

b(6), b(3)

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|----------------------------|-------------|
| LOCATION BSA | DATE 14 OCT 03 | TIME | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | GRADE/STATUS [REDACTED] | |
| ORGANIZATION OR ADDRESS [REDACTED] | | | |

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 I am the [REDACTED] of transporting EPW's to Jail. On 16 Sept 03 myself and [REDACTED] transported 4 or 5 EPW's to 1-13 AR. When we put the prisoners on the truck they were already zippered stripped with there hands behind them. There condition was good. one guy was holding his side a little but it didn't look serious. We proceeded to 1-13 AR with a 2 1/2 ton truck and a Humvee. I rode in the Humvee which was the Lead vehicle when we arrived to 1-13 AR there was two siders standing out there. and I went inside to process the paperwork as I usually do. [REDACTED] was there, and him and I processed the paper work. I was in the building 5 to 10 mins. when I came out, [REDACTED] already had the prisoners of the truck. The only thing I saw unusual that isn't my style is that they had them on the ground face first. That's when I let them know that, that wasn't my style of doing things. Then they picked them up by there arms and put them in a line and walked them in. I didn't notice any change to there conditions. I did not see anybody do anything cruel or abuse the prisoners in anyway. After that I turned them over to [REDACTED] custody.

[REDACTED SIGNATURE]

Nothing Follows

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

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.

001681

b(6), b(3)

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b(1), b(3)

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|----------------------------|-------------|
| LOCATION BSA 2-70 Field Trans | DATE 14 Oct 03 | TIME 1344 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | GRADE/STATUS [REDACTED] | |
| ORGANIZATION OR ADDRESS [REDACTED] | | | |

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: What was the behavior you saw that was unusual?

A: [REDACTED] had the EPW's on the ground face first when I came out of the building to where I was processing the paperwork with [REDACTED] that was the only unusual thing I saw.

Q: Did the Detainees prior to transporting have any visible injuries?

A: There was one that was holding his side a little like it was hurting him. But it didn't appear to be hurting that bad cause when we put him in the truck, he didn't make any screams or nothing like that.

Q: Did you notice any injuries upon arrival to I-13 Detainee center?

A: I did not notice any change in the health of the EPW's they appeared to be in the same condition as they were when we loaded them.

Q: Nothing follows

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

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.

001683

b(6), b(3)

~~[Redacted Statement Content]~~

AFFIDAVIT

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

[Redacted Signature]

(Signature of Person Making Statement)

WITNESSES:

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

[Redacted Witness Name]

ORGANIZATION OR ADDRESS

(Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [Redacted]

b(6), b(3)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

| | | | |
|---|--|---------------------|-------------|
| 1. LOCATION BSA 270 Field Trans A/KO 141 INJ | 2. DATE 14 Oct 03 | 3. TIME 1300 hrs | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | [REDACTED] | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: [REDACTED]

before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- 1. I do not have to answer any question or say anything.
- 2. Anything I say or do can be used as evidence against me in a criminal trial.
- 3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
 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) | | 3. SIGNATURE OF INTERVIEWEE [REDACTED] |
| a. NAME (Type or Print) | [REDACTED] | [REDACTED] |
| ORGANIZATION OR ADDRESS AND PHONE | [REDACTED] | 4. SIGNATURE OF INVESTIGATOR [REDACTED] |
| a. NAME (Type or Print) | [REDACTED] | TYPED NAME OF INVESTIGATOR [REDACTED] |
| ORGANIZATION OR ADDRESS AND PHONE | [REDACTED] | 6. ORGANIZATION OF INVESTIGATOR [REDACTED] |

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE

001685

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

| Case No. | Arrest Date | Arrest Location | Arresting Agency | Charge | Disposition | Release Date | Release Location | Notes |
|----------|-------------|--|------------------|-----------|-------------------------------|--------------|------------------|--|
| 6511 | 2-70 AR | Brother of DDS270; Wanted for questioning | 7-Sep-03 | High | DIF Sep 03 | 10 | | |
| 7000 | 2-70 AR | IED/Mortar attack susp. | 12-Sep-03 | High | DIF 19-Sept | | | |
| 7001 | 2-70 AR | IED/Mortar attack susp. | 12-Sep-03 | High | DIF 19-Sept | | | |
| 7002 | 2-70 AR | IED/Mortar attack susp. | 12-Sep-03 | High | DIF 19-Sept | | | |
| 7003 | 2-70 AR | IED/Mortar attack susp. | 12-Sep-03 | High | DIF 19-Sept | | | |
| 7004 | 2-70 AR | IED/Mortar attack susp. | 12-Sep-03 | High | DIF 19-Sept | | | |
| RF 128 | 2-70 AR | IED/Mortar attack susp. | 15-Sep-03 | | DIF 19-Sept | | | |
| 70114 | 2-70 AR | Suspect in mortar attack on 2-70 FOB | 15-Sep-03 | AG Prison | Send AG Prison A/O23Sep | | | |
| 70118 | 2-70 AR | Suspect in mortar attack on 2-70 FOB | 15-Sep-03 | AG Prison | Send AG Prison A/O23Sep | | | |
| 6513 | 2-70 AR | Suspect in mortar attack on 2-70 FOB | 16-Sep-03 | | Released to Thunder on 19 Sep | | | Released |
| 6514 | 2-70 AR | Suspect in mortar attack on 2-70 FOB | 16-Sep-03 | | Released to Thunder 19 Sep | | | Released |
| 6515 | 2-70 AR | Suspect in mortar attack on 2-70 FOB | 16-Sep-03 | None | DIF 19-Sept | | | Soil |
| 6516 | 2-70 AR | Suspect in mortar attack on 2-70 FOB | 16-Sep-03 | None | DIF 19-Sept | | | Soil |
| 6517 | 2-70 AR | Suspect in mortar attack on 2-70 FOB | 16-Sep-03 | | Released to Thunder on 19 Sep | | | Released |
| 6903 | 2-70 AR | Possession of IED making materials (brother of bike guy) | 20-Sep-03 | | Released 23Sep | | | |
| 6904 | 2-70 AR | Possession of IED making materials (brother of bike guy) | 20-Sep-03 | | Released 23Sep | | | |
| 27034 | 2-70 AR | small weapons cache in house | 3-Oct-03 | AG Prison | | | | SIR-1AD-501-34-04-022 IAW w/BDE on 06OCT |

Released

Released ?
No record of being in prison

616)

001687

b(6), b(3)

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|----------------------------|-------------|
| LOCATION 1-13 Prisoner Camp | DATE 15 Oct 63 | TIME 1453 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | GRADE/STATUS [REDACTED] | |
| ADDRESS [REDACTED] | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON or about the 16th ~~of~~ ^{at} approx. 1600 HRS
my self and other soldiers of [REDACTED] 1/4
picked up 4 EPWs from 270 Bn HQ we deleted
the EPWs to 1-13 Prisoner Camp with no incidents

Nothing Follows

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

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)

Q: Did [redacted] handle the detainees?

A: NO

Q: What actions did you see taken place with the detainees upon arrival?

A: The soldiers in the Back helped the EPWs down then the EPWs were escorted into the prison

Q: Did you see any personnel who were not apart of your convoy/mission? If so what were they doing?

A: YES But Don't know who they were.

Q: Were the Detainees Cooperative During transport?

A: As Far as I know YES.

AFFIDAVIT

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

[redacted] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of October, 19 2003 at [redacted]

ORGANIZATION OR ADDRESS [redacted] (Address)

[redacted] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [redacted] (Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

b(1), b(3)

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

1. LOCATION: BSA, Baghdad, Iraq
2. DATE: 15 Oct 03
3. TIME: 1430
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN
7. GRADE/STATUS
8. 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 I am suspected/accused:

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

1. I do not want to give up my rights
I want a lawyer
I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

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

001690

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

 - a. "You do not have to answer my questions or say anything."
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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

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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.

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

| | | | |
|------------------------------------|------------------------|--------------|-------------|
| LOCATION BSA, Baghdad, Iraq | DATE 15 Oct 03 | TIME 1330 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME | SOCIAL SECURITY NUMBER | GRADE/STATUS | |
| ORGANIZATION OR ADDRESS | | | |

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

We picked the prisoners up from 2/70 LOC and escorted them to 1/13. Brought them off the device and escorted them into the Jail Building where members of 1/13 took them.

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

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

b(6), b(3)

STATEMENT (Continued)

Q: What were your actions with the Detainees at the Detention center?

A: I consolidated them all in an area where they could be escorted to the jail as a whole

Q: Did any of the Detainees become aggressive, or acting uncooperative with your actions? If so, How did you react?

A: NO

AFFIDAVIT

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

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of October, 2002 at [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

001693

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION: BSA, Baghdad Iraq
2. DATE: 15 Oct 03
3. TIME: 1330
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN
7. GRADE/STATUS
8. 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 I am suspected/accused:

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

001694

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|----------------------|----------------------------|
| LOCATION <i>Bagdad, Camp Payne</i> | DATE <i>15 Oct 03</i> | TIME <i>14:30</i> | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS [REDACTED] | | | |

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

That on 16 Sept 03 I and my fellow soldiers went to 270 Batt to pick up four CPW's. Then we transported them to 113 Batt unloaded the CPW's gave them to the people there and that was the mission.

Nothing follows

| | | |
|---------|---|--------------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF <u>2</u> PAGES |
|---------|---|--------------------------|

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)

Q: Did the Detainees cooperate during your ride over to 1-13th Detention Facility?

A: No, But I had to tell them to shut up a few times.

Q: How did you handle these Detainees when you arrived at 1-13th Av? Were carried by One or Two persons off the 2 1/2 ton trucks?

A: It was the people in the back of the truck handed them down to the people on the ground.

Q: Did the Detainees exhibit having any injuries prior to you removing them from the vehicle?

A: No, The Detainees had no injuries while we transported them to 113 B-11

AFFIDAVIT

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

[redacted signature]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of October, 18 2003 at [redacted]

ORGANIZATION OR ADDRESS

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted initials]

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

DATA REQUIRED BY THE PRIVACY ACT

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

| | | | |
|---|--|-----------------|-------------|
| 1. LOCATION BSA, Baghdad Iraq | 2. DATE 15 Oct 03 | 3. TIME 1430 | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused:

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

| | | |
|--------------------------------------|------------|---------------------------------|
| WITNESSES (if available) | | 3. SIGNATURE OF INTERVIEWEE |
| 1a. NAME (Type or Print) | [REDACTED] | [REDACTED] |
| b. ORGANIZATION OR ADDRESS AND PHONE | [REDACTED] | 4. SIGNATURE OF INVESTIGATOR |
| 2a. NAME (Type or Print) | [REDACTED] | [REDACTED] |
| b. ORGANIZATION OR ADDRESS AND PHONE | [REDACTED] | 6. ORGANIZATION OF INVESTIGATOR |
| | [REDACTED] | [REDACTED] |

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

b(6), b(3)

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|----------------------------|-------------|
| LOCATION Baghdad | DATE 15 Oct 03 | TIME 14:37 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | GRADE/STATUS [REDACTED] | |
| ORGANIZATION OR ADDRESS [REDACTED] | | | |

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

me and 7 other of my platoon members on Sept 16 went to pick up 4 EPW's at 270th tank Batt and escort them to 1-13 tank Batt. We picked them up and dropped them off with no problems. [REDACTED] asked their receiving NCOIC were the prisoners ok his reply was you guys are square.

Nothing Follows

[REDACTED]

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

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)

Q: Did the Detainees exhibit having any injuries prior to you removing them from the vehicle?

A: NO

Q: Did the Detainees Cooperate under your custody prior to the delivery to I-Bth Co?

A: Yes

Q: How did you handle these Detainees when you arrived at I-3Av? Where carried by One or Two persons off the 2 1/2 ton truck?

A: TWO people on the truck handling the prisoners down to the people on the ground

AFFIDAVIT

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

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of October, 2003 at [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

001701

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(1), b(3)

DATA REQUIRED BY THE PRIVACY ACT

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

| | | | |
|---|--|-----------------|-------------|
| 1. LOCATION BSA, Baghdad, Iraq | 2. DATE 15 Oct 03 | 3. TIME 1335 | 4. FILE NO. |
| 5. NAME (Last, First, Middle Initial) [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator(s) named 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: _____

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|--------------|--------------|
| LOCATION FTCP | DATE 2003 10 15 | TIME 1328 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS |
| ORGANIZATION OR ADDRESS [REDACTED] | | | |

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

On the day in question we escorted 4 epwis to 113's FOB. We picked up the epwis blind folded and zip tied. We put them in the back of the Duce and drove them down to 113. After we arrived I went to the soldiers at the front gate and asked them what we should do with the epwis and what the situation was. I returned to the truck where the epwis were unloaded and on the ground. I instructed the soldiers to pick up the epwis and escort them to the prison facility. Once they were inside, I gave them to the interrogators and asked if everything was ok. They said everything was fine and we left.

[REDACTED]

[REDACTED]

Nothing else follows

[REDACTED]

[REDACTED]

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

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.

001704

b(6), b(3)

STATEMENT (Continued)

Q: Who were the persons/Group/unit that Detained the Individuals prior to your transport?

A: 2-70 Air held them at their FOB. [redacted] handed them over to us [redacted]

Q: Did you inspect or find any Injuries on the Individuals prior to transport?

A: No, I didn't inspect them. [redacted]

Q: Who were the individuals riding in the rear of 2 1/2 ton truck? [redacted]

A:

AFFIDAVIT

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

[redacted] (Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of October, 18 2003 at

ORGANIZATION OR ADDRESS

[redacted] (Administering Oath)

[redacted] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted] (Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PAGE 2 OF 2 PAGES

001705

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION: BSA, Baghdad Iraq
2. DATE: 15 Oct 03
3. TIME: 1300
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigation is being conducted at he/she is with the United States Army
suspected/accused: and wanted to question me about the following offense(s) of which I am

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF INTERVIEWEE
4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|----------------------------|-------------|
| LOCATION FTCP | DATE 15 OCT 03 | TIME 1346 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | GRADE/STATUS [REDACTED] | |
| ORGANIZATION OR ADDRESS [REDACTED] | | | |

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 cen or about 16 Sept 03 at Approximately 1700, [REDACTED] Aco Y41 Inf
 picked up 4 prisoners From Battalion. They were blind folded and
 Z:IP stripped when we picked them up. We loaded them in the truck,
 without incident and carried them to 1/3 ArCoB, Upon
 arriving to 1-13, and the tail, we picked up each prisoner
 and walked him off the truck. Two people were on the ground
 to help them off. We laid each prisoner face down on the
 ground until all were unloaded, we then walked the prisoners
 to the detention center. We asked the center guards [REDACTED]
 to check them to make sure we dropped them off unscathed.
 They replied "you guys are square", a positive response.
 We then returned to the FTCP. while walking the
 prisoners to the center I made the statement that one of our
 LT's had lost both eyes and use of his arm and his
 driver lost one of his eyes to IED's. The crime the prisoners
 were arrested for, - Nothing follows

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

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.

Q: Did any one of your soldiers/ have any problems with the Detainees?
^{your self}

A: Yes, once we got to the prison, one prisoner would not lay face down, He kept getting up.

Q: Did you or any of your soldiers swear of refer to the Detainees? or Detention Facility personal?

A: Detainees Yes Facility personal NO

Q: What were the actions you took with the Detainee Who would not cooperate?

A: we walk roll Him back over and eventually had to hold Him down by placing a Foot on His back.

Q: Where you the Detaining unit? if not ^{who was lcc} the Detaining unit?

A: NO. I don't know

Q: Did you Inspect the detainees for Injuries? a quick glance to make sure none was limping or signs of obvious Wounds. Did not take blind folds off.

AFFIDAVIT

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

[redacted] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of October, 2003 at

ORGANIZATION OR ADDRESS

[redacted] (Signature of Person Administering Oath)

[redacted] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

DATA REQUIRED BY THE PRIVACY ACT

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

| | | | |
|---|--|-----------------|-------------|
| 1. LOCATION BSA, Baghdad, Iraq | 2. DATE 15 Oct 03 | 3. TIME 1346 | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | [REDACTED] | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator [REDACTED] he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused:

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject a the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

b(6), b(3)

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

| | | | |
|--|--------------------------------------|--------------|----------------------------|
| LOCATION FTCP | DATE 25 Sept 03 | TIME 1620 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION AND ADDRESS [REDACTED] | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or About 16 Sept 03 at Approximately 1700, [REDACTED] Aco 1/41 Inf picked up 4 prisoners from Battalion. They were blindfolded and zipstripped when we picked them up. We loaded them in the truck, without incident and carried them to 1-13 Ar FOB. Upon arriving to 1-13 FOB, and arriving at the rail, we picked up each prisoner and walked him off the truck. Two people were on the ground to help them off. We laid each prisoner face down on the ground until all were unloaded. We then walked the prisoners to the Detention center. We asked the center guards to check them to make sure we dropped them off unscathed. They replied that "you guys are square". A positive response.

We then returned to the FTCP. While walking the prisoners to the center I made the statement that one of our LT's had lost both eyes and use of his arm and his driver lost one eye to IED's, the crime the prisoners were arrested for. nothing follows [REDACTED]

| | | |
|---------|---|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF 2 PAGES |
|---------|---|-------------------|

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

b(6), b(3)

[REDACTED]

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 20____

ORGANIZATION OR ADDRESS
[REDACTED]

[REDACTED]
(Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS
[REDACTED]

[REDACTED]
(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(1), b(3)

DATA REQUIRED BY THE PRIVACY ACT

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

| | | | |
|---|--|-----------------|-------------|
| 1. LOCATION FTCP | 2. DATE 25 Sep 03 | 3. TIME 1712 | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army _____ and wanted to question me about the following offense(s) of which I am suspected/accused:

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF INVESTIGATOR

6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---|--------------------------------|-----------------|----------------|
| 1. LOCATION 125 FOO | 2. DATE (YYYYMMDD) 20030925 | 3. TIME 1659 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | 6. SSN [REDACTED] | 7. GRADE/STATUS | |
| 8. ORGANIZATION OR ADDRESS [REDACTED] | | | |
| 9. [REDACTED] | | | |

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the day in question we escorted 4 Epw's to 113 FOO. We picked up the Epw's blind folded and zip tied. We put them in the back of the Ducee and drove them down to 113. After we arrived I went to the soldiers at the front gate and asked them what we wanted to do with them. Once the prisoners were secured and off loaded I come back. I instructed the soldiers to pick up the Epw's and escort them to the prison facility. Once they were inside I ask if we were all set and if everything was all ok. They said we were fine and we left

[REDACTED]

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

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

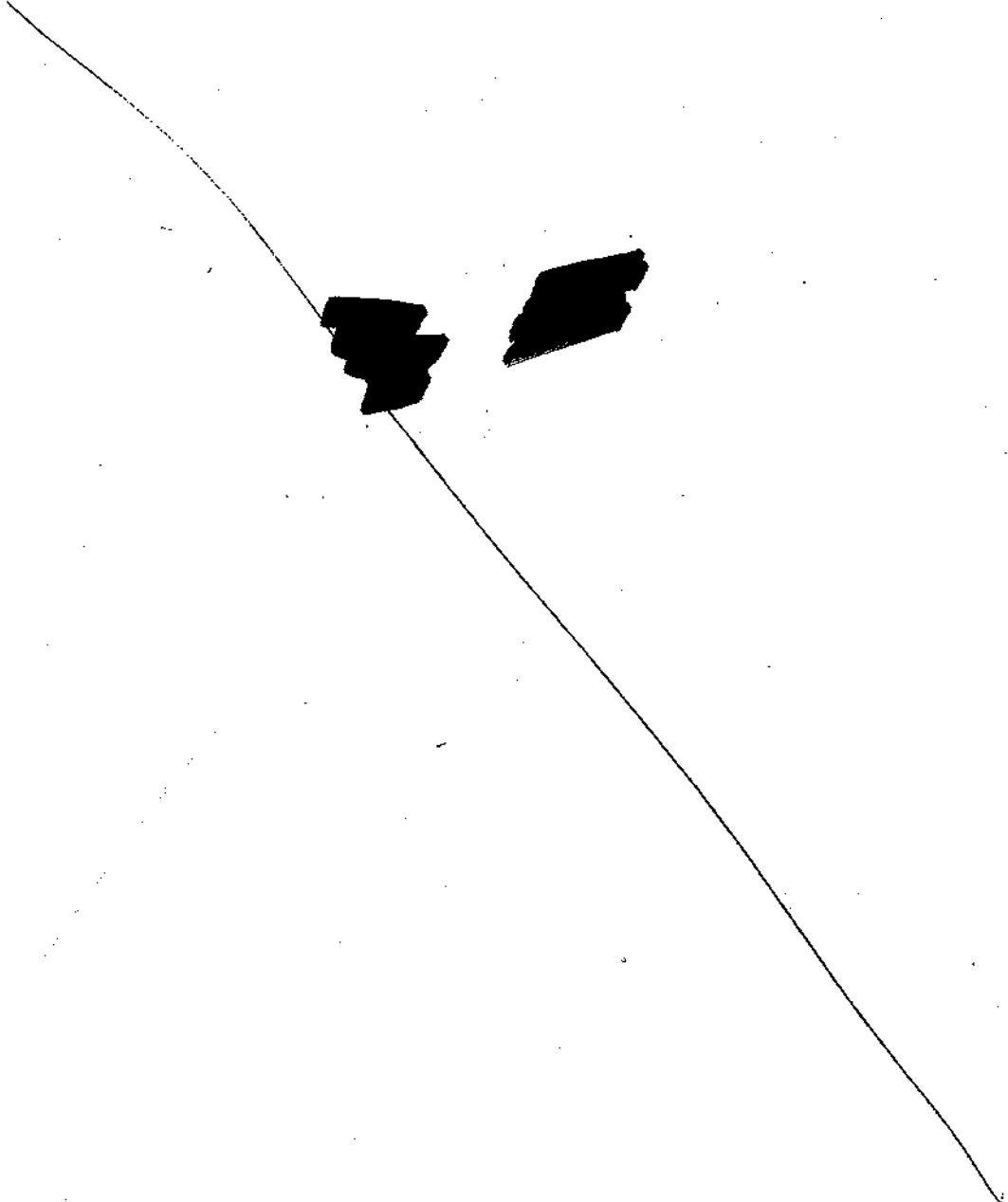
001716

b(6), b(3)

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

STATEMENT OF  TAKEN AT 1600 DATED 28 Sept 03

9. STATEMENT (Continued)



001717

INITIALS OF PERSON MAKING STATEMENT

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT 1700 DATED 25 Sept 03

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

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

[REDACTED] (Person Making Statement)

WITNESSES:

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

[REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] (Authority To Administer Oaths)

001718

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

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

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

1. LOCATION

BSA, 3 BCT Baghdad Iraq

2. DATE

25 Sept 03

3. TIME

175L

4. FILE NO.

5. NAME (Last, First, MI)

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below is with the United States Army

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

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF INVESTIGATOR

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

I do not want to give up my rights

I want a lawyer

I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
(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
 - c. during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(1), b(3)

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|----------------------|----------------------------|
| LOCATION <i>Baghdad, Camp Payne</i> | DATE <i>25 Sep 03</i> | TIME <i>16:45</i> | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS [REDACTED] | | | |

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

That on 16 Sept 03 I and my fellow Soldiers went to ~~Patrol~~ 270 Batt to pick up four CPW's. Then we transported them to 113 Batt and that was the ~~Patrol~~ mission.

Nothing follows

| | | |
|---|---|-----------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF _____ PAGES |
| <small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED 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.</small> | | |

001721

b(6), b(3)

[REDACTED]

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 20____ at _____

[REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

b(6), b(7)

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

| | | | |
|---|--|------------------|-------------|
| 1. LOCATION B | 2. DATE 25 Sept 03 | 3. TIME 17:30 | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | [REDACTED] | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

| |
|--------------------------------------|
| 1a. NAME (Type or Print) |
| b. ORGANIZATION OR ADDRESS AND PHONE |
| 2a. NAME (Type or Print) |
| b. ORGANIZATION OR ADDRESS AND PHONE |

| |
|---|
| 3. SIGNATURE OF INTERVIEWEE [REDACTED] |
| 4. SIGNATURE OF INVESTIGATOR [REDACTED] |
| 6. ORGANIZATION OF INVESTIGATOR [REDACTED] |

Section C. Non-waiver

- I. 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

001723

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

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

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

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR (INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

SWORN STATEMENT

b(6), b(3)

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

| | | | |
|---------------------------------------|--------------------------------------|--------------|----------------------------|
| LOCATION | DATE 25 Sept 03 | TIME 1635 | FILE NUMBER |
| LAST NAME, FIRST NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS [REDACTED] | | | |

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

We picked the prisoners up from 2/10 for and escorted them to 1/13. Brought them off the deuce and a half and walked them into the jail where American guards met us.

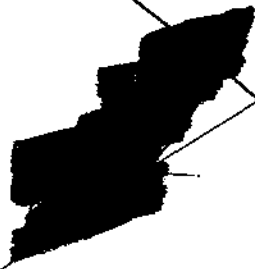
nothing else follows

| | | | |
|---------|------------------------|-----------|-----------------------|
| EXHIBIT | INITIALS [REDACTED] | STATEMENT | PAGE 1 OF _____ PAGES |
|---------|------------------------|-----------|-----------------------|

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.

001725

b(6), b(3)



AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 20____ at _____

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

OF _____ OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

b(1), b(3)

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

| | | | |
|---|--|------------------|-------------|
| 1. LOCATION | 2. DATE 28 Sept 00 | 3. TIME 16:45 | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | [REDACTED] | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused:

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. [REDACTED]

SIGNATURE OF INVESTIGATOR

5. TYPED NAME OF INV [REDACTED]

6. ORGANIZATION OF INVESTIGATOR [REDACTED]

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

SWORN STATEMENT

b(6), b(3)

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

LOCATION

Baghdad

DATE

16 Sept 03

TIME

16:00

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

me and 7 other of my platoon members on sept 16 went to pick up 4 EPW's at 270th tank Batt And escort them to 1-13 Armer Batt picked them up and dropped them off with no problems. [redacted] asked their receiving NCOIC were the prisoners ok his reply was you guys are square

nothing follows

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF _____ PAGES

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)

FILE

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this [REDACTED] day of [REDACTED], 20 [REDACTED]

ORGANIZATION OR ADDRESS
[REDACTED]

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS
[REDACTED]

[REDACTED]
(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

b(1), b(3)

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

| | | | |
|---------------------------|----------------------------|-----------------|-------------|
| 1. LOCATION | 2. DATE 25 Sept 03 | 3. TIME 1710 | 4. FILE NO. |
| 5. NAME (Last, First, MI) | 8. ORGANIZATION OR ADDRESS | | |
| 6. SSN | 7. GRADE/STATUS | | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
 - Anything I say or do can be used as evidence against me in a criminal trial.
 - (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF WITNESS

4. SIGNATURE OF INVESTIGATOR

6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2023) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

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

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

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

SWORN STATEMENT

b(6), b(3)

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

| | | | |
|--|--------------------------------------|--------------|----------------------------|
| LOCATION 1-13 Prisoner Camp | DATE 16 SEP 63 | TIME 1600 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| OFFICIAL HOME ADDRESS [REDACTED] | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or about the 16th at approx 1600 HRS my self along with other personal picked up 4 EPW's ^{From 270th HHC} and delivered them to 1-13 Batt. Prisoner Camp without any Incidents.

nothing follows

| | | |
|---------|-------------------------------------|-----------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT | PAGE 1 OF _____ PAGES |
|---------|-------------------------------------|-----------------------|

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.

001733

b(6), b(3)

[REDACTED]

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 20____ at _____

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

b(6), b(3)

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

| | | | |
|-------------------------|----------------------------|-----------------|-------------|
| 1. LOCATION | 2. DATE 25 Sep 83 | 3. TIME 1740 | 4. FILE NO. |
| 5. NAME (Type or Print) | 8. ORGANIZATION OR ADDRESS | | |
| 6. SSN | 7. GRADE/STATUS | | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army _____ and wanted to question me about the following offense(s) of which I am suspected/accused:

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. NAME OF WITNESS

4. SIGNATURE OF INVESTIGATOR

6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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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.

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: 2-70th FOB
2. DATE (YYYYMMDD): 2003 09 25
3. TIME: 1515
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
9.

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I am the [redacted] of transporting EPW's to Jail. On 16 Sept 03 myself and [redacted] transported 4 or 5 EPW's to 1-13 AR.
When we put the prisoners on the truck they were already zip stripped with there hands behind them. There condition was good. We proceeded to 1-13 with a 2 1/2 truck and a humvee, I was in the lead vehicle which was the humvee. When we arrived to 1-13 AR there were 2 soldiers standing there and I went inside to process the paperwork with [redacted]. The EPW's were still on the truck. I was in the building about 5 or 10 minutes. when I came out to get the EPW's off the truck, [redacted] already had them off. The only thing I saw that was unusual was that they had them on the ground Face first. That's when I briefed the med that was there. when they picked them up. it was by there arms and the EPW's looked to be in good condition as they was when we loaded them. I didn't see anything cruel or unhuman done to the EPW's. then we put them in a line and walked them into the building. that's when I turned them into [redacted] custody. — nothing follows —

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

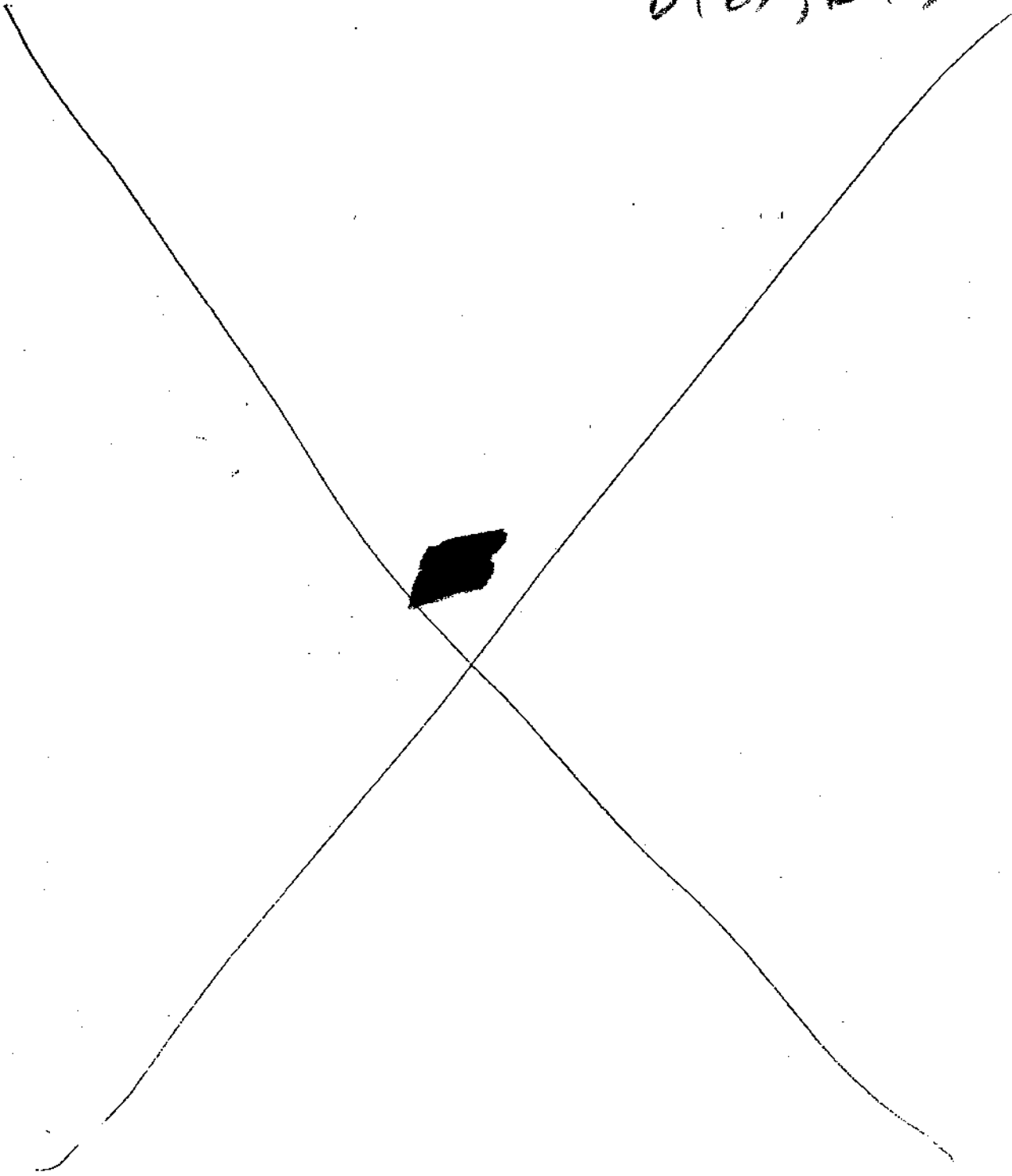
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

001737

STATEMENT OF  TAKEN AT 1530 DATED 25 Sept 03

9. STATEMENT (Continued)

b(6), b(3)





INITIALS OF PERSON MAKING STATEMENT



PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT 1530

DATED 25 Sept 03

9. STATEMENT (Continued)

b(6), b(3)

AFFIDAVIT

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

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of September, 2003

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Type or Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

b(6), b(3)

SWORN STATEMENT

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

| | | | |
|--|--------------------------------------|---------------------|--------------|
| LOCATION <i>Baqhdad Iraq</i> | DATE <i>25 Sep 03</i> | TIME <i>1650</i> | FILE NUMBER |
| LAST NAME FIRST NAME MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS |
| ORGANIZATION OR ADDRESS [REDACTED] | | | |

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

We were called to go to battlion to pick up EPW's on the evening of the 16 of September 2003. We put the Epw's in the back of the 2 1/2 ton truck. Nobody was mistreat in anykind. We escorted them by the arm and helped them into the truck. We left battlion to take them to 1-13 AR for Detainment. When we got there I did not take them out of the truck, because I was on the 240B on the top of the humvee. I downed my gear, walk up to the last guy grabed him by the arm and walked him into the building. What happened between the first guy and the guy I picked up. I don't know. when I took the guy into the building I [REDACTED] gave him to some E-5 and he said I was good and then I left and went back to the humvee. That is all that I did and all that I saw.

Nothing Follows

| | | |
|---------|---|--------------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF <u>2</u> PAGES |
|---------|---|--------------------------|

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)

Nothing Follows

AFFIDAVIT

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

[REDACTED] (Person Making Statement)

WITNESSES:

[REDACTED]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of September, 2003 at

ORGANIZATION OR ADDRESS

[REDACTED] (Oath)

ORGANIZATION OR ADDRESS

[REDACTED] (Authority To Administer Oath)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

b(6), b(2)

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

| | | | |
|---|--|-----------------|-------------|
| 1. LOCATION Bayhead Trng | 2. DATE 25 Sep 03 | 3. TIME 1700 | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused:

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF INVESTIGATOR

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

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

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

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

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

SPECIAL INSTRUCTIONS

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

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.")

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

PRIOR INCRIMINATING STATEMENTS:

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

COMMENTS (Continued)

SWORN STATEMENT

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

b(6), b(3)

| | | | |
|--|--------------------------------------|------------------|----------------------------|
| LOCATION | DATE 25 SEP 03 | TIME 1640 hrs | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | SOCIAL SECURITY NUMBER [REDACTED] | | GRADE/STATUS [REDACTED] |
| ORGANIZATION OR ADDRESS [REDACTED] | | | |

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 on the morning of the 16th September I was ordered to Assist in the escort of 4 E.P.W. The four of the E.P.W. had already been blind folded and zip tied. We picked them up at Brattallian and escorted them too 1-13, when we arrived we took the E.P.W. out of the truck. I went to each one and made sure their blind folds were still secured. We then escorted them into a building and the soldiers of 1-13 took over from there. We stayed for a few extra minutes and made sure we were clear to leave and we headed back to our FOB

nothing follows

| | | |
|----------|---|-----------------------|
| EXHIBIT: | INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF _____ PAGES |
|----------|---|-----------------------|

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.

001744

b(6), b(3)

BE

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of September, 2003 at [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE OF PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

b(6), b(3)

DATA REQUIRED BY THE PRIVACY ACT

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

| | | | |
|---|--|---------------------|-------------|
| 1. LOCATION | 2. DATE 25 Sep 03 | 3. TIME 1730 hrs | 4. FILE NO. |
| 5. NAME (Last, First, MI) [REDACTED] | 8. ORGANIZATION OR ADDRESS [REDACTED] | | |
| 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator [REDACTED] appears below told me that he/she is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: [REDACTED]

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
 - or -
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE

001746

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

THE WAIVER

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

"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.)

"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.)

"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.

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.")

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 a set interrogation, completion may be temporarily postponed. Notes should be made on the circumstances.

OR (INCRIMINATING STATEMENTS:

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

MENTS (Continued)

001747

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---------------------------------------|--------------------------------|-----------------|----------------|
| 1. LOCATION | 2. DATE (YYYYMMDD) 20030918 | 3. TIME 2030 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME | 6. SSN | 7. GRADE/STATUS | |
| 8. OFFICIAL TITLE OR ADDRESS | | | |
| 9. | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 16 SEP 03, AT AROUND 1600 HOURS, I WAS STANDING IN THE DOORWAY OF THE ROOM I USE FOR INTERROGATIONS AT TF 1-13 AR DETENTION FACILITY. THE ROOM IS LOCATED NEXT TO THE DETENTION FACILITY'S GATE. TWO VEHICLES ROLLED IN, A HUMVEE AND A 5 TON TRUCK AND PARKED IN THE COURTYARD, APPROXIMATELY 20M AWAY FROM THE INTERROGATION ROOM. I WENT BACK INTO THE ROOM, WHEN I HEARD SOLDIERS YELLING. I LOOKED OUT THE DOOR TOWARD THE VOICES JUST IN TIME TO SEE A DETAINEE BEING THROWN OFF OF THE 5 TON TRUCK ONTO THE PAVEMENT. THERE WERE FOUR DETAINEES TOTAL IN THE GROUP, ALL OF WHOM WERE BLIND-FOLDED AND ZIP-CUFFED. BY THE TIME I LEFT THE ROOM I WAS IN, ALL THE DETAINEES WERE ON THE GROUND. THREE SOLDIERS WERE TRYING TO TURN THE DETAINEES OVER AND THEY DID IT IN A ROUGH MANNER, KICKING THEM WITH THEIR FEET. I APPROACHED THE SOLDIERS, WHO WERE YELLING AND SWEARING AT THE DETAINEES AND ASKED THEM TO STOP WHICH THEY DID GRUDGINGLY. NOTHING FOLLOWS.

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

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

9. STATEMENT (Continued)

b(6), b(3)

NOTHING FOLLOWS

AFFIDAVIT

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

WITNESSES:

[REDACTED]
[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS
[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of SEPTEMBER, 2003 at 3BCT FAB BAGHDAD IRAQ

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

001749

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---|--------------------------------|-----------------|----------------|
| 1. LOCATION Task Force 1-13 Detention Facility | 2. DATE (YYYYMMDD) 20030919 | 3. TIME 2140 | 4. FILE NUMBER |
| 5. LAST NAME FIRST NAME MIDDLE NAME | 6. SSN | 7. GRADE/STATUS | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: CB

I witnessed on 16 sept 03 around 1600 hours that 4 soldiers were taking 4 detainees out of the back of a 5-ton. When they took them out they were using excessive force. The detainees were blindfolded and had their hands tied behind their backs. The 4 soldiers threw them to the ground and kicked 2 in the ribs or lowerback.

Nothing
Follows

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

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

STATEMENT OF

[REDACTED]

TAKEN AT

2150

DATED

19 SEP 03

9. STATEMENT (Continued)

b(6), b(3)

Nothing

Follows

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of SEPTEMBER, 2003

3BCT FOB

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

001751

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---|---------------------------------------|-------------------------------|----------------|
| 1. LOCATION <i>TF 1-13</i> | 2. DATE (YYYYMMDD) <i>20030920</i> | 3. TIME <i>1945</i> | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | 6. SSN [REDACTED] | 7. GRADE/STATUS [REDACTED] | |
| 8. ORGANIZATION OR ADDRESS [REDACTED] | | | |

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

On the afternoon of 16SEP03, I witnessed soldiers beating on four Iraqi prisoners. I witnessed the prisoners being thrown out of the 5-ton while still in handcuffs. I also witnessed the prisoners getting kneed in the head and kicked in the ribs. Before this occurred, the soldiers told me to go take a piss or something or to get the hell out of there. I didn't respond and continued what I was doing, and then they said to look away. I didn't look away and they continued to beat the prisoners. Nothing follows

| | | |
|-------------|---|--------------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] | PAGE 1 OF <u>2</u> PAGES |
|-------------|---|--------------------------|

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

STATEMENT OF

TAKEN AT

X 3BCT FOB

DATED

8 20 2003

9. STATEMENT (Continued)

b(6), b(3)

NOTHING
FOLLOWS

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, on the 20 day of September, 2003.

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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

b(6), b(3)

LOCATION

3rd BLT FOB, Baghdad Iraq

DATE

23 Sept. 03

TIME

12:06 HRS

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was sitting in my truck at 1/13th FOB. My vehicle was located at the 1/13th jail cell. I was with my vehicle park on the side of the road, towards the front gate of the jail center. A 5 ton vehicle drove into the court yard with three prisoners. I heard some yelling near the 5 ton vehicle. There were two prisoners on the ground with there arms banded behind their backs. The third prisoner was in the back of the truck with another soldier. The prisoner was push or kicked of the back of the truck. The prisoner landed on his chest. There was more yelling, one of the soldiers kicked a prisoner as he was going to move him. The soldier said "These guys just killed two soldiers." The prisoner where then move towards the jail cell.

Nothing follows

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

FORM 2823, JUL 72 (EG)

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

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b(6), b(3)

AFFIDAVIT

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

[REDACTED]
(Typed Name of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23rd day of September, 20 03 at

[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS

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

[REDACTED]
[REDACTED]
ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

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

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by [REDACTED]
(Appointing authority)

on 13 January 2004 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Buidling 7824 Fort Riley, Kansas at 1000
(Place) (Time)

on 13 January 24 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1700 on 13 FEB 2004
(Time) (Date)

and completed findings and recommendations at 1100 on 04 March 2004
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

| | YES | NO ¹⁾ | NA ²⁾ |
|--|-----|------------------|------------------|
| 1 Inclosures (para 3-15, AR 15-6) | | | |
| Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed) | | | |
| a. The letter of appointment or a summary of oral appointment data? | X | | |
| b. Copy of notice to respondent, if any? (See item 9, below) | | | X |
| c. Other correspondence with respondent or counsel, if any? | | | X |
| d. All other written communications to or from the appointing authority? | | | X |
| e. Privacy Act Statements (Certificate, if statement provided orally)? | X | | |
| f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? | | | X |
| g. Information as to sessions of a formal board not included on page 1 of this report? | | | X |
| h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board? | | | X |

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

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

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

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

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

There is no evidence supports any crime committed in reference to Allegation 1. There was ambiguity in [REDACTED] statements to the soldiers in formation, but there is no clear indication he gave the company unlawful guidance in dealing with Prisoners of War.

There is no evidence supports any crime committed in reference to Allegation 2. All Claims of wrong doing were derived from second and third party information.

There is no evidence supports any crime committed in reference to Allegation 3. Nothing indicates that [REDACTED] was firing at the children. Although, he did demonstrated poor judgment when discharging his sidearm, there are no witnesses other than [REDACTED] and the people climbing over the compound wall.

There is no evidence supports any crime committed in reference to Allegation 4. All claims are based on hearsay, nothing substantiates the claim that [REDACTED] assaulted and murdered a child in Iraq.

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

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

No Administrative Punishment or UCMJ should be implemented against [REDACTED] should be counseled and retrained in addressing formations, especially in intense situations and limit the amount of ambiguity in his comments. [REDACTED] should be counseled about discharging his sidearm and the propriety of his choice to discharge it to scare the Iraqis climbing over the perimeter wall into C Company's compound.

No Administrative Punishment or UCMJ should be implemented against [REDACTED] although he should be counseled regarding his bragging and telling stories and the impact of the rumors he may cause both to himself, unit morale, and the Army.

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

b(6), b(3)

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

(Recorder)

Investigating Officer (President)

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

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

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



4 MAR 84



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 41ST INFANTRY
FORT RILEY, KS 66442

b(6), b(3)

AFZN-BB-MP(15-6b)

13 January 2004

MEMORANDUM FOR: [REDACTED] 41st Infantry Regiment,
Fort Riley, Kansas 66442

SUBJECT: Appointment as Investigating Officer

1. Reference: AR 15-6, Procedure for Investigation Officers and Boards of Officers, 30 September 1996.
2. You are hereby appointed as investigating officer pursuant to AR 15-6 to investigate [REDACTED] and [REDACTED].
3. When possible, all witness statements will be sworn. From the evidence, you will make findings whether you believe there is any basis in fact for the allegations made against [REDACTED] and [REDACTED]. You will make recommendations for corrective action as well as for administrative and/or disciplinary action, if appropriate. If you suspect the soldier has violated any Articles under the UCMJ, you must read the soldier his rights.
4. In your investigation, use informal procedures under AR 15-6.
5. Submit your findings and recommendations on DA Form 1574 to the Battalion XO within 14 days.

[REDACTED]

001760



b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 41ST INFANTRY
3RD BRIGADE, 1ST ARMORED DIVISION
FORT RILEY, KANSAS 66442

AFZN-BB-MP

4 March, 2004

MEMORANDUM FOR [REDACTED] 41st Infantry

SUBJECT: 15-6 Investigation of Alleged War Crimes in Iraq during 1-41st Infantry's deployment to Operation Iraqi Freedom (OIF)

Purpose: To determine the validity, if any, of crimes allegedly committed by [REDACTED] and [REDACTED] during the Company's deployment to OIF. On 9 October 2003, [REDACTED] reported the commission of war crimes in Iraq by his Company [REDACTED] and fellow soldiers: Including unlawful guidance in dealing with POWs, firing upon unarmed children, and assault and murder of a child on the perimeter of the Company CP.

1. Background. During OIF C Co. 1-41 IN conducted Combat, Stability, and Support Operations throughout the country including Talil Airbase, Najaf, Nasyria, Karbala, Kifle, As-Samawa, Hillah, and Baghdad.

a. Timeline

- 1) 2 March 2003, C Company 1-41 IN, deploys to Kuwait in support of OIF
- 2) On or about 18 March [REDACTED] and [REDACTED] address the Company about Rules of Engagement
- 3) 21 March 2003, C Company crosses the Iraq border
- 4) 24 March 2003, C Co moves to Talil Air Base
- 5) 24 thru 29 March 2003, [REDACTED] allegedly told [REDACTED] he assaulted an Iraqi child and left him to die on the perimeter
- 6) 24 thru 29 March 2003, [REDACTED] allegedly told [REDACTED] [REDACTED] to kill an EPW
- 7) 29 March 2003, C Co moves north to As Samawah
- 8) 2 April 2003 C Co moves to An Najaf
- 9) 5 April Moved to Karbala
- 10) On or about 1 June 2003, C Co moves from Southern FOB back to Kuwait, [REDACTED] fires his sidearm when leaving the compound.
- 11) 22 July 2003 C Co. 1-41 IN returns from OIF

001761

b(6), b(2)

b. Allegations. Four crimes allegedly occurred during OIF.

1) [REDACTED] alleges in his statement (exhibit 3) that [REDACTED] told [REDACTED] 1-41 IN, in formation prior to entering Iraq, not to take POWs and kill all Enemy whether they are fighting, injured, or surrendering. This allegation violates Rules of Engagement as well as the Geneva Conventions.

2) [REDACTED] alleges in his statement (exhibit 3) that [REDACTED] told [REDACTED] to kill an Enemy WIA, [REDACTED] reported an Enemy WIA after an engagement. This allegation violates Rules of Engagement, the Geneva Conventions, and constitutes an unlawful order under the Uniform Code of Military Justice.

3) [REDACTED] alleges in his statement (exhibit 3) that [REDACTED] illegally discharged his weapon at non-combatants as the Company was leaving their Forward Operating Base (FOB) in Southern Iraq. This allegation violates the Rules of Engagement and the Rules for the use of Force for this operation.

4) [REDACTED] alleges in his statement (exhibit 3) that [REDACTED] attacked and killed an Iraqi boy and left his body in the perimeter concertina wire. This action violates Geneva Convention, Rules of Engagement, Rules for use of Force, and constitutes murder under the Uniform Code of Military Justice.

c. Investigation to Date. Two investigations were conducted on the alleged events.

1) [REDACTED] conducted an informal Commanders inquiry, nothing found to support [REDACTED] allegations (Exhibit 3)

2) The Criminal Investigation Division conducted an investigation Completed on 20 NOV 2003. Results were inconclusive, CID found no evidence to either support or deny [REDACTED] allegations (Exhibit 3).

2. Facts bearing on the case

a. Personnel Interviewed:

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]
- 4) [REDACTED]

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b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 41st INFANTRY
3rd BRIGADE, 1ST ARMORED DIVISION
FORT RILEY, KANSAS 66442

- 5) [REDACTED]
- 6) [REDACTED]
- 7) [REDACTED]
- 8) [REDACTED]
- 9) [REDACTED]
- 10) [REDACTED]
- 11) [REDACTED]
- 12) [REDACTED]
- 13) [REDACTED]
- 14) [REDACTED]
- 15) [REDACTED]
- 16) [REDACTED]
- 17) [REDACTED]
- 18) [REDACTED]
- 19) [REDACTED]
- 20) [REDACTED]
- 21) [REDACTED]
- 22) [REDACTED]
- 23) [REDACTED]
- 24) [REDACTED]
- 25) [REDACTED]
- 26) [REDACTED]
- 27) [REDACTED]
- 28) [REDACTED]
- 29) [REDACTED]
- 30) [REDACTED]
- 31) [REDACTED]
- 32) [REDACTED]
- 33) [REDACTED]
- 34) [REDACTED]
- 35) [REDACTED]
- 36) [REDACTED]

b. Facts

- 1) [REDACTED] addressed the Company Prior to crossing into Iraq, in reference to POWs (Exhibit 38)
- 2) [REDACTED] did ask if [REDACTED] reported 2 KIA, at Talil Airbase, between 24 March and 29 March 2003

b(6), b(3)

- 3) No one within the conversation concerning the KIA vs. WIA can confirm anything more than a misunderstanding over the radio
- 4) ██████████ discharged his weapon while leaving the compound located about 50 K south of Baghdad, on or about 1 June 2003
- 5) ██████████ admits to telling stories to new soldiers to "keep them on their toes" (Exhibit 37)
- 6) No witness saw ██████████ attack a child
- 7) All of these statements were taken three to four months after the incidents occurred
- 8) ██████████ statement was taken after he had gone AWOL and the unit had initiated UCMJ Action

c. Assumptions

- 1) Fog of War impact. Many emotions and activities related to upcoming conflicts and during conflicts affect the way soldiers will interpret what they experience.
- 2) Rumors spread in Iraq, stories change, creates individual bias on events
- 3) In Iraq, as in a training environment, radio traffic and interference affect transmissions
- 4) ██████████ statements on POWs likely contained some level of ambiguity causing the comprehension to be individually based
- 5) The statements were taken months after the events occurred, therefore variation in the description of events will occur due to time and memory.

3. Analysis.

a. Allegation 1. ██████████ admittedly spoke to C Company and addressed the issue of POWs. The perception of the intent of his guidance varies to each of the soldiers interviewed. Some soldiers believed that they were to speed all POWs to the rear and move forward as in Desert Storm (see ██████████ Exhibit 6, ██████████ Exhibit 7, ██████████ Exhibit 9, ██████████)

b(6), b(3)

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 41ST INFANTRY
3RD BRIGADE, 1ST ARMORED DIVISION
FORT RILEY, KANSAS 66442

Exhibit 12, [REDACTED] Exhibit 14, [REDACTED] Exhibit 16, [REDACTED] Exhibit 22, and [REDACTED] Exhibit 33). Some soldiers believed they were to shoot to kill not wound (see [REDACTED] Exhibit 8 and [REDACTED] Exhibit 32); this is the intent of combat engagements at the individual level. Some soldiers thought it was permission to kill all Iraqi's civilians, military, POW, WIAs, children, etc (See [REDACTED] Exhibit 3 and [REDACTED] Exhibit 5). Each soldier perceived this differently; the implication is that there was some level of ambiguity as well as the impact of nerves, fear, adrenaline of the upcoming events filtering the speech to meet each soldier's perception (see [REDACTED] Exhibit 16 and [REDACTED] Exhibit 35).

b. Allegation 2. [REDACTED] and [REDACTED] did have a radio conversation in regards to WIA and KIA. [REDACTED] did ask if it was 2x KIA not 1x WIA and 1x KIA. No one who was a firsthand participant in this conversation views the incident as anything more than a misunderstanding brought on by quality of the communications, misunderstanding of speech, and adrenaline effects. These are all issues that arise when reporting over radios. The only individuals who perceived anything else were third part listeners and not all of them believe they heard a crime.

c. Allegation 3. [REDACTED] admits he did fire warning shots when leaving the compound in Southern Iraq (Exhibit 38). None of the statements indicates firsthand knowledge of anything else. Many of the statements are hearsay; therefore do not provide relevant information as to his targets and intent.

d. Allegation 4. [REDACTED] admits to be a braggart and telling stories (Exhibit 37). [REDACTED] is the only person claiming to have been told firsthand that [REDACTED] attacked a child and left him for dead. [REDACTED] did not see the incident. No witnesses saw the incident. [REDACTED] denies the incident occurred. There is no evidence to support that this incident occurred or was more than a young soldier boasting to make a name for himself.

4. Conclusions.

a. There is no evidence supports any crime committed in reference to Allegation 1. There was ambiguity in [REDACTED] statements to the soldiers in formation.

b. There is no evidence supports any crime committed in reference to Allegation 2.

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b(6), b(2)

c. There is no evidence supports any crime committed in reference to Allegation 3. Nothing indicates that [REDACTED] was firing at the children. He may have demonstrated poor judgment when discharging his sidearm.

d. There is no evidence supports any crime committed in reference to Allegation 4.

5. Recommendations.

a. No Administrative Punishment or UCMJ should be implemented against [REDACTED]. [REDACTED] should be counseled and retrained in addressing formations, especially in intense situations and limit the amount of ambiguity in his comments. [REDACTED] should be counseled about discharging his sidearm and the propriety of his choice to discharge it to scare the Iraqis climbing over the perimeter wall into C Company's compound.

b. No Administrative Punishment or UCMJ should be implemented against [REDACTED], although he should be counseled regarding his bragging and telling stories and the impact of the rumors he may cause both to himself, unit morale, and the Army.

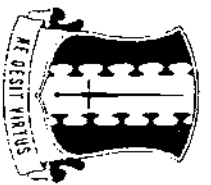
6. Point of contact is the undersigned at 239-4499.

[REDACTED]

001766

1720

Unclassified



3rd Brigade Combat Team

Detainee Cage Operations

OPERATION IRAQI FREEDOM

The Classification Level of this Briefing is:

UNCLASSIFIED // FOR OFFICIAL USE ONLY

001767

1721

AGENDA



001768

2 Overview

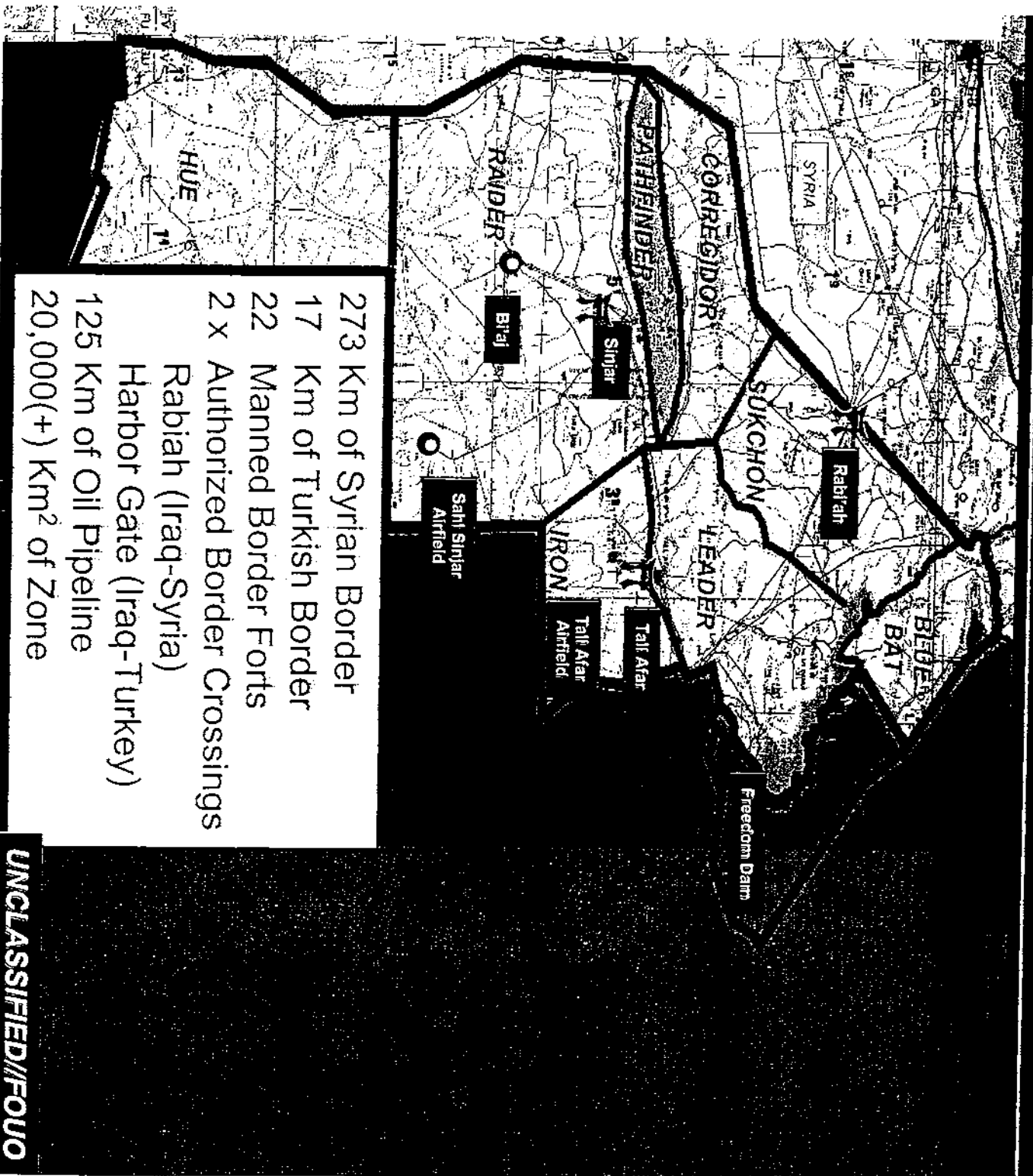
Detainee Holding Facility Operations

- Detainee Procedures
- Tactical HUMINT Team SOP
- Military Police Holding Facility SOP
- Example Detainee Packets

Lessons Learned

UNCLASSIFIED//FOUO

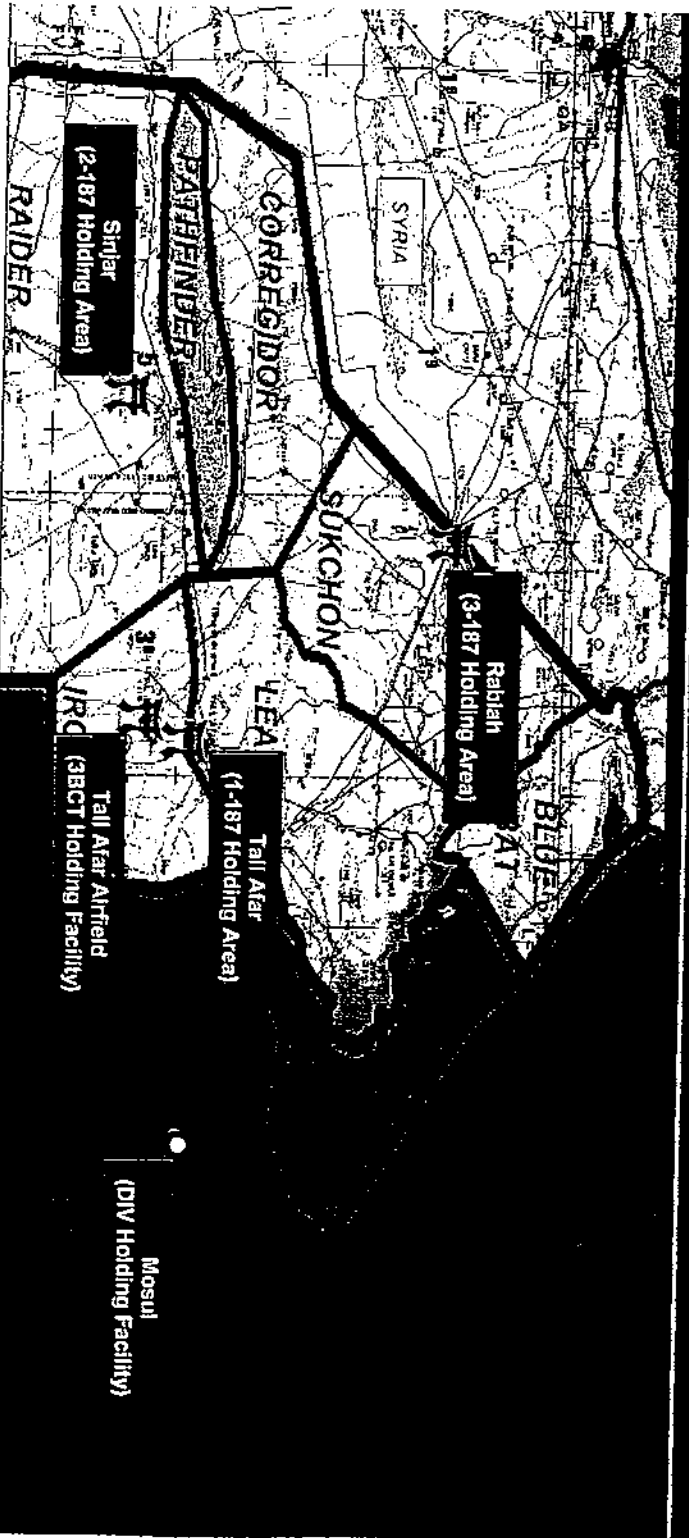
AO RAKKASANI



- 273 Km of Syrian Border
- 17 Km of Turkish Border
- 22 Manned Border Forts
- 2 x Authorized Border Crossings
- Rabiah (Iraq-Syria)
- Harbor Gate (Iraq-Turkey)
- 125 Km of Oil Pipeline
- 20,000(+) Km² of Zone

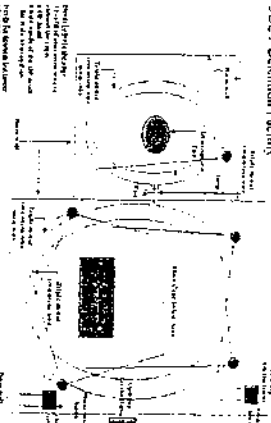
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Detainee Flow



3BCT Detainee Holding Facility
3BCT Detention Facility

101st ABN DIV (AASLT)
Detainee Holding Facility



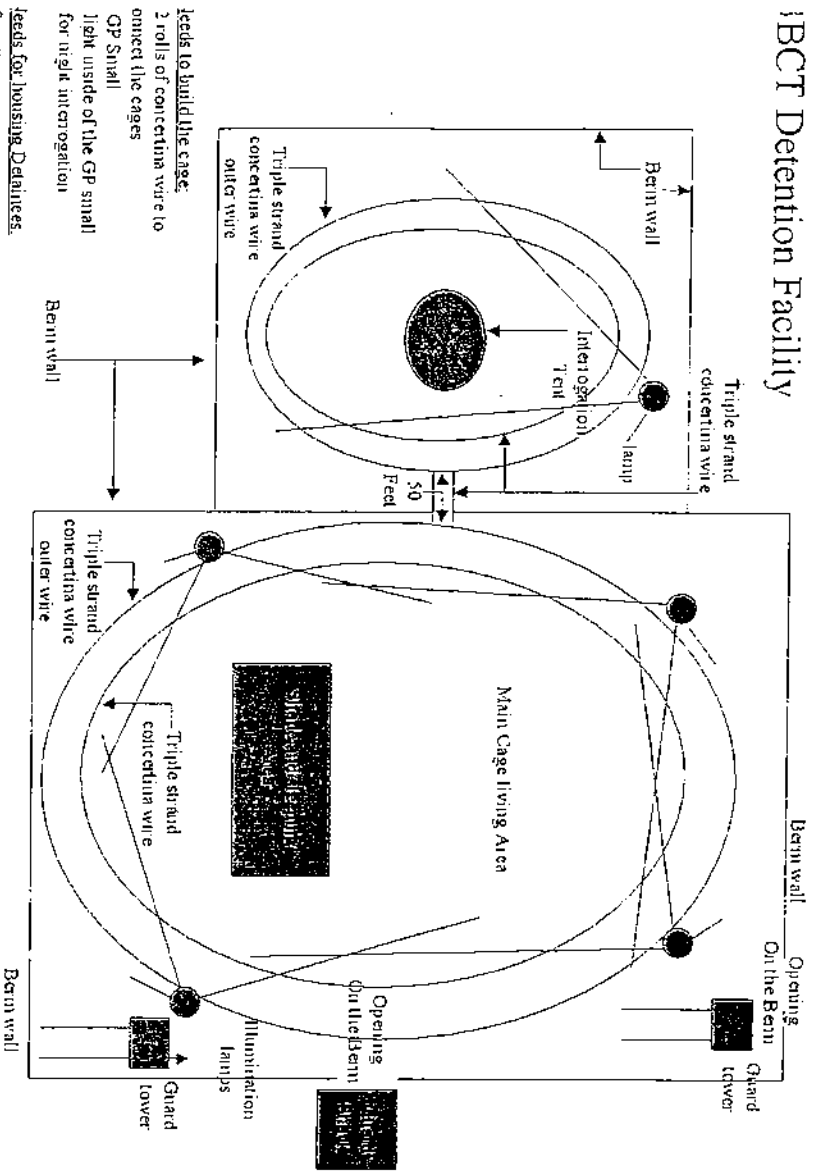
- ag)
- tement)
- orty
- Form
- MP/Medical in-processing
- C/HUMINT Screening Report
- CIJR Generated
- HUMINT TM Recommendation
- OMT Recommendation
- BCT Staff Recommendation Memo

- Procedures
- MP/Medical in-processing
- C/HUMINT Screening
- CIJR Generated
- Review Board (G2/G3/SJA/PMO)

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Trainee Holding Facility Layout

IBCT Detention Facility



- feeds for housing Detainees:
- 0 mattresses
 - Wood floor
 - 0 wool blankets

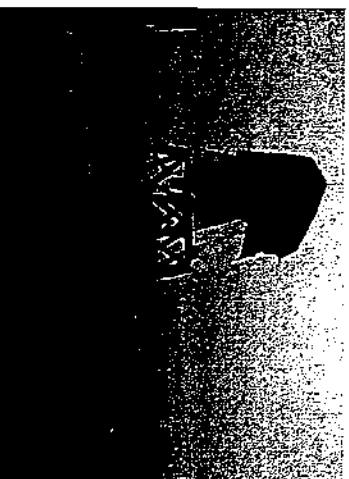
Latrine



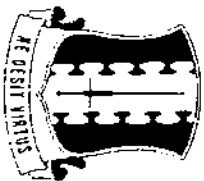
Questioning Tent



Guard Tower



HUMINT TEAM SOP



1. PURPOSE OF THE PLAN
2. SCOPE OF THE PLAN
3. REFERENCES

27 July 2003

a capturing unit has numerous requirements to ensure that process

Division Provisional Forces Apprehension Form ed out ensuring all sections in yellow are complete. The This area is critical as it allows for precise questioning of 2023 (Sworn Statement) from the soldiers who detained of the capture/apprehension and the persons involved. J the details of the reasons for the capture and the capture capturing unit will inventory the detainee's items, and m)

entering Report. This is only if the unit has a THT present in EPW Capture Tag (DD2746). This tag must be accepted in the Brigade Cage sorted with the detainee to the Brigade Cage. The Brigade case documents are not filled out completely, neatly and

pressure bandages over their eyes and will in covered recognition of where they are and to prevent others from This is both to and from the Brigade Cage. All detainees interrogation is not authorized at any other location within No the Cage, the Cage will notify both Assurgan TOC rol Team (ACTY 581-3111). The ACT will then rvet Team (OMT) to send a Tactical HUMINT Team re detainees, if this was not done previously.

d off the CPF AF and DA 2823. The THT will then rd to the Division Cage (Grid LF338718). The THT will it to the Brigade Cage. The paperwork at this time will

- a. GPFAR
- b. DA 2823
- c. Screening report
- d. DA 4137 of the detainee's items
- e. EPW Capture Tag (DD2746)

The THT will inspect all the paperwork at that time, ensuring that all the necessary items are present to get the detainee into the Division Cage.

5. Upon verification of the paperwork being complete by the THT:
 - a. The Brigade Cage will notify Assurgan TOC that the detainees have the proper paperwork and are able to be transferred.
 - b. Assurgan TOC will coordinate to have the detainees sent to the Division Cage. Assurgan TOC will notify the Division Cage (581-0972), attention MSG Robins or MSG Bealy, that there are detainees en route. They will provide the number, gender, and type of offenses to either MSG. If an aircraft delivers the detainees, the Division Cage M/Fs must be called and asked to meet the aircraft to transport the detainees.
 - c. The THT will call the CI Cage (581-9511), and email their reports to the Cage to allow them time to prepare for the interrogation. This ensures that the M/Fs running the cage and the interrogators within the cage are prepared for the detainees' arrival.

6. Detainees will be delivered to the Division Cage, using a one guard per three detainees. Unless it involves an aircraft transfer, then the ratio will be one guard per two detainees. A Mission Complete Report will be submitted to RAK TOC when the delivery mission is complete.

7. Detainees who are screened at the Brigade Cage and are without intelligence value will be recommended to RAK 2 for release. RAK 2 will take that recommendation, along with his recommendation, and present it to RAK 3 or RAK 5 for approval/disapproval. If approved, RAK TOC will notify Assurgan TOC. The capturing unit will also be notified and be directed to return the detainee to the point of capture.

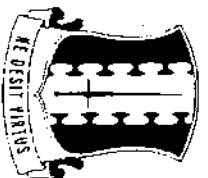
8. The point of contact for this is CPT [REDACTED] 581- [REDACTED] EX 6

CPT, M [REDACTED]
Commanding

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MP PLATOON SOP



OBJECT OF THE SOP
THESE POLICE PROCEDURES
ARE INTENDED FOR ASSAULT
UNIT #00100
SOP # 00200000

20 September 2005

Procedure for Operations in the Detention Collection

Unit and the detainees we receive. Failure of will will result in severe punishment. The SOP will

be followed in detail that could be used as weapons

and weapons. The SOP will be used as weapons

and weapons. The SOP will be used as weapons

and weapons. The SOP will be used as weapons

and weapons. The SOP will be used as weapons

and weapons. The SOP will be used as weapons

and weapons. The SOP will be used as weapons

2145 (Capture Tag), and a screening report if detainees came from a battalion with a THIT. If the captured personnel are from a battalion not augmented with a THIT, they will not have a screening report. The Brigade THIT team is responsible for screening these personnel. If the paperwork is missing or incomplete, the detainee will not be accepted into the Brigade Cage and the capturing unit is responsible for guarding the detainees until the corrected paperwork arrives and is approved. The SOG will notify Vulture CP if the paperwork is incomplete.

4. The SOG is responsible for the inventory of all property and evidence that accompanies the detainees, and is required to count any money received with identifier and document that amount on the DA 4137. Once the full inventory is complete, the SOG will sign the property/evidence and properly bag, tag and secure it in a locked container. The SOG will ensure that documentation is provided on the DA 4137 for every person that handles the property/evidence, and will inventory the items against the form anytime the evidence is returned. When the detainees are released or transferred to the Division Central Collection Point (DCCP), the evidence and property will be signed over to the In-processing unit.

5. The responsibilities of the guards are: adhere to the three General Orders, special instructions, and to silence, segregate, secure and safeguard the detainees. The detainees are not permitted to speak to each other or conduct written communication. They will be segregated according to gender, age, and intelligence value. If there are female or juvenile detainees in the BCP, they will be retained in the alternate detention facility. Also, if the Brigade captures a THIT, they will be separated and kept in the alternate detention facility.

6. The BCP, at a minimum, will have two guards and an SOG. They will maintain 360 degree coverage at all times.

7. Upon arrival of detainees, the unit transporting the prisoners will provide security until they are searched and placed in the holding area. Detainees will be removed from the vehicle one at a time by two soldiers and escorted into the reception area. The escort team will then search the detainee. There will be a soldier in overwatch while the detainee is being searched, with his weapon in weapons condition. A soldier will be in the search team will wear Kevlar, IBA and rubber gloves during the search. The search team will wear Kevlar, IBA and rubber gloves during the search. The guards will wear Kevlar, IBA and weapon.

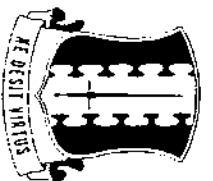
8. Detainees will be medically screened by C6626 FSB in the reception area. Any prescription medication will be maintained and administered by the guards. Should more serious medical problems arise, C6626 will be notified and the guards will transport the detainee to C6626's hangar and provide security until he/she is released back to the BCP.

9. Once the detainees are fully processed and all paperwork completed, they will be processed with hands in front of them, issued a bottle of water, a non-pork or a High MRE (with heater and matches removed), a blanket, a mattress and a jumpsuit. After all

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Documentation



DAINE SCREENING SHEET

Students were picked up by the Shinjor police on false accusations.

YES
 They were together and capture at the same time under the same false

like under false allegations.

DOB: [REDACTED] POB: [REDACTED] Marital
 Status: Single Education: 9th Grade Religion: Sunni Muslim
 and Length in the Baradi Party: N/A Current Political
 Party: HQ in Astal

Detainees after an individual from Singar made false allegations
 naming or possessing weapons to attack the coalition forces. After
 was search and the only weapons found were 2 AK47. After an
 and interrogation from the Coalition Forces it was determined that
 nothing to do with attacks against the Coalition Forces. It turned
 out purpose of recuperating an amount of money that they paid for a
 job. Detainees using the direct approach. Detainee was very helpful and
 police that were doing their job.
 turned to the local police to be released.

| Approaches | Location | Interrogator |
|------------|-----------------|----------------|
| | Singar Ramat SA | SSG [REDACTED] |
| | Singar Ramat SA | SSG [REDACTED] |

on of how many times the individual has been questioned.

1111 Detainee Recommendations 23 September 2013

CAAT recommends the following detainee to be released to (country) (in
 reintegration to the local population:

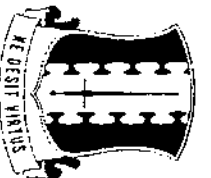
Detainee # [REDACTED]
 Ali Basha Wehbi
 Detained by 20187. Suspected of spying and planning attacks against the coalition
 forces, and the joint of contact in [REDACTED] group in Bagh.
 Suspected of being a weapons smuggler. After interrogation it became clear that he
 was arrested erroneously, arraignment was nullified by a family dispute.

SSG/DY, USA
 CAAT

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Documentation



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FORMATION REPORT

ION and Receipt Management

CIR 101-311-0029-01-00 US Syrian Intelligence Service
 Collecting Against Coalition Forces
 CIR 101-311-0029-0010

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 REL TO ucft1

TH1 29
 X-1
 Theater
 Active
 200312U2162319
 200312U5151430

Counterintelligence HQUINRT

Report Details

1. Elements of the CIV FIR
 that state-supported and/or international groups pose a
 threat to the emerging government, infrastructure and
 Coalition Forces in the 101 STADORT what are their routes to
 infiltrate and exodus?

Syrian Intelligence Service Collecting

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Syrian intelligence and security forces are collecting
 intelligence about Coalition Forces by conducting HUMINT
 collection from Iraqi citizens detained in Syria

CIR Summary
 Category of Report
 Requirement Priority Rating

Target (location or facility or organization or other)

Person
 Last Name
 First Name
 Middle Name
 Phonetic

UPK
 LFK

Facility
 Facility Name
 Facility Type
 Description

Mayor's Office
 Government Office
 Hasima governor's house

Organization
 Organization Name
 Organization Type
 Description

Syrian Intel Service
 Foreign Government Intelligence Service
 Syrian Intelligence Services Collecting intel on US Forces
 passing using the Syrian border guard as a front

Location
 Individual Source
 Reliability of Source
 Source ID Number
 Information Reliability
 Information Date (YYYYMMDD)
 Last Date of Acquisition (YYYYMMDD)

Yes
 6. Train cannot be judged
 20030821
 20031223

Report

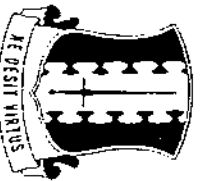
On approximately 23 August 2003, an individual was
 detained by Syrian security forces in Hasika (Gridcode: 31S
 FAS63114) and questioned regarding Coalition Forces. The
 individual does not remember the exact date of the incident.
 He only knew it was before the 23rd of August because that
 was the date printed on a terrorist manual he carried in his
 notebook. This individual sells merchandise in Katarina
 (Gridcode: 62xx) after purchase in Syria. The last time he

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Documentation



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entered Syria was approximately 16 August 2003) to purchase overhauled use, after being in Syria for one week. He was apprehended by Syrian border guards and detained in the airport's building in Hasaka. The individual was interrogated for approximately two hours by a Syrian security force officer named [redacted]. This is probably a false name. The Iraqi believed that [redacted] was the chief of security for Hasaka. He did not explain why he brought this. The Iraqi citizen was asked by [redacted] about the location of the Coalition Forces (CF), asked for names and activities of CF commanders, location of CF living quarters, and questions about the CF main force. He was further questioned about the number of CF, civilian guides, informants to the CF, and the names of local DPK members. The Iraqi was asked to provide names and some addresses of interpreters working for CF. He was also presented names and asked if he knew any of them. This person claims he did not know any of the names presented. He also states that he does not remember any of the names given by [redacted]. He stated that they knew that CF often went to the house of [redacted] the son of Kataraya. This Iraqi citizen stated that he did not know anything about CF [redacted] asked him if he visited the home of [redacted] used to be Saddam's counselor in Syria. She currently lives in the village of Ras Hamra, Syria. The Iraqi did not explain what type of counselor [redacted] was. He stated that he did not visit [redacted] and was accused by [redacted] of being a traitor to Iraq because he did not visit [redacted] before being released. This Iraqi was told to return to Syrian security service before departing Syria. The Iraqi fled the country immediately, leaving all his merchandise and not returning to Syrian security. He was contacted later by his cousin who lives in Syria and told that he would be arrested if he returned to Syria. This Iraqi feels his life is in danger, but did not request protection from CF. He was brought to the main gate by another resident of Kataraya. He is available for contact. Interviewer complimented the individual for coming to the CF for being a patriot for Iraq and for providing important information. Interviewer explained that CF would contact this Iraqi again and asked this wanted anything from CF. The Iraqi citizen declined any protection or remuneration.

For Unit Use

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Attachments

Attachments
Label
Description
File Name

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Page 1

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| | | | |
|--|---|--|--|
| <input type="checkbox"/> Offense against Coalition Forces [check one] If "Other" then describe: _____ | | | |
| <input type="checkbox"/> Violation of Curfew | | | <input type="checkbox"/> Trespass on Military Installation or Facility |
| <input type="checkbox"/> Illegal Possession of Weapon | | | <input type="checkbox"/> Photographing/Surveilling Military Installation or Facility |
| <input type="checkbox"/> Assault/Attack on Coalition Forces | | | <input type="checkbox"/> Obstructing Performance of Military Mission |
| <input type="checkbox"/> Theft of Coalition Force Property | | | <input type="checkbox"/> Other |
| Apprehending Unit: | | Location Grid: | |
| Date of Incident: (D/M/Y) / / to / / | | Time of Incident: hrs to hrs | |
| Date of Report: (D/M/Y) / / | | Time of Report: hrs | |
| Detainee # _____ | | Key Connected Person: <input type="checkbox"/> Victim <input type="checkbox"/> Witness | |
| Last Name: | | Last Name: | |
| First Name: Given Name: | | First Name: Given Name: | |
| Hair Color: Scars/Tattoos/Deformities: | | Hair Color: Scars/Tattoos/Deformities: | |
| Eye-Color: Weight: lb Height: in | | Eye-Color: Weight: lb Height: in | |
| Address: | | Address: | |
| Place of Birth: | | Place of Birth: | |
| Ethn/Tribe/ Sect: | Sex: <input type="checkbox"/> M <input type="checkbox"/> F | Phone#: DOB D/M/Y: <input type="checkbox"/> Mobile <input type="checkbox"/> Regular | Ethn/Tribe/ Sect: |
| | | | |
| <input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify) | <input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify) | | |
| Document #: | Document #: | | |
| Total Number of Persons Involved _____ (list names/identifying info on reverse under "Additional Helpful Information") | | | |
| <input type="checkbox"/> Vehicle Information Vehicle Number _____ of _____ Vehicle(s) Owner: | | | |
| Make: | Color: | VIN: | |
| Model: | Type: | Plate No.: | Number of People in Vehicle: |
| Year: | Names of People in Vehicle: | | |
| Contraband/Weapons in Vehicle: | | | |
| <input type="checkbox"/> Property/Contraband <input type="checkbox"/> Weapon | Photo Taken of Suspect with Weapon/Contraband: Yes/ No | | |
| Type: | Model: | Color/Caliber: | |
| Serial No.: | Quantity: | Make: | Receipt Provided to Owner: Yes/ No |
| Other Details: | Where Found: | Owner: | |
| Name of Assisting Interpreter: | | Email, Phone, or Contact info: | |
| Detaining Soldier's Name (Print): | | Supervising Officer's Name (Print): | |
| Last, First MI | | Last, First MI | |
| Signature: | | Signature: | |
| Email: | | Email: | |
| Unit Phone: | Date: / / | Unit Phone: | Date: / / |

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How was this person traveling (car, bus, on foot)?

Who was with this person?

What weapons was this person carrying?

What contraband was this person carrying?

What other weapons were seized?

What other information did you get from this person?

Additional Helpful Information:

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