discuss the offensels! under investigation, with or w	irbout a lawyer present: I	have a right to stop ansi	wering questions at any time, or
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speak privately with a	a lawyer before answering further, even if I sign the ϵ	· ·		
5. COMMENTS (Contin	ue an reverse sidel			
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Section B. Waiver	·			
I understand my rights as :	stated above. I am now willing to discuss the offensi	els) under investigation ar	nd make a statement with	lout talking to a lawyer mist and
without having a lawyer pr	resent with me.			
	WITNESSES (If available)	3. SIGNATURE O	F INTERVIEWEE	
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Section C. Non-waiver	r			
1. I do not want to giv	ve up my rights			
		. 🔲 I do not war	nt to be questioned or say	y anything
. , , , , , , , , , , , , , , , ,	·-			
2. SIGNATURE OF INT	FERVIEWEE			
			NA ENERGITED DV TUE CO	ISPECTIACCUSED
ATTACH THIS WAIVER C	ERTIFICATE TO ANY SWORN STATEMENT (DA FOI	AM 28231 SUBSEQUENTI	ET EXECUTED BY THE 20	USAPA 2.0

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.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
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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 li.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.)

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"At this time, are you willing to discuss the offensels) 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

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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

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. 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 DISCLOSURE: Disclosure of your Social Security Number is Disclosure of your	used as an additional/alternate nity Number is voluntary.	neans of identification to	o racintate ming and retrieval.
<u></u>	2. DATE	3. TIME	4. FILE NO.
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PALET - RI	GHTS WAIVER/NON-WAIVER CEI	RTIFICATE	·
ection A. Rights			<u></u>
he investigator whose name appears below told me that he she	is with the United States Army		
<u></u>		question me about the fol	llowing offensels) of which I am
uspected/accused: Passing ROF/ Genera Co.	AVERTON VIRTALIERS		
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. 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 triat.		
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during questioning. This lawyer can be a civilian lawyer I are	range for at no expense to the Govern	ment or a military lawyer	detailed for me at no expense to
or both.	•		
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(For civilians not subject to the UCMUI I have the right to t	alk privately to a lawyer before, durin	g, and after questioning a	nd to have a lawyer present with
me during questioning. I understand that this lawyer can be	one that I arrange for at my own exp	sense, or if I cannot afford	a lawyer and want one, a lawye
will be provinted for me before any questioning begins.			
. If I am now willing to discuss the offensets) under investiga	ition, with or without a lawyer presen	t, I have a right to stop an	iswering questions at any time, o
speak privately with a lawyer before answering further, eve	n if I sign the waiver below.		
			
COMMENTS (Continue on reverse side)			
Section B. Waiver		·	
understand my rights as stated above, I am now willing to disc	uss the offensets) under investigation	and make a statement wi	thout talking to a lawyer first an
without having a lawyer present with me.			
WITNESSES (If available)	3. SIGNATURE	OF INTERVIEWEE	
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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

EDITION OF NOV 84 IS OBSOLETE

THE WARNING

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

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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?"

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"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 offensets) under investigation, and refuses to sign the waiver certificate.

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

PRIOR INCRIMINATING STATEMENTS:

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

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For use of this form, see AR 190-45; the proponent agency is ODCSOPS						
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	For use of this form,	see AR 190-45; the proponent agency is ODCSC	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES:	To provide commanders and la	PRIVACY ACT STATEMENT 5 USC Section 2951; E.O. 9397 dated November of the section 2951; e.D. 9397 dated November of the section and the section of the sect	ormation may be accurately
DISCLOSURE: 1. LOCATION CAMP ON		2. DATE (YYYYMMDD) 3. TIME 2003 US 16 2035	4. FILE NUMBER 7. GRADE/CTATUS
8. CAST NAME, PINOS			
9.		. WANT TO MAKE THE FOLLOWING	

Battery TOC). They will Fillout 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/ overlead shade and given water and MREs. The evidence is sateguarded in the Battery's TOC. Once the detail is ready to transport the prisoners (usually once daily), the detainers and evidence is loaded on vehicles and transported to BIAP under the control of an OIC. Once at BIAP, custody is transfered to the MPs on site

Q. Are the documents that I am showing you in fact your current Sol on the processing of detainers And the current ROE governing the treatment of detainers?

A Hot that Dam of 16, we hold H	er deveated from your sof of pr aware. If children are caught hem at our location until ei	ocessing o tunder ther the	f detances the age
10. EXHIBIT	11. INITIALS OF SON MAKING STATEMENT		

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STATEMENT OF TAKEN AT LAMP Dragon DATED 16 AUG 0.3
parents come to pick them up or an Imam or community leader comes to pick them up.
comes to pick them up.
The fick out of them " in relation to detainees?
A. I have not leard him say this.
Q. Not EUEN IN A Joking manner?
A. That im my presence.
A. Have you heard that he told A NCO who had brought detained a. Have you heard that he told A NCO who had brought detained for processing to just "beat the first out of them and release them"
A. I have heard him say something to the effect of just
A I have reard him say something the home and send them home." Kick their assess out of the gode and send them home." I have never hear of him instructing someone to
I have rever hear of him institution
beat a prisoner.
Q. was this a directive or a joke? A. It was a joking manner, you could tell be didn't expect anyone to physically bick the prisoners. anyone to physically bick the prisoners.
A It was a job ig the prisoners.
heard And Formors of Anyone traking him
anyone to physically word of anyone taking him I Have you heard any rumors of anyone traking him Seriously when he says this? Seriously when he says this?
A No. The only time I have heard of anyone striking a prisoner
was in self defense, when a detaine attempted to bire
a soldier while being transforces.
Seriously when he SAYS this. A No. The only time I have heard of anyone striking a prisoner was in self defense, when a detaine attempted to bite a soldier while being transported. On you have Anything that you wish to Add to help clear this matter? I willow I have been present during the handling of detained.
this matter? A. When I have been present during the handling of detairees they have been treated properly.
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PAGE 2 of 3 PAGES

STATEMENT OF TAKEN A	T CAMP ODASONS DATED 16 AUG 03
I have not seen a prisoner beat anyone approached me about being	or mistrected, nor has instructed to do so.
Q. Have you ever observed estimal	things Around or to cletaines?
A. No. I have rarely been in a he is handling detained. They a	re usually in the custody of
the TOC personnel once release	d to us.
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WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer baths, this 16+4 day of August 2003 at CAMP DM 5000, TRAD
ORGANIZATION OR ADDRESS	(Signature or Lawon Administering Oath)
	(Typed Name or reison Administering Oath) 15-6 (Authority To Administer Oaths)
ORGANIZATION OR ADDRESS	
INITIALS OF PERSON MAKING STATEMENT	PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS
PRIVACY ACT STATEMENT UTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). RINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately OUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
LOCATION LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER CAMP 14:53
CAMP Oragoca 205/08/76 179.00 1. LAST NAME, FIRST-HAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
ORGANIZATION OR ADDRESS
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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.
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D. Reference the first two times that you took detained to the conoc. Who did you turn the detained over to?
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INITIALS OF PERSON MAKING STATEMENT PAGE 2 OF 2 PAGES

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SWORN STATEMENT

	For use of this form, see	AR 190-45; the proponent a	gency is ODCSOPS	·
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	PRI Title 10 USC Section 301; Title 5 to To provide commanders and law er Your social security number is used Disclosure of your social security in	ntorcement officials with mea I as an additional/alternate m	ans by which inform	ation may be accurately n to facilitate filing and retrieval.
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WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: This is SDP for actions to take with detamers & When detaining Iraqi's we flex ouff them and put the individual in the vehicle to Camp Marlbora. Actions with the detarnee after arrival to Camp Markoro is handed to Buildog X-Ray. At that time a representative from Bulldag made the decision to keep the detarnes or have us drop them off 2 or 3 kilometers from the 5the detained at, While in route from the site detained at and camp Martboro we send a radio transmission stating number of detainers to Both Bulldog and Congar X-RAY). There is such instances when I was involved with detaining Iraqis. First time I was in a four relieve convey with my platoon returning from Comp Dragoon to Comp Maribord. I called Bullday & Ray to check if they wanted us to enter camp Marlbora 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 tooters. I reported the number of detainers to Bulldog X-Ray so they could prepare for our arrival. Upon arrival to Camp Mariboro we dismounted the detainers outside the gate and excerted them through the personal walk-thru gate. At this time one of the LT's stated that we Bulldog could hold them overnight or we could drive the deformees around, scare them a little bet them go, We chose to drive around, so I sent my Platoon Surgent and 2nd Squad leader back out without with the defaraces while I returned to our whereborse with my 3rd squad leader. The second time we detained on individual and handed them off the Bullday When dealing with the locals, I was instructed to deal with them with dignity and respect. After the investigation started with my 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 10. EXHIBIT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT

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

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.
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9 STATEMENT (CONTINUED) Plateon, I received a print out from a division FRAGO that stated how locals could not be treated it is beating, abusive language etc. how locals could not be treated it is beating, abusive language etc. Strice our investigation, I have been in Cordact with Strice our investigation, I have been in Cordact with Strice our investigation, I have been in Cordact with protection issues). During these times he has not made any protection issues). During these times he has not made any protection is suest bout beating local to me. additional Comments about beating local to me. additional Comments about beating local the fuck out of these people. This comment was not said to me while I had a detainer, but in reference to all Iraqi's as I percived it. A Did make make that comment in A joking or serious way? A. My opinion is that he truly feels this way about the Iraqi's. A. My opinion is that he truly feels this way about the Iraqi's. A. Address the grestion about, what manur did make the Comment "We should beat the field out of these people". A. While talking about treating locaters. He had a more serious than joking exsperium on his face, the was not smrling; but had a smark on his face A. Your Saw sop on processing detaine is fairly detailed, You have other that You have taken detainers to the Come on two occasions. Given this, why did the Como not follow the sop when supposedly told You have taken detainers to the Come on two occasions. Given this, why did the Como not follow the sop when supposedly told I can't sprewlate why the detainers were not handled according to take the detainers were not handled according to take the detainers were not handled according to take the detainers were not handled according a compression that individuals. The only reusen I can think a composition to approximation to approximation to approximate the individuals.
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INITIALS OF PERSON MAKING STATEMENT

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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.

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.

- 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;
 - Civilian mass transit facilities;
- j. Waste facilities;
- k. Hospitals or other public health facilities; and
- I. 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.

- (6) Deadly force is only a morized to stop looting against the per is 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

- 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:

- (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 (fraqi 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.

DEPARTMENT OF THE ARMY



HEADQUARTERS, 4TH BATTALION, 1ST FIELD ARTILLERY 3D BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION BAGHDAD, IRAQ

b/6), b(3)

AFZN-BB-FAB

10 November 2003

MEMORANDUM FOR RECORD

SUBJECT: Informal 15-6 Investigation Findings

1. 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 K, 2/A/1-41 IN 🕭 and his driver. The lieutenant sustained to 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 16th 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 1/2 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. 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 rank and who she was with. One of the MIT security personnel replied that she was an interrogator. 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, 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:

 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 <u>not</u> 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

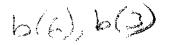
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SUBJECT: Informal 15-6 Investigation Findings -

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 the findings and free ceive 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 and and 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.
 - 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.
- 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.
 - 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 the section of the 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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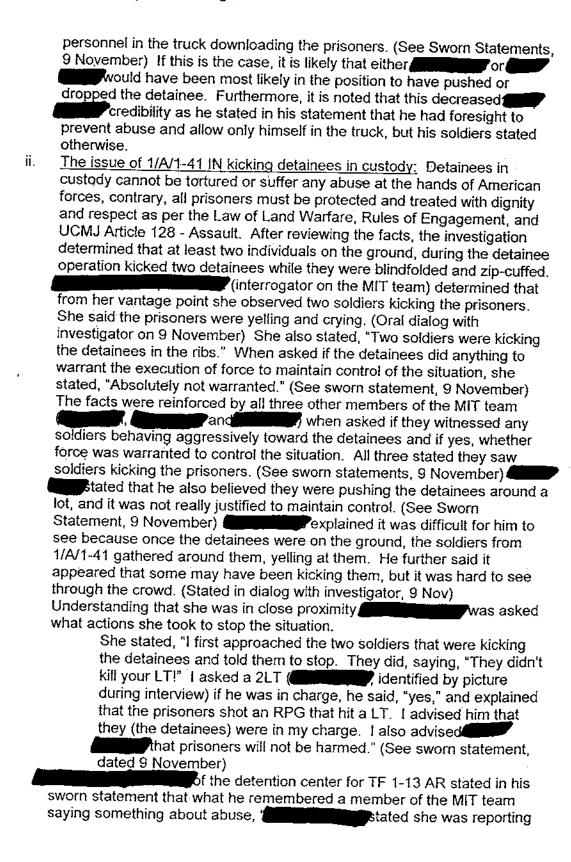
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The issue of a detainee falling from the truck: when the 2-1/2 ton truck pulled up there was a lot of yelling. She wanted to see what was going on, as well as what prisoners were being dropped off so she could prep for questioning. She stepped out 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. 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 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 the st 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. 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 2-1/2 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 they stated that were the

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2-70 AR for prisoner mistreatment." (See sworn statement, dated 22 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 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 say something to the 1/A/1-41 soldiers, but could not hear what was said. (See Sworn Statement, 9 November) did not have a direct line of sight to and did not witness any dialog that took place, only the back of the 2-1/2 ton truck. Also, the 2-70 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. 9 Nov) Lastly, the only pictures identified as people / recognized for sure were 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 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 asked /who/ was and her rank. At his response of her being the interrogator, and that he could not tell them her rank, she stated 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, 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 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

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, 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 2-1/2 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 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 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 sworn statement and are found under the list of 2-70's detainees from 16 SEP 03. The individuals are the following:

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.

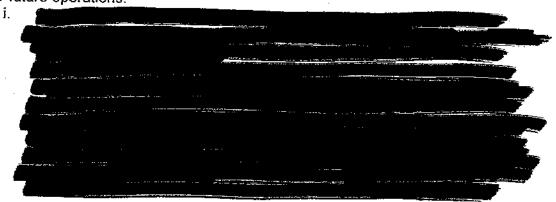
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The issue of abusive language and improper conduct toward detainees: The investigation found that all parties agreed that there was a lot of swearing and yelling toward the detainees during the unloading procedures at the TF 1-13 detention facility. (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 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).

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





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HEADQUARTERS, 3RD BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION Bághdad, Iraq

UNIT 92940, APO AE 09324-2940

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MEMORANDUM FOR , 1st Field Artillery Regiment, 3rd Brigade Combat Team, Baghdad, Iraq

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

- 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 3rd BCT Detainee Holding Facility, located at the TF 1-13 AR FOB, on 16 Sep 03.
- 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.
- 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.



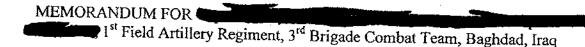
DEPARTMENT OF THE ARMY HEADQUARTERS, 3^{RO} BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION Baghdad, Iraq

UNIT 92940, APO AE 09324-2940

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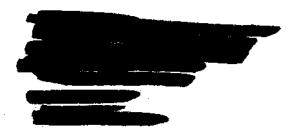
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19 September 2003



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

- 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 3rd BCT Detainee Holding Facility, located at the TF 1-13 AR FOB, on 16 Sep 03.
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- 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.



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CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITH THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENC WITNESSES: ORGANIZATION OR ADDRESS ture of Person Administering Oath) (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEM PAGE 2 of 2 PAGES USAPPC V2.00

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. LOCATION 9 NOV FILE NO. 1737 ORGANIZATION OR ADDRESS 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 and wanted to question me about the following offense(s) of which (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. (For personnel subject othe UCMJ 1 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 understånd that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. COMMENTS (Continue on reverse side) Section B. Waiver f understand my rights as stated above. I am now willing to discuss the offense(s) under investigation ag gg to a lawyer first and without having a lawyer present with me. WITNESSES (If available) NAME (Type or Print) ۱a. ORGANIZATION OR ADDRESS AND PHONE b. THE BUYE STIGATOR 2a. NAME (Type or Print) TYPED NAME OF INVESTIGATOR ORGANIZATION OR ADDRESS AND PHONE ORGANIZATION OF INVESTIGATOR Section C. Non-waiver I do not want to give up my rights I want a fawyer I do not want to be questioned or say anything

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED DA FORM 3881, NOV 89

SIGNATURE OF INTERVIEWEE

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows:
 "Before I ask you any questions, you must understand your rights."
 - "You do not have to 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 fawyer 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 fi.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:

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

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

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for 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)

		N STATEMENT	dit.	, \$ \\ \psi\	<u> </u>
LOCATION For use of the	is form, see AH 13	90-45; the proponent a	gency is ODCSO	PS FILE NUMBER	
·	_	9 Nbu 83	18:55	110000000000000000000000000000000000000	•
LAST NAME FIRST NAME AUDOLE NAME		SOCIAL SECURITY	NUMBER	GRADE/STATUS	
ORGANIZATION OR ADDRESS		<u>. </u>			
	L			•	
1,		, WANT TO MAKE	THE FOLLOWIN	IG STATEMENT UNDER	OATH:
ı				•	
1. State your specific location and activities	s during the priso	oner drop-off on 16 S	ep 03.		
IN side vehicle about 75m	from the	5 ton truck,	. The ga	te was ope	المهمر
on it sapt. 03 papt 16:00					3==-
2. Are you aware of the specific allegations NA	s of potential abu	se during the prisone	r drop-off oper	ration on 16 Sep 03, 1	600hrs?
3. Did you participate or witness any detair	nee dropped or th	from the 2 1/2	ton truck durin	ig the drop-off, either	•
accidentally or maliciously? Sew one person thrown !	Ç V	L 6 A M	100.6	/	
Dem one heary manny	fion me	Decoll to the	ve moun		
4. Can you please state, to the best of your	memory, who o	n site participated in	the unloading of	of prisoners from the	4
2 1/2 ton truck and their exact position in the recieving the prisoners after they were unlo	te operation: (c) aded and consoli	dating them on the g	was tocated jus round.)	it bening the 2 1/2 ton	itruck
•			•		
N/A					
5. Did you witness any obscene language o	r unprofessional	language directed at	the prisoners, i	if so - what was it? Is	s it
common practice to yell at prisoners upon o	r after arrest?		1 -1 . 1	I	
Servet Soldies were yellioner wellion	y at the	fuckers idet	ware Williad da	to Calelings	•
5	2010 1110	J. 200	New Con 101	Je (() () () () () () () () ()	-
6. Did you percieve any threat from the del	tainees that woul	d warrant aggressive	action to main	tain control of the situ	uation? If
so, please state specifically what.					
7. Did you witness any soldier participating	in the prisoner	drop-off operation ac	ting aggressive	ly towards any of the	prisoners
was it warranted in your opinion to maintain	control of the si	ituation? (example: I	kicking to the s	ides of the body, knee	eing to the
Some Soldiers were kin	Ling the	prismer wh	the on	the ground	k _
	·	4	•		
Did you witness any dialog between the prisoner drop-off operation, if so - what was	MIT team and an	ly soldiers from TF 1	-13 or TF 2-70) during any aspect of	the
	No.				
•					
EXHIBIT	INITIALS OF	PERSON MAKING STA	ATEMENT		
	i i i i i i i i i i i i i i i i i i i	TENDOS MARINO OTA	112.11.2.11	PAGE 1 OF 1	PAGES
ADDITIONAL PAGES MUST CONTAIN THE H					
THE BOTTOM OF EACH ADDITIONAL PAGE MU AS "PAGE OF PAGES." WHEN ADD					
STATEMENT WILL BE CONCLUDED ON THE RE				WILL DE EMED COLY.	716 11

	b(6), b(3)
STATEMENT (Continued)	
state what was said to the best of your knowledge.	in NCOIC and any of the personnel dropping off prisoners? If so, please $\sqrt{0}$,
10. Did you believe that the prisoners dropped off arrested?	on 16 SEP 03 were guilty? If so, what do you believe they did to be
believe did the alleged behavior and specifically what	any of the personnel by rank, facial recognition, or position at the scene behavior or actions? If yes, please state to your best knowledge who you at you believe you witnessed them doing. If no, can you state to the best of sof the people you believe were involved to include race, height, rank, hardly what you believe this person did.
12. Can you specifically recall what was said during what was said and where it occurred at the scene.	g the "yelling episodes" reported in the alleged event? If so, please state
See guestion number 5.	
13. Is there anything you would like to add to the in	vestigation at this time? 🙏 ,
· ·	·
	AFFIDAVIT
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED A	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE ATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT JNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [Digitature of Forsol Making Statement]
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this <u>\$\text{9}\$</u> day of <u>\$\text{NCJ}\$</u> , \$\text{\$\text{M}}\$ 7003 at
ORGANIZATION OR ADDRESS	(Signature of Person Administering Oath)
	(Signature of Following Following County
	(Typed Name of Person Administering Oath)
ORGANIZATION OR ADDRESS	(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

USAPPC VZ.00

PAGES

PAGE 2 OF 2

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

6(6), 6(3)

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

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

PRINCIPAL PURPOSE: ROUTINE USES:

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

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

	·····				•
1. LOCATION			ite 1,001 103	3. TIME	4. FILE NO.
5. NAME (Last, First, MI)		8. OF	GANIZATION C	OR ADDRESS	
					•
6. SSN	7 CRADECTATUS]			
575	PART I - RIGHTS WAIVE	R/NOW-WA	IVER CERTIE	ICATE	· · · · · · · · · · · · · · · · · · ·
Section A. Rights	TARE TRAINS TRAIN	304031-417	JAZA CENTA	ICATE	· · · · · · · · · · · · · · · · · · ·
	· · · · · · · · · · · · · · · · · · ·				
The investigator whose name appears bek	ow told me that he/she is with the Unit	ed States Arm	y 4 1 1		, 1AD
15.6 Overtionin		and v	vanted to quest	ion me about the follow	wing offense(s) of which i am
	g regarding alleged mistreatmen				EP US approx 1000 nrs
Before he/she asked me any questions about 1. I do not have to answer any question		de it clear to n	ne that I have t	he following rights:	
	evidence against me in a criminal trial.				•
	have the right to talk privately to a law	ver before, di	king, and after	questioning and to hav	e a lawyer present with me
	e a civilian lawyer I arrange for at no e				
or both.					
		- Or -			
	## if have the right to talk privately to a				
will be appointed for me before any q	hat this lawyer can be one that I arrang	je for at my o	wn expense, or	if I cannot afford a law	yer and want one, a lawyer
	uestioning begins. ense(s) under investigation, with or with	nout a lawwer	nrecent I have	a right to stop answer	ing questions at any time. Or
	answering further, even if I sign the wa		hieseur' i make	a light to stop answer	ng questions at any time, or
, , , , , , , , , , , , , , , , , , , ,					
5. COMMENTS (Continue on reverse s	ide)				,
Section B. Waiver					
understand my rights as stated above, I a naving a lawyer present with me.	m now willing to discuss the offense(s)	under investi	gation and mak	e a statement without	talking to a lawyer first and witho
WITNESSES //	f available)	3. SIG	NATURE OF IN	TERVIEWEE	
1a. NAME (Type or Print)		7			
ORGANIZATION OR ADDRESS AND	PHONE	4. SIG	NATURE OF IN	VESTIGATOR	
					
ta. NAME (Type or Print)		5. TYP	ED NAME OF I	NVESTIGATOR	
		44			<u> </u>
. ORGANIZATION OR ADDRESS AND	PHONE	6. ORG	ANIZATION O	INVESTIGATOR	
	·	4			
	· · · · · · · · · · · · · · · · · · ·				
ection C. Non-waiver					
I do not want to give up my rights	·				
1 want a lawyer		☐ ld	o not want to b	e questioned or say an	ything
. SIGNATURE OF INTERVIEWEE					
TTACH THIS WAIVER CERTIFICATE TO A	NY SWORN STATEMENT (DA FORM	2823/ SUBSE	OUENTLY EXE	CUTED BY THE SUSPE	ECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

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.
- 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., lewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for 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)

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	FILE NUMBER
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For use of this		STATEMENT		DO
LOCATION For use of this	iom, see An 18	0-45; the proponent	TIME	FILE NUMBER
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LAST NAME, FIRST NAME, MIDDLE NAME		SOCIAL SECURITY		GRADE/STATUS
	1			
ORGANIZATION ON ADDRESS		_		
				
1.		- NA/ANIT TO SAAL	THE FOLLOWIN	G STATEMENT UNDER OATH:
·		, WART TO MAR	E THE FOLLOWING	G STATEMENT ONDER OATH:
1. State your specific location and activities of				
In clear view if the	5 fon, Stan	ding in Lack	of the flow	W.C
2. Are you aware of the specific allegations of	or potential abus	se during the prisor	ier drop-oii oper	ation on 16 Sep 03, 1000nrs?
N/A				
3. Did you participate or witness any detained accidentally or maliciously?	e dropped or th	rown from the 2 1/	2 ton truck durin	g the drop-off, either
yes saw dete	nian fall	and of Low	e le	
462, 2000 tale	And tere.	00 F C F (0		
4. Can you please state, to the best of your re 2 1/2 ton truck and their exact position in the recieving the prisoners after they were unload	operation? (ex	ample: SGT Snuff	v was located ins	of prisoners from the t behind the 2 1/2 ton truck
'S11 A				
NIA				
5. Did you witness any obscene language or common practice to yell at prisoners upon or	unprofessional after arrest?	language directed a	at the prisoners, i	f so - what was it? Is it
Yes, yellin an	ed obscera	language hi	ns used.	•
6. Did you percieve any threat from the detains, please state specifically what.	inees that would	I warrant aggressiv	e action to maint	ain control of the situation? If
Xlo				
100 -				
 Did you witness any soldier participating it was it warranted in your opinion to maintain op body or head, striking, or combative actions.) 	control of the si	frop-off operation a tuation? (example:	acting aggressive kicking to the si	ly towards any of the prisoners ides of the body, kneeing to the
I an guessing; 2 people u	wer Kicking	the prisoners &	h the sides.	
3. Did you witness any dialog between the Morisoner drop-off operation, if so - what was s	IIT team and an said?	y soldiers from TP	1-13 or TF 2-70	during any aspect of the
The soldiers pulled o	. the	5 for and tol	il me and	to
·	4	,	•	70
look away.				
XHIBÌT	INITIALS OF	PERSON MA	EMENT	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEA	ADING "STATEA	SENT OF TAKE	NAT DATE	
THE BOTTOM OF EACH ADDITIONAL PAGE MUS	T BEAR THE INI. TIONAL PAGES A	TIALS OF THE PERSO RRE UTILIZED, THE E	ON MAKING THE S BACK OF PAGE 1 I	STATEMENT AND BE INITIALED WILL BE LINED OUT, AND THE
A FORM 2022 BIL 72	3.52 0, 70			

STATEMENT (Continued)	
	IC and any of the personnel dropping off prisoners? If so, please
No	•
10. Did you believe that the prisoners dropped off on 16 Starrested?	EP 03 were guilty? If so, what do you believe they did to be
All	
believe did the alleged behavior and specifically what you be your knowledge, the basic identifying characteristics of the color, other identifying marks (tattoos) and specifically what what you be the color, other identifying marks (tattoos) and specifically what you be in the color, other identification is the color of the	the personnel by rank, facial recognition, or position at the scene of or actions? If yes, please state to your best knowledge who you elieve you witnessed them doing. If no, can you state to the best of people you believe were involved to include race, height, rank, hair it you believe this person did.
	being present, but NOT recessarily participating
prison NCOIC	saw then 2 talking to and
MCOIC.	
12. Can you specifically recall what was said during the "yowhat was said and where it occurred at the scene.	elling episodes" reported in the alleged event? If so, please state
. 40	
13. Is there anything you would like to add to the investigate	
AF	FIDAVIT
1,	HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULL IY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL COR CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMEN THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWF	Y UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE RECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE TERESLY WITHOUT HOPE OF RENESLY OR REWARD, WITHOUT
VITNESSES:	Subscribed and sworn to before me, a person authorized by law to
	administer oaths, this A day of Now 19 2005
DRGANIZATION OR ADDRESS	(Signature of Person Administering Oath)
	(Typed Name of Person Administering Oath)
RGANIZATION OR ADDRESS	(Authority To Administer Oaths)
ITIALS OF PERSON MAKING STATEMENT	2 7
	PAGE 2 OF Z- PAGES

USAPPC V2.00

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(1), b(1)

DATA REQUIRED BY THE PRIVACY ACT

	DATA RECORDED	DI TILLITATION NO.		,
AUTHORITY: PRINCIPAL PURPOSE:	Title 10, United States Code, Section 3012 To provide commanders and law enforcements	nt officials with means		
ROUTINE USES: DISCLOSURE:	Your Social Security Number is used as an a Disclosure of your Social Security Number is		ns or identification to r	acintate uning and retrieval.
1. LOCATION		2. DATE THOU W2	3. TIME 36	4. FILE NO.
5. NAME (Last, First, M	11	8. ORGANIZATION	OR ADDRESS	
6. SSN	7. GRADE/STATUS			
	PART I - RIGHTS WAIVE		FICATE	
Section A. Rights				
The investigator whose name	e appears below told me that he/she is with the Unite		stion me about the following	ng offense(s) of which I am
	Questioning regarding alleged mistreatmen	it to include assault or	detainees on 16 SE	P 03 approx 1600 hrs
ł .	questions about the offense(s), however, he/she made rany question or say anything.	le it clear to me that I have	the following rights:	
2. Anything I say or do ca	n be used as evidence against me in a criminal trial.			
	othe UCMJ I have the right to talk privately to a law			
or both.	s lawyer can be a civilian lawyer I arrange for at no ex	pense to the Government of	a military tawyer decone	d tot the at the expense to me,
		- 01 -		
	et to the UCMJI I have the right to talk privately to a I understand that this lawyer can be one that I arrang			
will be appointed for me	e before any questioning begins.			
	scuss the offense(s) under investigation, with or with		e a right to stop answerin	g questions at any time, or
speak privately with a r	awyer before answering further, even if I sign the wai	ver delow.		
5. COMMENTS (Continue	e on reverse sidel			
Section 8. Waiver				
I understand my rights as sta having a lawyer present with	ated above. I am now willing to discuss the offense(s) me.	under investigation and ma	ake a statement without to	alking to a lawyer first and withou
W	ITNESSES (If available)	3. SIGNATURE OF	NTERVIEWEE	
1a. NAME (Type or Prin	t)			
b. ORGANIZATION OR A	DDRESS AND PHONE	4. SIGNATURE OF	NVESTIGATOR	
·				
0 1/11/E (T) 1/10/		5 TYPED MANE OF	HUTCTICATOR	
2a. NAME (Type or Prin	t)	5. TYPED NAME OF	INVESTIGATOR	
b. ORGANIZATION OR A	DDRESS AND PHONE	6. ORGANIZATION	OF INVESTIGATOR	
Section C. Non-waiver			<u> </u>	
1, I do not want to give u	p my rights			
I want a lawγer		☐ I do not want to	be questioned or say any	rthing
2. SIGNATURE OF INTERV	VIEWEE			

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

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
 - a. "You do not have to answer my questions or say anything."
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can be a civilian you arrange for at no expense to the Government or a military tawyer detailed for you at no expense to you, or both."

- 01 -

(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 "nq," 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

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

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COMMENTS (Continued)

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	Constant of the constant of th	SWORN STATEMENT		
LOCATION	ror use or this form	n, see AR 190-45; the propon	ent agency is ODCSO TIME	PS FILE NUMBER
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LAST NAME E	DLE NAME	SOCIAL SECU	RITY NUMBER	GRADE/STATUS
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l,	<u> </u>	, WANT TO N	MAKE THE FOLLOWIN	G STATEMENT UNDER OATH:
I was	specific location and active s during the specific allegations of po	inch less than 15 m	form the	
N/A				
accidentally or				g the drop-off, either
NO	they wor Pulled from	n the back of t	he truck	
2 1/2 ton truck	ease state, to the best of your memorand their exact position in the operationers after they were unloaded a	ration? (example: SGT Sn	uffy was located ius	of prisoners from the t behind the 2 1/2 ton truck
N/A	•			
common practic	tness any obscene language or unpr ce to yell at prisoners upon or after	r arrest?	-	
Yes 1	they were yelling obs	scenify's in mot	derfucher, Asshold	,
Did you per	cieve any threat from the detainees specifically what.	s that would warrant aggres	ssive action to maint	ain control of the situation? If
No they	witte tundfolded & zifes	Atical		
was it warrante	ness any soldier participating in the d in your opinion to maintain contr triking, or combative actions.)	rol of the situation? (examp	ple: kicking to the si	des of the body, kneeing to the
yes, ther	thing, or contourve actions.) Them to the grade	then one soldier	Kicked a deta	ince in the side
tley w	the also shown a mount	tan much		٠,٠,٠

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?

came out and said some words I could not hour

EXHIBIT INITIALS OF PERSON MAKING STATEMENT

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

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

USAPPC V2.00

PAGES

PAGE 1 OF

STATEMENT (Continued)	0(6),0(3)
9. Did you witness any dialog between the detention NCOI state what was said to the best of your knowledge.	C and any of the personnel dropping off prisoners? If so, please
10	•
10. Did you believe that the prisoners dropped off on 16 SI arrested?	EP 03 were guilty? If so, what do you believe they did to be
1/14	
who you believe participated in the alleged abusive behavior believe did the alleged behavior and specifically what you b	he personnel by rank, facial recognition, or position at the scene or actions? If yes, please state to your best knowledge who you elieve you witnessed them doing. If no, can you state to the best of people you believe were involved to include race, height, rank, hair tyou believe this person did.
NO	
12. Can you specifically recall what was said during the "yowhat was said and where it occurred at the scene.	elling episodes" reported in the alleged event? If so, please state
10 ,	
13. Is there anything you would like to add to the investigat	ion at this time?
110	
Α.	FFIDAVIT
	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL COF	Y UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE RECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE IT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
	(Signature of Person Making Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to
	administer oaths, this 1 day of 100
	at 3BCT FOB
· · · · · · · · · · · · · · · · · · ·	
ORGANIZATION OR ADDRESS	gnature of Person Administering Oath)
	(Typed Name of Person Administering Oath)
ORGANIZATION OR ADDRESS	(Authority To Administer Oaths)
NITIALS OF PERSON MAKING STATEMENT	
TATELLE TO THE PART OF THE PAR	PAGE Z OF Z PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE For use of this form, see AR 190-30; the proponent agency is ODCSOPS DATA REQUIRED BY THE PRIVACY ACT AUTHORITY: Title 10, United States Code, Section 3012(a) 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. LOCATION 4. FILE NO. 90003 NAME. (Last, First, MI) ORGANIZATION OR ADDRESS 6. SSN 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 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. If 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. 3. (For personnel subject othe UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. COMMENTS (Continue on reverse side) Section B. Waiver 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) NAME (Type or Print) b. ORGANIZATION OR ADDRESS AND PHONE SIGNATURE OF INVESTIGATOR 2a. NAME (Type or Print) TYPED NAME OF INVESTIGATOR ь. ORGANIZATION OR ADDRESS AND PHONE ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

I do not want to give up my rights

U (want a lawyer

I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

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

USAPA 2.01

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

THE WAIVER

"Do you understand your rights?"

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

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

Do you want a lawyer at this time?

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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For use of this form		STATEMENT 3-45; the proponent as	gency is ODCSOPS	
LOCATION COMPANY		DATE	TIME	FILE NUMBER
FTCR 2-70 AR LAST NAME FIRST NAME MIDDLE NAME		SOCIAL SECURITY	OII	GRADE/STATUS
CHOANIZATION OR ADDRESS		· ·	·	
	<u> </u>	···-		<u> </u>
1. William B Murphy	. 1	, WANT TO MAKE	THE FOLLOWING S	TATEMENT UNDER OATH:
			•	· · · · · · · · · · · · · · · · · · ·
1. State your specific location and activities during I was located at the three truck.	front Go	ite, afforcinely	100 meders	
2. Are you aware of the specific allegations of p				on on 16 Sep 03, 1600hrs?
yes, about 1 week after	c dop	off of pri	surri	
3. Did you participate or witness any detainee draccidentally or maliciously?	opped or thre	own from the 2 1/2	ton truck during th	ne drop-off, either
No. I dd not phy	sicelly .	see them c	Il unlocated	from truck
4. Can you please state, to the best of your men 2 1/2 ton truck and their exact position in the operacieving the prisoners after they were unloaded	eation? (exau and consolid	nple: SGT Snuffy wating them on the gr	vas located just bel round.)	risoners from the hind the 2 1/2 ton truck
wre	te unlos	ding the pr	Juners.	
5. Did you witness any obscene language or unp common practice to yell at prisoners upon or after tryed to remove his blind ful control though	professional last arrest?	anguage directed at a second s	the prisoners, if so	o-what was it? Is it
5. Did you percieve any threat from the detained so, please state specifically what. They we have ground,	es that would	warrant aggressive	action to maintain γρώνετ ω	control of the situation? If
7. Did you witness any soldier participating in the was it warranted in your opinion to maintain controlly or head, striking, or combative actions.) Soldier to the individual of ADV ACTION THAT TOOK PLACE. B. Did you witness any dialog between the MIT.	tral of the cit	untion? (evample: b	ricking to the side	of the body kneering to the
DO YOU KNOW OF ADV ACEDS	+807 (50) A	Care Provincional AS	KICKING OR ABOLI	ue? . Unt in vay
B. Did you witness any dialog between the MIT prisoner drop-off operation, if so - what was said	1 July	to Therefore	-13 or TF 2-70 du	aring any aspect of the
	77-4 C #11) ** **;		
XHIBIT	INITIALS OF I	PERSON MAKING STA	ATEMENT PA	GE 1 OF PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING THE BOTTOM OF EACH ADDITIONAL PAGE MUST BASES, "WHEN ADDITION TO THE REVERS."	EAR THE INIT VAL PAGES A	IALS OF THE PERSON RE UTILIZED, THE BA	I MAKING THE STA CK OF PAGE 1 WIL	TEMENT AND BE INITIALED

	Agra L
STATEMENT (Continued) 9. Did you witness any dialog between the detention NCOIC and any of the personnel.	nel dropping off prisoners? If so, please
state what was said to the best of your knowledge.	1
	populati
10. Did you believe that the prisoners dropped off on 16 SEP 03 were guilty? If so arrested? We were told thry were arrested for and a that hit it it for any a lit pit leaderby 2-70 AR	milled & Setting IEO
11. Is there anything you would like to add to the investigation at this time? You. If our actions were in gurstion why did inmediately. Burnly did actual raid to detain him	the Soldiers Who war
Injuried due to the IEO worr than the attach	-d to Bunty
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AFFIDAVIT	
, HAVE READ OR HAV	/E HAD READ TO ME THIS STATEMENT
WHICH BEGINS ON PAGE 1 AND ENDS ØN PAGE 2. I FULLY UNDERSTAND THE COBY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INCONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOLT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INFLUENCE.	PE OF BENEFIT OR REWARD, WITHOUT
WITNESSES: Subscribed and sw	forn to before me, a person authorized by law to
	s 9 day of 1000 19.2013
at	
ORGANIZATION OR ADDRESS (Signa	ture of Person Administering Oath)
(Туред	Name of Person Administering Oath)
ODGANIZATION OF ADDRESS	Authority To Administer Oaths)
ORGANIZATION OR ADDRESS	
INITIALS OF PERSON MAKING STATEMENT	PAGE 2 OF 2 PAGES
	PAGE OF PAGES USAPPC V2.00

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

:	6	(b),	10	(3)

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

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

PRINCIPAL PURPOSE: ROUTINE USES:

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

Disclosure of your Social S	ecurity Number is vol	luntary.	·	
1. LOCATION	2	DATE	3. TIME	4. FILE NO.
5. NAME (Last, First, MI)		9 NOV 43	1012	
5. NAME (Last, First, MI)	·	B. ORGANIZATIO	N OR ADDRESS	
6. SSN 7. G	RADE/STATUS		<u> </u>	
PART I	RIGHTS WAIVER/NO	ON-WAIVER CER	TIFICATE	
Section A. Rights				
The investigator whose name appears below told me that he/s		and wanted to gu	estion me about the follow	, IAD wing offense(s) of which t am
suspected/accused: 15-6 Questioning regarding alle				3P 03 approx 1600 hrs
Before he/she asked me any questions about the offense(s), he 1. I do not have to answer any question or say anything.	owever, he/she made it c	lear to me that I hav	e the following rights:	
2. Anything I say or do can be used as evidence against me	in a criminal trial.			
3. (For personnel subject othe UCMJ 1 have the right to tal				
during questioning. This lawyer can be a civilian lawyer 1 or both.	arrange for at no expense	e to the Government	or a military lawyer detail	ed for me at no expense to me,
	- c	or -		
(For civilians not subject to the UCMJ) I have the right to me during questioning. I understand that this lawyer can be will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investioning speak privately with a lawyer before answering further, en	be one that I arrange for a	at my own expense, lawyer present, I ha	or if I cannot afford a law	yer and want one, a lawyer
5. COMMENTS (Continue on reverse side)				
Section B. Waiver				
understand my rights as stated above. I am now willing to dis naving a lawyer present with me.	cuss the offense(s) under	r investigation and n	nake a statement without	talking to a lawyer first and witho
WITNESSES (If available)	3.	SIGNATURE OF	INTERVIEWEE	
1a. NAME (Type or Print)				
ORGANIZATION OR ADDRESS AND PHONE	4.	SIGNATURE OF	INVESTIGATOR	
]			
2a. NAME [Type or Print]	5.	TYPED NAME O	F INVESTIGATOR	
ORGANIZATION OR ADDRESS AND PHONE	6.	ORGANIZATION	OF INVESTIGATOR	
	ļ			
ection C. Non-waiver				<u> </u>
. I do not want to give up my rights		 		
I want a lawyer	ı	I do not went *	o be questioned or say any	vthing
			decarrence or any any	
SIGNATURE OF INTERVIEWEE	•			
TTACH THIS WAIVER CERTIFICATE TO ANY SWORM STATE	MCNT (OA COOKA DEED	. Olipped	WEOLITED ON THE DESIGNATION	

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - e. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
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 - 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 supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. If the suspect/accused was questioned as such either without being advised
of his/her rights or some question exists as to the propriety of the first
statement, the accused must be so advised. The office of the serving Staff
Judge Advocate should be contacted for assistance in drafting the proper
rights advisal.

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

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for 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)

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	SWORN STATEMENT	aganov is ODCSO	# # <u></u>
LOCATION FTCP	DATE	TIME 1045	FILE NUMBER
LAST NAME, FIRST NAME_MIDDLE NAME	SOCIAL SECURIT	Y NUMBER	GRADE/STATUS
ORGANIZATION OF ADDRESS			
l,	, WANT TO MA	KE THE FOLLOWIN	G STATEMENT UNDER OATH:
1. State your specific location and activities du TC of 1'h Ton Truck - Bau	uring the prisoner drop-off on 16	Sep 03.	
2. Are you aware of the specific allegations of	potential abuse during the priso	, , ner drop-off oper	ation on 16 Sep 03, 1600hrs?
3. Did you participate or witness any detainee accidentally or maliciously?	dropped or thrown from the 21 chance was lifted for	/2 ton truck during	ng the drop-off, either work To the ground
4. Can you please state, to the best of your model 1/2 ton truck and their exact position in the crecieving the prisoners after they were unloaded to the best of your model. Doublanding Prisoners, every of the best of your model in the contract of the best of your model in the best of your model.	opeation? (example: SGT Snuff ed and consolidating them on the	ground.) T	of prisoners from the behind the 2 1/2 ton truck
5. Did you witness any obscene language or u common practice to yell at prisoners upon or a	improfessional language directed after arrest?	at the prisoners,	if so - what was it? Is it
6. Did you percieve any threat from the detainso, please state specifically what. They CHA 7. Did you witness any soldier participating in was it warranted in your opinion to maintain chody or head, striking, or combative actions.)	were being un coope a Trick. One Sold: The Being Down Isold. In the prisoner drop-off operation control of the situation? (example	en bid no one Sollice acting aggressive	f want to star Down Hall prisoner Down welly towards any of the prisoner
8. Did you witness any dialog between the M. prisoner drop-off operation, if so - what was s Defainess. I fersounly asked make sure they were ok.			
EXHIBIT	INITIALS OF PERSON MAKING	STATEMENT	PAGE 1 OF PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEATHE BOTTOM OF EACH ADDITIONAL PAGE MUS AS "PAGE OF PAGES." WHEN ADDIT	T REAR THE INITIALS OF THE PER	SON MAKING THE BACK OF PAGE 1	STATEMENT AND BE INITIALED

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 state what was said to the best of your knowledge.	on NCOIC and	any of the norm	in and decree	*) [مرنسه الر	
state what was said to the best of your knowledge.	on NCOIC and	any of the pers	оппет агорра	g off prise	oners? If	so, please
Ser Q.8						
10. Did you believe that the prisoners dropped off	on 16 SEP 03	were guilty? If	so, what do v	ou believ	e they dic	I to be
arrested? Yes If0;		By - 		V V U U U U U U U U U U	- 410) 410	. 10 00
t.						
11. Is there anything you would like to add to the i	nvestigation at	this time?				
Noone at any Time I'm	streated	or Agused	. the	MIT	Tean	~
needs to Stop Being						
They can do It themse		•				
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	AFFIDAV	(T				
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WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2 BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED	ALL CORRECTIO	NS AND HAVE	INITIALED THE	BOTTOM	OF EACH	PAGE
CONTAINING THE STATEMENT. I HAVE MADE THIS ST THREAT OF PUNISHMENT, AND WITHOUT COERCION, (ATEMENT FREE	LY WITHOUT HO	OPE OF BENEFI	T OR REW	ARD, WIT	ноит
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	_	(Siar	nature of Person	Making 5	Statementi	<u>-</u>
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ITNESSES:		ubscribed and sv				
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RGANIZATION OR ADDRESS		(Signa	ature of Person	Administe	ring Oath)	
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TIALS OF PERSON MAKING STATEMENT						
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						USAPPC V2.00

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

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	-		_

AUTHORITY:

DATA REQUIRED BY THE PRIVACY ACT

PRINCIPAL PURPOSE:

ROUTINE USES: DISCLOSURE:

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

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

Disclosure of your Social Security Number is voluntary.

1. LOCATION D	<u> </u>	10 0476		
FTCP	·	2. DATE	3. TIME	4. FILE NO.
5. NAME (Last, First MI)	8. ORGANIZAT	ION OR ADDRESS		
6. SSN	7. GRADE/STATUS			
	DART I DICUTO MAIN			· · · · · · · · · · · · · · · · · · ·
Section A. Rights	PARŤ I - RIGHTS WAIV	ER/NON-WAIVER CE	RTIFICATE	
Tooligh Fr. Englis			- · · · · · · · · · · · · · · · · · · ·	·
The investigator whose name appears below				IAD
suspected/accused: 15-6 Questioning	regarding alleged mistreatme	ent to include assaul	t on detainees on 16 SI	ring offense(s) of which I am EP 03 approx 1600 hrs
perole liessue asked we suy diestions abor	ut the offense(s), however, he/she ma	ade it clear to me that I h	ave the following rights:	As abbreat total into
1. 1 do not have to answer any question of	or say anything.		• • • • • • • • • • • • • • • • • • • •	•
2. Anything I say or do can be used as ex	vidence against me in a criminal trial.			
3. (For personnel subject othe UCMJ 1 h	have the right to talk privately to a lay	wyer before, during, and i	after questioning and to have	a lawyer present with me
during questioning. This lawyer can be or both.	a civilian lawyer I arrange for at no e	expense to the Governme	nt or a military lawyer detaile	ed for me at no expense to me,
or both.				
(For civilians not subject to the UCM.)	I have the eight to talk privately to a	- OF -		•
(For civilians not subject to the UCMJ) me during questioning. I understand the	at this lawver can be one that I arran	o lawyer before, during, a	nd after questioning and to h	nave a lawyer present with
will be appointed for me before any que	estionina beains.	de tot at tuk own exhaus	e, of it i cannot attord a lawy	yer and want one, a lawyer
4. If I am now willing to discuss the offen		hout a lawyer orecent ()	harra a slahe ta seas pagurada	
speak privately with a lawyer before an	swering further, even if I sign the wa	awar halow	nave a right to stop answerm	ig questions at any time, or
	and a second sec	MARI DOMAY		
			<u> </u>	
5. COMMENTS (Continue on reverse side	'e)	•		
·				
Section B. Waiver				 -
understand my rights as stated above. I am naving a lawyer present with me.	now willing to discuss the offense(s	under investigation and	make a statement without to	alking to a lawyer first and withou
WITNESSES (III	available)	3.	VIEWEE	
a. NAME (Type or Print)				
ORGANIZATION OR ADDRESS AND PL	HONE	4 SIGNATURE O	F INVESTIGATOR	
			TRACONORION	
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a. NAME (Type or Print)				<u></u>
a. NAME (Type of Film)		5. TYPED NAME	OF INVESTIGATOR	
ORGANIZATION OR ADDRESS AND PH	HOME	S OPERATION	U OF BUILDING	
	10.12	6. ORGANIZATIO	N OF INVESTIGATOR	
		-		
				
ection C. Non-waiver				<u> </u>
! do not want to give up my rights		-		<u></u> .
☐ I want a lawyer		☐ I do not want	to be questioned or say anyt	hina
CONTRACTOR OF THE PARTY OF THE	<u> </u>		to no deconomics or not write	<u></u>
SIGNATURE OF INTERVIEWEE				
TACH THE MANUEL CERTIFICATE TO THE				
TACH THIS WAIVER CERTIFICATE TO ANY	/ SWORN STATEMENT <i>(DA FORM)</i>	2823) SUBSEQUENTLY (EXECUTED BY THE SUSPEC	T/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

THE WARNING

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

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:

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

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

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for 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.")

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For use of this for	: SWORN 30, see AB 190	STATEMENT 45; the proponent a	nanov is ADCS		,,,,,
LOCATION		DATE	TIME		UMBER
LAST NAME, FIRST NAME, MIDDLE NAME		09 NOV 03 SOCIAL SECURITY		GRAD	E/STATUS
ORGANIZATION OR ADDRESS	·				COTATOS
ONSAMEATION ON ADDRESS				•	
'		_, WANT TO MAKE	THE FOLLOWS	NG STATEME	NT UNDER OATH
1. State your specific location and activities duri	ing the prisone	r drop-off on 16 Se	ep 03. 🖚 c	sas the	truck
2. Are you aware of the specific allegations of p	otential abuse	during the prisoner	r drop-off ope	ration on 16	Sep 03, 1600hrs
3. Did you participate or witness any detainee di accidentally or maliciously? M.O. T. 1314.	ropped or thro	wn from the 2 1/2	ton truck duri	ng the drop-	off, either
accidentally or maliciously? NO, I didn't ,	witness a d	between being	Tropped	oth tr	e 2 1/2 ton
4. Can you please state, to the best of your mem 2 1/2 ton truck and their exact position in the operacieving the prisoners after they were unloaded	eation? (exam	pie: SGT Snuffy w	as located jus	t behind the	2 1/2 ton truck
were unleading the prisoners	and consondat	ing them on the gr	Oulto.	, 4. 9	myself
were unleading the prisoners from & then myself	walked	40 800 miles	a different	re laying	Them on Ale
5. Did you witness any obscene language or unp common practice to yell at prisoners upon or after the us	11				
6. Did you percieve any threat from the detained so, please state specifically what. N 0	es that would w	varrant aggressive a	action to main	itain control	of the situation?
7. Did you witness any soldier participating in the was it warranted in your opinion to maintain cont body or head, striking, or combative actions.)	rot of the situa	p-off operation action? (example: ki	ing aggressive	ely towards a sides of the b	any of the prisone ody, kneeing to t
8. Did you witness any dialog between the MIT to prisoner drop-off operation, if so - what was said.	team and any s?No	oldiers from TF 1-	13 or TF 2-70	0 during any	aspect of the
	<u>.</u>				·
EXHIBIT	INITIALS OF PE	SON MAKING STA	TEMENT	PAGE 1 OF	PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADIN THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE AS "PAGE OF PAGES." WHEN ADDITION STATEMENT WILL BE CONCLUDED ON THE REVERSE	EAR THE INITIAL VAL PAGES ARE	LS OF THE PERSON UTILIZED. THE BAC	MAKING THE S	DCON STATEMENT	TINUED. " AND BE INITIALED
A 50011 0000 WW		1 JAN 68, WHICH W			USAPPC V2.

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STATEMENT (Continued)	
	NCOIC and any of the personnel dropping off prisoners? If so, please
; •	
10. Did you believe that the prisoners dropped off on arrested? yes because one guy was access	16 SEP 03 were guilty? If so, what do you believe they did to be sted for blowing out a and Lt's eyes and come
from a driver that was In my	
11. Is there anything you would like to add to the inv	estigation at this time? N_0
***	• ·
•	
	· · · · · · · · · · · · · · · · · · ·
	•
	AFFIDAVIT
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED A	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE LL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE TEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT NLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this day of, 140 2003
ORGANIZATION OR ADDRESS	(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

ING STATEMENT

INITIALS OF PERCON

PAGES

2 OF 7

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

PAGE

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. TIME FILE NO. A co 1-41 For lary fagre 09 AGLES 11:14 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 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. (For personnel subject othe UCMJ ! 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. COMMENTS (Continue on reverse side) Section 8. Waiver 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) SIGNATURE OF INTERVIEWEE ۱a. NAME (Type or Print) b. ORGANIZATION OR ADDRESS AND PHONE SIGNATURE OF INVESTIGATOR 2a. NAME (Type or Print) TYPED NAME OF INVESTIGATOR b. ORGANIZATION OR ADDRESS AND PHONE ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

1. I do not want to give up my rights

[want a lawyer

I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

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

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
 - a. "You do not have to 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., lewer than 30 days ago)*, obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

· •			1/1) 6/2)
	SWORN STATEMEN		Kalla / i la la
For use of this form	rm, see AR 190-45; the propo	onent agency is ODCS	
LOCATION	DATE	TIME	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME	SOCIAL SECU	URITY NUMBER	GRADE/STATUS
ORGANIZATION OR ADDRESS			
1.	WANT TO	***YE TUE FOLLOW	THE STATISHENT HAIDED OATH.
·	WANT 10	MAKE THE FULLUYY	ING STATEMENT UNDER OATH:
1. State your specific location and activities during the Home from the Stan 2. Are you aware of the specific allegations of positions.	potential abuse during the pa	risoner drop-off ope	eration on 16 Sep 03, 1600hrs?
3. Did you participate or witness any detainee draccidentally or maliciously?	copped or thrown from the	2 1/2 ton truck duri	ing the drop-off, either
4. Can you please state, to the best of your mem 2 1/2 ton truck and their exact position in the ope recieving the prisoners after they were unloaded a classification of the call	eation? (example: SGT Sm	inffy was located ins	of prisoners from the st behind the 2 1/2 ton truck
 Did you witness any obscene language or unpopulation of after common practice to yell at prisoners upon or after the prisoners. 	rofessional language direct эт arrest? М О	ed at the prisoners,	if so - what was it? Is it
6. Did you percieve any threat from the detainees so, please state specifically what.	s that would warrant aggre	ssive action to mair	ntain control of the situation? If
7. Did you witness any soldier participating in the was it warranted in your opinion to maintain contribody or head, striking, or combative actions.)	troi of the situation? (exam	on acting aggressive uple: kicking to the	ely towards any of the prisoners sides of the body, kneeing to the
8. Did you witness any dialog between the MIT to prisoner drop-off operation, if so - what was said?	team and any soldiers from? NO	. TF 1-13 or TF 2-7	'0 during any aspect of the
XHIBIT I			
.ATIDU	MAKIN	IG STATEMENT	

AS "PAGE____ OF_

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED

MAKING STATEMENT

_TAKEN AT__

__ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE

Q__ PAGES

_ CONTINUED."

PAGE 1 OF

_ DATED___

9. Did you witness any dialog between the detention NCOIC a state what was said to the best of your knowledge.	and any of the personnel dropping off prisoners? If so, please
10. Did you believe that the prisoners dropped off on 16 SEP arrested? What even know	03 were guilty? If so, what do you believe they did to be
11. Is there anything you would like to add to the investigation	n at this time?
•	
	·
ΔEFI	DAVIT
t, which begins on page 1 and ends on page 2. I fully the statement is true. I have initialed all correcontaining the statement. I have made this statement is the statement.	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE COTIONS AND HAVE INITIAL TO SERVE PAGE
THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL	INFLUENCE Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this <u>Cl</u> day of <u>Nov.</u> , 10 <u>Revisor</u>
ORGANIZATION OR ADDRESS	or Person Administering Oath)
	(Typed Name of Person Administering Oath)
ORGANIZATION OR ADDRESS	(Authority To Administer Oaths)
NITIALS OF PERSON MAKING STATEMENT	PAGE TOF V PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

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DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

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

PRINCIPAL PURPOSE: ROUTINE USES:

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

DISCLOSURE:	Disclosure of your Social Security Number	is volu	ntary.		
1. LOCATION		2.	Ed Loca P	3. TIME	4. FILE NO.
5. NAME (Last First M		8.	ORGANIZATION (OR ADDRESS	
6. SSM	7. CRADE/RIATUS				
	PART I - RIGHTS WAIVE	R/NO	N-WAIVER CERTIF	ICATE	·
Section A. Rights					
	e appears below told me that he/she is with the Unite		and wanted to quest		ng offense(s) of which I am P 03 approx 1600 hrs
V20p001111111111111111111111111111111111	questions about the offense(s), however, he/she ma			•	
	r any question or say anything.				
· · ·	on be used as evidence against me in a criminal trial. othe UCMJ I have the right to talk privately to a law	um hafi	are during and after	questioning and to have	a lawyer present with me
1	s lawyer can be a civilian lawyer I arrange for at no e		-		
·	••	- or			
me during questioning, will be appointed for me 4. If I am now willing to d	It to the UCMJ. I have the right to talk privately to a I understand that this lawyer can be one that I arrang e before any questioning begins. iscuss the offense(s) under investigation, with or with awyer before answering further, even if I sign the wa	ge for at hout a la	my own expense, or awyer present, I have	if I cannot afford a lawye	er and want one, a lawyer
5. COMMENTS (Continu	e on reverse side)				<u> </u>
Section B. Waiver					
I understand my rights as sta having a lawyer present with	ated above. I am now willing to discuss the offense(s i me.) under i	investigation and mak	e a	yer first and without
	VITNESSES (If available)	3		-	
1a. NAME (Type or Prin	nt)				
b. ORGANIZATION OR A	DDRESS AND PHONE				
	•	4			₽.
2a. NAME (Type or Prin	atl	5.	TYPED NAME OF I	NVESTIGATOR	
b. ORGANIZATION OR A	DDRESS AND PHONE	6.	ORGANIZATION O	F INVESTIGATOR	
		4			
Section C. Non-waiver	· · · · · · · · · · · · · · · · · · ·				
I do not want to give u	p my rights				
☐ I want a lawyer			I do not want to b	e questioned or say any	thing
2. SIGNATURE OF INTER	VIEWEE				
ATTACH THIS WAIVER CERT	TIFICATE TO ANY SWORN STATEMENT (DA FORM	2823)	SUBSEQUENTLY EXE	ECUTED BY THE SUSPEC	OT/ACCUSED

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
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- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
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 - 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 fawyer 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., lewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for 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.")

			<u></u>	0/10/10/
For use of this fo		STATEMENT 45; the proponent a	agency is ODCSOF	<u> </u>
LOCATION		DATE 90003	TIME	FILE NUMBER
LAST NAME, FIRST NAME MIDDLE NAME		SOCIAL OF CURPOR		GRADE/STATUS
ORGANIZATION OR ADDRESS	1			
t,		_, WANT TO MAKI	E THE FOLLOWING	S STATEMENT UNDER OATH:
1. State your specific location and activities du のでいっていっているのである。	uring the prisone Can SMO	er drop off on 16!	Sep 03. urt	
2. Are you aware of the specific allegations of	potential abuse	during the prison	er drop-off opera	ation on 16 Sep 03, 1600hrs?
3. Did you participate or witness any detainee accidentally or maliciously?	dropped or thro	own from the 2 1/2	2 ton truck during	g the drop-off, either
4. Can you please state, to the best of your me	emory, who on	site participated in	n the unloading o	of prisoners from the
2 1/2 ton truck and their exact position in the crecieving the prisopers after they were unloaded	ad and concolids	ating them on the i	around)	
pretay sule	healso	exorted	ord the	prisoners in
5. Did you witness any obscene language or use common practice to yell at prisoners upon or a	mprofessional la	anguage directed a	t the prisoners, i	f so - what was it? Is it
6. Did you percieve any threat from the detain so, please state specifically what.	nees that would	warrant aggressiv	e action to main	tain control of the situation? I
7. Did you witness any soldier participating in was it warranted in your opinion to maintain cobody or head, striking, or combative actions.)	ontrol of the sit	rop-off operation a uation? (example:	acting aggressive kicking to the s	ly towards any of the prisoner ides of the body, kneeing to the
8. Did you witness any dialog between the MI prisoner drop-off operation, it so - what was so I with Early could be the the court facilities are the court facilities and the court facilities are the court facilities are the court facilities and the court facilities are the court facilities				
EXHIBIT	INITIALS OF	PERSON MAKING S	STATEMENT	PAGE 1 OF PAGES
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	b(6), b(3)
STATEMENT (Continued) 9. Did you witness any dialog between the detention state what was said to the best of your knowledge.	on NCOIC and any of the personnel dropping off prisoners? If so, please
10. Did you believe that the prisoners dropped off arrested? YES WE WEIET INJUSE LOT OUT FELLOW.	on 16 SEP 03 were guilty? If so, what do you believe they did to be OlDuhay BCt offan IED That Sadiers.
11. Is there anything you would like to add to the in	ivestigation at this time?
no	
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	AFFIDAVIT
STATE OF A TENERAL IS TRUE. THAVE INTIMED A	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE LL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE LTEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT NLAWFUL INFORMATION (NEW PROPERTY) STATEMENT, STATEMENT, STATEMENT, STATEMENT, WITHOUT NLAWFUL INFORMATION (NEW PROPERTY)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to
	administer oaths, this day of, 19
	at
ORGANIZATION OR ADDRESS	(Signature of Person Administering Oath)
	(Typed Name of Person Administering Oath)
ORGANIZATION OR ADDRESS	(Authority To Administer Oaths)
SITIALS OF PERSON MAKING STATEMENT	

OF

PAGE

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

DISCLOSURE:

6(6), 6(3)

PRINCIPAL PURPOSE: ROUTINE USES:

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

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

, (

Disclosure of your Social Security Number is voluntary.

1.	LOCATION	,	2. DATE 9/0063	3. TIME	4. FILE NO.
5.	NAME *		8. ORGANIZATION (OR ADDRESS	
Ų.	SSN	7. CRADE/STATUS			
-1		PART L. RIGHTS WAIVER	NON-WAIVER CERTIF	ICATE	. 1

Section A. Rights

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

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

WITNESSES (If available)

3. (For personnel subject othe UCMJ | 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.

- Of -

- 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.
- 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.

1a. NAME (Type or Print)	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	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

1 do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

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

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
 - a. "You do not have to 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 fawyer 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 *li.e., fewer than 30 days agol*, obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease inwediately. 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.")

		<u></u>	<u> </u>	10(3)
For use of this form	SWORN STATEMEN 1, see AR 190-45; the propo	IT		
LOCATION	DATE	TIME	FILE NUI	MBER
LACT NAME FIRST NAME MIDDLE NAME	9200	03	GRADE/S	TATUC
ORGANIZATION OF ADDRESS			4	
1,	, WANT TO	MAKE THE FOLLOV	VING STATEMENT	UNDER OATH:
1. State your specific location and activities durin	g the prisoner drop-off on	1 16 Sep 03.		
Guard in back of i	seuce hel	ped un	Jode P	i sioners
2. Are you aware of the specific allegations of po	tential abuse during the pr	risoner drop-off of	peration on 16 Se	ep 03, 1600hrs?
3. Did you participate or witness any detainee droaccidentally or maliciously?	opped or thrown from the	2 1/2 ton truck du	ring the drop-off	, either
NO				
4. Can you please state, to the best of your memory 2 1/2 ton truck and their exact position in the opea recieving the prisoners after the operation of the prisoners after the operation of the prisoners after the operation of the prisoners and the operation of the prisoners and the operation of	nd consolidating them on	the ground.)	ust behind the 21	1/2 ton truck
5. Did you percieve any threat from the detainees to, please state specifically what.	that would warrant aggre	ssive action to ma	intain control of	the situation? If
. Did you witness any soldier participating in the vas it warranted in your opinion to maintain control ody or head, striking, or combative actions.)	prisoner drop-off operation of the situation? (example)	on acting aggressi- ple: kicking to the	vely towards any sides of the bod	of the prisoners y, kneeing to the
NO				
Did you witness any dialog between the MIT tearisoner drop-off operation, if so - what was said?	am and any soldiers from	TF 1-13 or TF 2-	70 during any as	pect of the
(HIBIT IN	ITIALS OF PERSON MAKING	COTATERACRY		
		· .	PAGE 1 OF _	
ADDITIONAL PAGES MUST CONTAIN THE HEADING HE BOTTOM OF EACH ADDITIONAL PAGE MUST BEA S "PAGE OF PAGES." WHEN ADDITIONA FATEMENT WILL BE CONCLUDED ON THE REVERSE S	R THE INITIALS OF THE PER L PAGES ARE LITHIZED. TH	RSON MAKING THE	CTATEMACKET AND	o oc muziki co

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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.
Yes The rectiving Modic chocked the pristorers he said
You guys are Squaro
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?
\mathcal{NC}
11. Is there anything you would like to add to the investigation at this time?
\mathcal{N}
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AFFIDAVIT
1, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
WITNESSES: I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE INTENTS OF PUNISHMENT, I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE INTENTS OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLU INTENTS OF PURISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLU INTENTS OF PURISHMENT OF P
witnesses: administer oaths, this day of
ORGANIZATION OR ADDRESS (Signature of Person Administering Oath)
[Typed Name of Person Administering Oath]
ORGANIZATION OR ADDRESS (Authority To Administer Oaths)
NITIALS OF PERSON MAKING STATEMENT

USAPPC V2.00

		RIGHTS WARNING For use of this form, se		· · - • · · · · · · · · · · · · ·			
		DATA RE	EQUIRED B	Y THE PRIVACY A	ст	b(6),	6(3)
AUTHORITY: PRINCIPAL PU ROUTINE USE: DISCLOSURE:	RPOSE: To provide S: Your Soci	'	nforcement ed as an ad	officials with mean ditional/alternate m	-	ch information ma	y be accurately identified. illitate filing and retrieval.
1. LOCATION	I			2. SATE 03	3.	TIME	4: FILE NO.
5. NAME (La	st, First, MI)			8. ORGANIZATIO	ON OR ADD	RESS	•
6. SSN	·	. GRADE/ST	ATUS				
		PART I - RIGHTS	S WAIVER	NON-WAIVER CER	TIFICATE	-	
Section A. Rig	ihts	,			1 1		
The investigator v		ow told me that he/she is with		and wanted to q	uestion me	about the following	offense(s) of which I am
		out the offense(s), however, h					
1. I do not have	e to answer any question	or say anything.					
	=	evidence against me in a crim					
		have the right to talk privatel					
or both.	ioning. This lawyer can b	e a civilian lawyer I arrange f	or at no expe	ense to the Governmen	or a milit	ary tawyer detailed t	or me at no expense to me,
(For civilians	not subject to the UCMJ	// I have the right to talk priv	rately to a lav		nd after que	stioning and to have	a lawyer present with
	,	hat this lawyer can be one th					
, ,	nted for me before any qu	• •					a* a at a
		ense(s) under investigation, was answering further, even if I si			nave a right	to stop answering o	questions at any time, or
5. COMMENTS	Continue on reverse se	idef	•				
Section B. Wa	iver		•				<u> </u>
l understand my ri having a lawyer p		m now willing to discuss the	offense(s) u	nder investigation and	make a sta	tement without talk	ing to a lawyer first and withou
	WITNESSES (II	f available)		3.		4	
1a. NAME (Ty	pe or Print)						
b. ORGANIZA	TION OR ADDRESS AND	PHONE		4. CSIGNATURE O	F INVESTIG	ATOR	
2a. NAME (Ty)	pe or Print)			5. TYPED NAME	OF INVEST	IGATOR	
organiza	TION OR ADDRESS AND	PHONE		6. ORGANIZATIO	ON OF INVE	STIGATOR	
Section C. Non	n-waiver			· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·	
1. I do not war	nt to give up my rights						
□ I wan	t a lawyer			☐ 1 do not want	t to be ques	tioned or say anythi	ing
2. SIGNATURE	ŐF INTERVIEWEE						
ATTACH THIS WA	NVER CERTIFICATE TO A	ANY SWORN STATEMENT A	IDA FORM 20	923) SUBSEQUENTLY	EXECUTED	BY THE SUSPECT	/ACCUSED

THE WARNING

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

- Of -

IFor 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.)

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SPECIAL INSTRUCTIONS

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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.

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p	<u>, , , , , , , , , , , , , , , , , , , </u>	b (6), 6 (3)
SWO	RN STATEMENT	nt agency is ODCS	OPS
LOCATION	DATE	TIME	FILE NUMBER
LAST NAME EIRST NAME MIDDLE NAME	9 Nov 03	D84	GRADE/ŞTATUS
OR SANIZATION OF ADDRESS			
t,	, WANT TO MA	KE THE FOLLOW	NG STATEMENT UNDER OATH:
1. State your specific location and activities during the pr Inside Jail Filling out paper work 2. Are you aware of the specific allegations of potential a No clock of incident with BN X	buse during the prise	oner drop-off ope	eration on 16 Sep 03, 1600hrs?
3. Did you participate or witness any detainee dropped or accidentally or maliciously? No class not	thrown from the 2	1/2 ton truck duri	ng the drop-off, either
4. Can you please state, to the best of your memory, who 2 1/2 ton truck and their exact position in the operation? (recieving the prisoners after they were unloaded and cons	example: SGT Snuff	v was located ins	of prisoners from the at behind the 2 1/2 ton truck
5. Did you witness any obscene language or unprofession common practice to yell at prisoners upon or after arrest?	aal language directed Wo	at the prisoners,	if so - what was it? Is it
6. Did you percieve any threat from the detainees that wo so, please state specifically what.	ould warrant aggress:	ive action to main	ntain control of the situation? If
7. Did you witness any soldier participating in the prisone was it warranted in your opinion to maintain control of the body or head, striking, or combative actions.)	e situation? (example	e: kicking to the s	sides of the body. kneeing to the
3. Did you witness any dialog between the MIT team and prisoner drop-off operation, if so - what was said?		F 1-13 or TF 2-7	0 during any aspect of the

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 state what was said to the best of your knowledge. De leaf colory With pristoners, Don't beck them we	in income Said to his awas be
10. Did you believe that the prisoners dropped off on 16 SEP 03 arrested? May opionian based on the evidence	were guilty? If so, what do you believe they did to be we had they appeared guilty
11. Is there anything you would like to add to the investigation a	t this time?
· · · · · · · · · · · · · · · · · · ·	
,	
AFFID	AVIT
I, WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE I FULLY UI BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORREC CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FE THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL I	TIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE REELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT NFLUENCE, OR UNLAWFUL INDUCEMENT. (Signature of Person Making Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this
ORGANIZATION OR ADDRESS	Joignature of Person Administering Oath)
ORGANIZATION OR ADDRESS	(Typed Name of Person Administering Oath) (Authority To Administer Oaths)
INITIALS OF PERSON MAKING STATEMENT	PAGE 7, OF 7. PAGES USAPPC V2.00

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

6/6),6(3)

DATA REQUIRED BY THE PRIVACY ACT

		Υ:	

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

PRINCIPAL PURPOSE:

ROUTINE USES: DISCLOSURE:

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

Disclosure of your Social Security Number is voluntary.

1. LOCATION	1	2. DATE 3. TIME 9 00 03 1203	4. FILE NO.
5. NAME (Last, First Adl)		8. ORGANIZATION OR ADDRESS	
6. SSN	7. GRADE/STATUS	•	
	PART 1 - RIGHTS WAIVE	R/NON-WAIVER CERTIFICATE	
Section A. Rights	,	. 1	
The investigator whose name appears b	elow told me that he/she is with the Unit		iAD
suspected/accused: 15-6 Question	ing regarding alleged mistreatme	and wanted to question me about the nt 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.
- Anything I say or do can be used as evidence against me in a criminal trial.

WITNESSES (If available)

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

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

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

MARKE /Two or Printle

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.

18.	WANTE (Type of Fluid)		
b.	ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR	
2a.	NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR	
b.	ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR	
Sect	tion C. Non-waiver		
1	Life out want to dive up my rights	· · · · · · · · · · · · · · · · · · ·	

- - ☐ I want a lawγer

I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

SIGNATURE OF INTERVIEWEE

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

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before 1 ask you any questions, you must understand your rights."
 - a. "You do not have to answer my questions or say anything."
 - 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?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for 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.")

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is 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 of your social security number is voluntary. DISCLOSURE: 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER 1300 2003 1010 AME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS ONGANIZATION OR ADDRESS 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 detainers had suffered any physical abuse while they have been in the jail house. I determined that none of them did. However, their was one detained that did have a minor scalp and shoulder injury, which he said occurred at a gas station where he was detained by condition troops. Both wounds only required simple first aid for treatment. One of the witnesses on the seen said that while this person was being detained he hiched one of the soldiers and the soldier retainated back by butt straking him in the head-End of statement 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF **PAGES** ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

MUST BE BE INDICATED.

10/6) h/20
USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.
TAKEN AT 1300 DATED 10 Oct 03
STATEMENT (Continued)
Q: Did the Detainee's arrive at 1-13 AR with Any visual injuries?
A: yes, there was one detained that had a minor scalp
laceration and abrasion on his shoulder. I am not sure which one the four it was though.
A: The Chain of Commant wanted me to evaluate whether a prisoner had been abused at our jaihouse.
O' How many injuries did the Detainer have on his Body. Two, an abrasion on his left shoulder which was nothing more than a scuff mark and a superficial lacertion and his scalp which did not require stickes.
Q: Did you ask him how he neceived the injuries. It
A: yes, He told me that a soldier built strocke s
D! Who were the witnesses who Reported/Stated Society the buff-stroke incident? Did you see may soldier but stroke a Determine? A! It was a soft MP at the prison that told me that, when I was questioning the detainer on how he got his injuries No. I did not see any soldier but globe a detainer

nothing follows

INITIALS OF PERSON MAKING STATEMENT

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PAGES

PAGE 2 OF 3

STATEMENT OF	TAKEN AT	6/6/b/6/	3)
9. STATEMENT (Continued)			
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	4	- Commence of the Commence of	áti
WITNESSES:	Subscribed	and sworn to before me, a person auti	horized by law to
	administer oa at	nths, this 10th day of October	, 2003
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ORGANIZATION OR ADDRESS			/
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ORGANIZATION OR ADDRESS		(Authority to Administer Oaths)	
ITIALS OF PERSON MAKING STATEMENT		PAGE 3 OF	3 PAGES

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For use of this fo	orm, see AR 190-	45; the proponent	agency is ODCS	OPS	-
Dakota Fab		17 Sept 03	TIME	FILE NUME	BER
LAST NAME, FIRST NAME, MIDDLE NAME		SOCIAL SECURITY		GRADE/ST	ATUS
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			<u> </u>		
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the Dakato jail to a	evaluate	prisone	15 #'s	6513165	14,6515
6516,6517 For sig	8ms of	physical	abu se	. Which	might
have occured at the	scalling	ie. I as	ked th	e prison	iers if
any of them had been	abused	since be	ing in ?	the jail.	They
all replied No. I also	examin	sed the	-prisone	irs and	found
No signs, of abuse.					
End o	f Stat	emint			
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODESOPS PRIVACY ACT STATEMENT. **AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately **ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER Buchdad Ican 2003 10 22 7. GRADE/STATUS ORGANIZATION OR ADDRESS 9. ____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Un 16 Sept I had the day shift, and was the NEOIC when 270 AR brought prisoners in. Due to my location and fourtine I was checking paperwork by the entrance of the jail for in processing. I remember one of the MIT personel saying that they were reporting 270 th for abuse of prisoners. I did the 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 PAGES PAGE 1 OF 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.

STATEMENT OF	TAKEN AT	D(6), b(3)		
9. STATEMENT (Continued)				
Q: Did you with A: No	ress/see a détainer beir	ng but stroked by		
Q: Where you on ke Sept C	the Recieving NCDIC 3 from 2-70 Ad sol	diers?		
Q-Did Bre Anyo a Detaine e Abused? If	being butt-studied to so was the Individual	your egapling on Perained being		
A. I was told by	from the A) was reporting 2-20 AR for the type of mistrealmen	AIT team that r prisoner mistreatment,		
	hothing follows			
	AFFIDAVIT			
CONTAINING THE STATEMENT. I HAVE	ON PAGE I FULLY UNDERSTAND THE CONT AVE INITIALED ALL-CORRECTIONS AND HAVE INITI E MADE THIS STATEMENT FREELY WITHOUT HOPE OF FUT COERCION, UNLAWFUL INFLUENCE OF UNLAWF	ALED THE BOTTOM OF EACH PAGE OF BENEFIT OR REWARD, WITHOUT		
WITNESSES:	administer oaths, this 🧾	Subscribed and sworn to before me, a person authorized by law to administer paths, this <u>LL</u> day of <u>LC-bec</u> , <u>2C3</u> at		
ORGANIZATION OR ADDRESS				
<u> </u>	Typed Nam	e of Person Administering Oath)		
ORGANIZATION OR ADDRESS	(Autho	prity To Administer Oaths)		
ITIALS OF PERSON MAKING STATEMENT	Т	PAGE 2 OF 2 PAGES		
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