

Itemized List of Evidentiary Exhibits

- I - Initial statement by [REDACTED]
- II - Initial statement by [REDACTED]
- III- Statement of [REDACTED] upon initial questioning of [REDACTED]
- IV- Statement of [REDACTED] upon initial questioning of [REDACTED]
- V- Initial statement of [REDACTED] taken by [REDACTED] and privacy act statement and mandatory disclosure form taken by [REDACTED]
- VI- Initial statement of [REDACTED] taken by [REDACTED] and privacy act statement and mandatory disclosure form taken by [REDACTED]
- VII- Initial statement of [REDACTED] and privacy act statement and mandatory disclosure form taken by [REDACTED]
- VIII- Initial statement of [REDACTED] and privacy act statement and mandatory disclosure form taken by [REDACTED]
- IX- Initial statement of [REDACTED] and privacy act statement and mandatory disclosure form taken by [REDACTED]
- X- Initial statement of [REDACTED] and Rights warning waiver certificate taken by [REDACTED]
- XI- Rights warning waiver certificate(non-waiver) of [REDACTED] taken by [REDACTED]
- XII- Statement of [REDACTED] regarding questioning of all soldiers involved.
- XIII- Applicable portions of OPORD for Operation Thunder Payback
- XIV- Packet of 4 Questionnaires handed out to soldiers to get a general understanding of the view on treatment of detainees in general and of the events in this particular mission.

pgs 6, 7, 7d

b3 + b2
b6-4
b6-5

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Rifles Base Ar Ramadi Iraq	2. DATE (YYYYMMDD) 2003/07/31	3. TIME 1412	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 94th MP CO Rifles Base Ar Ramadi Iraq			

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

On 2003/07/29 at approx. 1630hrs I was in the company area of the 94th MP CO. I was speaking with [REDACTED] and [REDACTED]. [REDACTED] was talking about a raid he went on earlier in the day. [REDACTED] stated that he observed civilian detainees who were bound and on the ground, being guarded by [REDACTED] and [REDACTED]. [REDACTED] stated he observed [REDACTED] kick a detainee several times, approx. 3 times on or about the back and head, and stand on the detainee on or about the back and head. [REDACTED] said he was within a reasonable distance to observe this incident. [REDACTED] ordered [REDACTED] to stop. [REDACTED] said [REDACTED] squad leader, told him to stay in his lane. [REDACTED] said he told [REDACTED] that the detainee was protected under the Geneva Convention. [REDACTED] said several lower enlisted in the area stated "They don't follow the Geneva Convention, so why should we!" [REDACTED] said he was going to bring the incident up the soldiers involved Chain of Command.

Q [REDACTED]
A [REDACTED]
Q Is there anything you would like to add to your statement?
Q No
=====End Statement=====

10. EXHIBIT

11. 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]"

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

STATEMENT OF [REDACTED] TAKEN AT Rifles Base DATED 2003/31/07

9. STATEMENT (Continued)

Not Used

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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of July, 2003 at Rifles Base, Ar Ramadi Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Artical 136 (b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

II

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION
Rifles Base, Ar Ramadi
2. DATE (YYYYMMDD) 2003/07/30 3. TIME 1426 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
94TH MILITARY POLICE COMPANY, CAMP RIFLES, IRAQ

9. [REDACTED] b3+6-2, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In the late afternoon of 29 July 2003, the following information was told to me by company medic, [REDACTED] in the presence of [REDACTED] at Camp Rifles Base in the front yard of the company HQ location: In the morning of 29 July 2003 [REDACTED] was with the company 2nd platoon members that were assisting 3rd ACR soldiers conducting a raid. After several Iraqi's were detained and bound up he observed one of the 2nd platoon MP's physically abuse an Iraqi prisoner. [REDACTED] observed from approximately 100 meters away a US Army MP stepping on the back of an Iraqi detainee that was laying on the ground with his hands bound behind his back. The MP appeared to be kicking the detainee three different times. [REDACTED] asked those around him who the MP was and was told it was [REDACTED] from the company's 2nd platoon. When he stated the MP shouldn't be kicking the Iraqi [REDACTED] squad leader told him to stay in his lane. [REDACTED] then went over and in spite of what [REDACTED] had protested, proceeded to turn the detainee's face in the dirt. [REDACTED] that was close by to [REDACTED] made a comment that the Iraqi was probably the individual that had killed an American Army officer. Other soldiers made comments that the Geneva Conventions don't apply here. He could not identify who the other soldiers were.

[REDACTED] the 2nd Platoon Sgt was called to report to the company operations from his area of operations. Approx thirty minutes later, upon his arrival, [REDACTED] had already departed with the 1st platoon members he resides with. As I began informing [REDACTED] of what [REDACTED] had told me, he stated that [REDACTED] had reported to him immediately after returning from the mission that there may have appeared to have been an incident with an Iraqi detainee. [REDACTED] stated that [REDACTED] version of the incident was that the MP's were moving the detainee into a better position to adjust the bindings that were keeping his hands tied. I told [REDACTED] that because of the seriousness of the possibility that a violation had occurred our MPI would be looking into the incident.

Q. [REDACTED]
A. [REDACTED]
Q. Do you have anything you would like to add to your statement at this time?
A. No

End Statement

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Not yscu b3+6-2

AFFIDAVIT

I, [REDACTED] b3+6-2, 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 30 day of July, 2003 at Rifles Base

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Artical 136 (b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b3+6-2

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III

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Rifles Base, Ar Ramadi Iraq	2. DATE (YYYYMMDD) 2003/07/31	3. TIME 1409	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 94th MP CO Rifles Base Ar Ramadi			

9. I, [REDACTED] b3+b2, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 30th day of July 2003 [REDACTED] and I went to FOB Maddog to interview [REDACTED]. He told us that on the morning of the 29th he witnessed [REDACTED] kicking a detainee that was already "flex-cuffed" in the back, neck, and head. Upon seeing this he yelled out that if that soldier kicks the detainee anymore that he was going to kick the soldier. He also told [REDACTED] squad leader [REDACTED] the same. After this, [REDACTED] said he would take care of it and went towards [REDACTED]. Arriving at [REDACTED] location he said [REDACTED] nelt down on the detainee's back to change the flex-cuffs and while doing this rubbed the detainee's face in the dirt. [REDACTED] said that [REDACTED] came back to him and told him to "stay in his lane". When we the investigators asked [REDACTED] to put all of this in a statement he said that he didn't have a problem with [REDACTED] and expressed how he didn't want anybody getting in trouble. He just wanted some accountability in the company. He wrote a statement and said in the statement that [REDACTED] just had his foot on the detainee and was not kicking him. It seemed that when [REDACTED] relized we were there on an "official" capacity that his story softened up. Furthermore he went on to write that [REDACTED] only had his hand on the back of the detainees neck holding him down while he changed the flex-cuffs and not rubbing his face in the dirt like he had told us when we first started talking to him. The statement that [REDACTED] gave was more identical to the verbal statement we recieved from [REDACTED].

End statement

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

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

IV

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION RIPPLES BASE AR National Inst	2. DATE (YYYYMMDD) 20030730	3. TIME 2115	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 94th MP CO APO AE 09302-1343			

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

ON 30 July while interviewing [REDACTED] about the incident involving 2nd PIR [REDACTED] stated that he saw a soldier, later identified to be [REDACTED] appear to kick a detainee who was on his stomach and hands "zip-tied" behind his back and compliant. After [REDACTED] realized that [REDACTED] and myself were talking to him "officially" he stated that maybe he was just putting his foot on him to get the detainees attention. [REDACTED] stated a few times he liked [REDACTED] and that he did not want anything to happen to him. Prior to writing his statement [REDACTED] said [REDACTED] had all of his weight, leaning into, the detainee with his foot on the detainees head and neck area. The more longer we talked to [REDACTED] the less severe the incident involving the detainee became. From possible kicking, strapping, putting all of his weight to just getting the detainees attention. [REDACTED] also stated that he was told to stay in his own lane by [REDACTED] when he said "I'm going to kick that soldier if he kicks him again".

[REDACTED]

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

V

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to: 12506/2 MIST/CA/ment
DE DETAILS on 29 Jul 03

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide is disclosable to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY, AND THE EFFECT OF NOT PROVIDING INFORMATION:

The information you furnish is voluntary. There will be no adverse effect on you for not furnishing the information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above cited incident.

b3 + b-2

[REDACTED]

486721

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION FOB [redacted]	2. DATE (YYYYMMDD) 20060730	3. TIME 1751	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	6. SSN [redacted]	7. GRADE/STATUS [redacted]	
8. ORGANIZATION OR ADDRESS 94th MP Co			

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON THE DATE OF 29 JUL 06 DURING OPERATION ENDURING FREEDOM AT ABOUT 1700 HOURS, I WITNESSED A 4TH MP TO LATER BE IDENTIFIED AS [redacted] USING EXCESSIVE FORCE ON A DETAINEE WHO WAS ZIP TIED AND IN THE (JAIL) LOCATION, AT FIRST I THOUGHT THE MP WAS KICKING THE DETAINEE, BUT THEN REALIZED THAT THE SOLDIER WAS USING HIS RIGHT FOOT TO HOLD THE HEAD BACK, AND WHAT LOOK TO BE HIS KICK TO THE GROUND. I WAS APPROXIMATELY 50 TO 75 METERS AWAY. AT THIS TIME, I WAS ASKING FOR THE IDENTITY OF THE SOLDIER, AND ALSO STATED THAT I WOULD LIKE TO KICK THAT SOLDIER MYSELF. AT THIS TIME SP TACAL IDENTIFIED [redacted] AND [redacted]. [redacted] WENT TO THAT LOCATION TO ATTAIN WHAT WAS GOING ON, I WITNESSED [redacted] CHANGE THE DETAINEE'S ZIP TIES, AND AFTER RETURNING TO MY LOCATION HE STATED THAT NOTHING WAS GOING ON AND I WAS WRONG IN MY OBSERVATION OF ANY KICKING, AND THAT I SHOULD STAY IN MY LANE, SO I LET THE SITUATION DROP. LATER THAT DAY, WHILE AT RIFLES, [redacted] OVERHEARD MY COMMENTS AND HOW DISAPPOINTED I WAS WITH THE BEHAVIOR OF MP'S AS I WAS USING THIS STORY TO EXPLAIN DESEQUITY TO THE SOLDIERS I SERVED AND HOW THIS LOWERS ALL STANDARDS OF BEING AROUND THE BEST. ABOUT AS A MP WE ARE TO (CONT)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [redacted] b3+b6-2	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]

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

STATEMENT OF

TAKEN AT

Feb. Meeting

DATED

20070720

9. STATEMENT (Continued)

INSURE THAT DETAINEES. EPW'S ARE TREATED FAIRLY, HUMANITARIANLY AND IN ACCORDANCE WITH THE GENEVA CONVENTION, HOW AS A MP WE ARE RESPONSIBLE FOR SAFETY OF DETAINEES AND EPW'S. APPARENTLY MY POINT WAS LOST ON THE MEMBERS OF 2ND PLT WHO WERE AT THIS LOCATION, FOR THEY EXPRESSED HOW DETAINEES GOT WHAT THEY DESERVED! APPARENTLY THE RULES AND REGULATIONS OF THE GENEVA CONVENTION WHICH WE AS SOLDIERS ARE HELD TO DURING WAR MEANT NOTHING, WHEN BROUGHT TO THE ATTENTION OF THESE SOLDIERS AT THE TIME OF THIS INCIDENT. EVEN THE GUNNER (UNIDENTIFIED) IN THE 2ND PLT VEHICLE STATED THAT "THEY DON'T OBSERVE THE GENEVA CONVENTION, WHY SHOULD WE!"

Q. When you first looked at the detainees did it appear the MP was kicking the detainees?

A. MY ATTENTION WAS BROUGHT TO THAT LOCATION BY MY OBSERVATION OF RAPID FOOT MOVEMENTS, I DID NOT SEE ANY KICKING, ONLY PERCEIVED BY THE FOOT AND LEG MOTION.

Q. Did you see [redacted] push the detainees face into the dirt while changing the detainees flexures? And, if observed [redacted] KNIFE ON THE DETAINEE WHILE CHECKING AND RECOVERING THE DETAINEE, DID YOU USE HIS LEFT HAND TO SQUEEZE THE DETAINEE WHILE HE WAS IN SQUAT?

Q. Where did he put his left hand?

A. FROM MY LOCATION IT LOOKED LIKE BETWEEN THE SHOULDER BLADES AND BASE OF THE NECK.

Q. Do you have anything you wish to add to this statement?

A YES! THIS WAS NOT DONE OUT OF SPITE AND MALICE, BUT CONCERN FOR THE BEHAVIOR AND ATTITUDE OF THE MP'S WHO WERE INVOLVED AND OR WITNESSED THIS CRIME.

I _____ END OF STATEMENT [redacted] b3+b6-2

INITIALS OF PERSON MAKING STATEMENT

PAGE

2

OF

3

PAGES

ep 6/27

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

not used [redacted] b3+6-2

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] b3+6-2
[redacted] (Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30 day of July, 2003 at _____

ORGANIZATION OR ADDRESS

[redacted]
(Signature of Person Administering Oath)

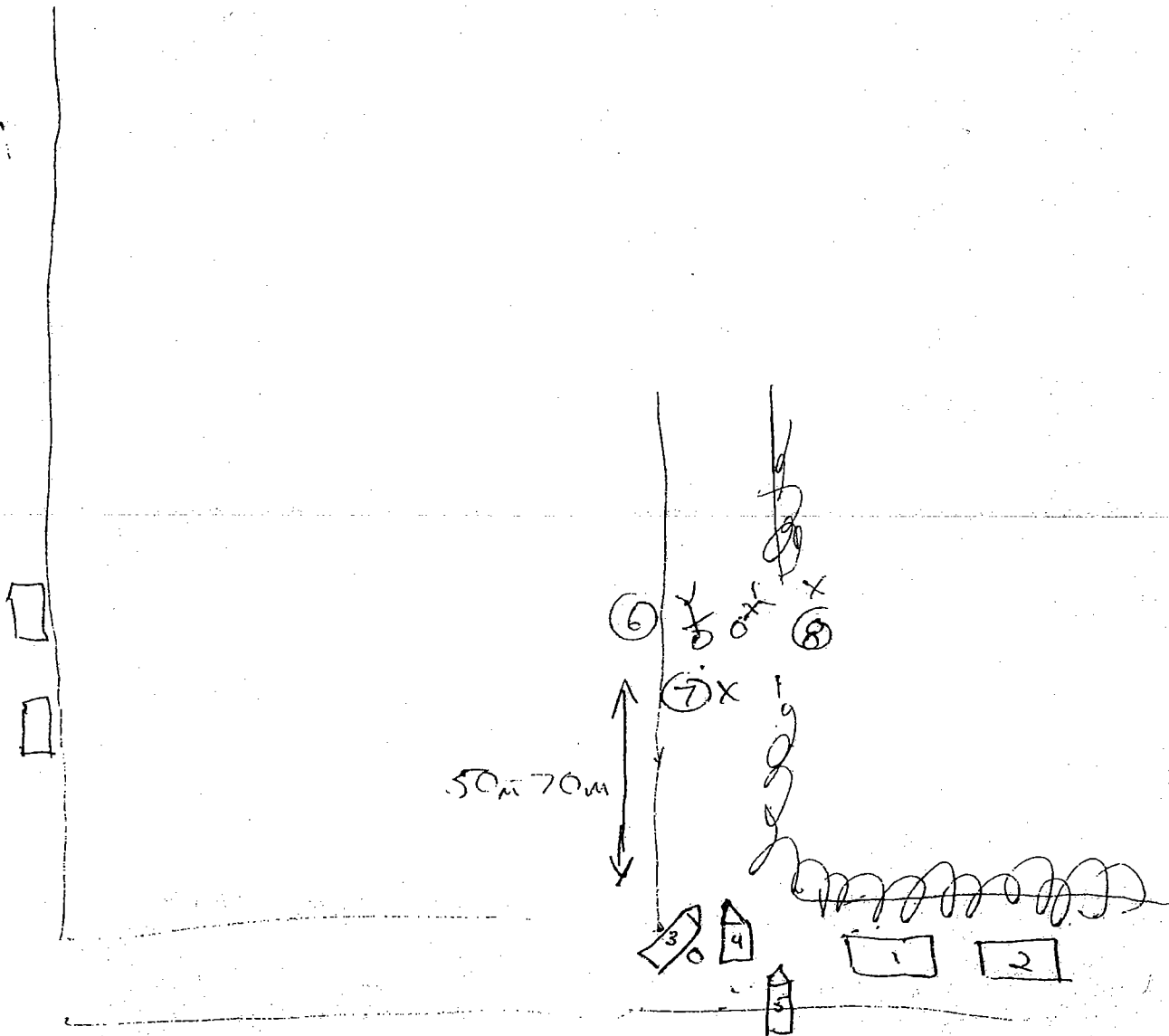
[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136 (b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES



1. [REDACTED]
2. SF
3. 2ND PCT VEH EMPTY [REDACTED] BESIDE IT
4. 2ND PCT [REDACTED] IN GUNNER POSITION
5. [REDACTED] GUNNER POSITION
6. DETAINEES
7. [REDACTED]
8. [REDACTED]

Exp 6, 7, 71

6 316-2

VI

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to: Assable MIST/Genant
of Detainees on 29 Jul 03 at (Raid).

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide is disclosable to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE (MANDATORY) OR VOLUNTARY, AND THE EFFECT OF NOT PROVIDING INFORMATION:

The information you furnish is voluntary. There will be no adverse effect on you for not furnishing the information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above cited incident.

b3, b6, b7C

[REDACTED]

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE:

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

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION Feb Maddox	2. DATE (YYYYMMDD) 20030730	3. TIME 1630 hrs	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 94th MP Co 1st Plt			

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

on 29 July 2003 at approximately 0800 hrs my team Black Bear 3C was participating in a raid vicinity grid LC 438 033. While positioned on the southern perimeter near several elements of Nutcrusher platoon (second platoon), I heard on the radio that an element of Nutcrusher spotted several individuals, male Iraqis, on a dirt road in the vicinity of the raid who were acting furtive and ran off the road into the reeds. Nutcrusher went after them and, from what I heard on the radio, they effected the apprehension. Soon after this my team moved down to the area where Nutcrusher was detaining the three individuals. When I arrived on the scene there were several SF troops interrogating several suspects at a house. I walked over to the area to offer assistance. I was with [REDACTED]. We took 2 suspects from the house and were escorting them to a soft back humvee for transport to a holding area when we walked past [REDACTED] and [REDACTED] with one other soldier whom I cannot recall the identity of at this time apparently guarding (3) detainees who were zip tied and face down on the ground. I noticed that they were being somewhat verbally abusive to the detainees. I overheard comments similar to "You got a fuckin problem? Oh, the zip ties are too tight? Tough shit!" Beyond this they were putting their boots on the detainee's backs and heads in apparent attempt to intimidate them. I did not witness them kicking or hitting the detainees. I escorted the detainee I had taken to the truck where SF was interrogating them. As I passed by my vehicle which was located about 20 meters from where [REDACTED] and [REDACTED] were guarding their detainees, I noticed my gunner, [REDACTED], in the turret of my vehicle. He was somewhat

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT DATED

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

not used [redacted] b3+b2

63+b2

b3+b2

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] b3+b2
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of July, 2003, at _____

ORGANIZATION OR ADDRESS

[redacted] b3+b2
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]
(Type Name of Person Administering Oath)
Artical 136(b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted] b-3+b2

PAGE 3 OF 3 PAGES

VII

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.


PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to: esside MISTreatment of
Detainees 29 Jul 03 in Pail

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide is disclosable to members of the Department of Defense who have a need for it in the performance of their duties.


DISCLOSURE MANDATORY OR VOLUNTARY, AND THE EFFECT OF NOT PROVIDING INFORMATION:

The information you furnish is voluntary. There will be no adverse effect on you for not furnishing the information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

I, , having been advised of the above provisions of the Privacy Act agree to provide information concerning the above cited incident.

63+6-2



Exp 6, 7, 7d

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION RIFLES WEST RAMADI	2. DATE (YYYYMMDD) 20030704	3. TIME 2050	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 94TH MP CO LONDON DERRY, NH			

9. [REDACTED] b3+6-2 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON 29 AUG 03 DURING THE RAID, 2 DETAINEES WERE ZIPCUFFED AND PLACED ON THE GROUND UNDER THE SUPERVISION OF [REDACTED] AND [REDACTED]. MY POSITION WAS IN THE TURRET OF VEHICLE MP 25 APPROX. 50 METERS OR LESS FROM THE DETAINEES. I OBSERVED [REDACTED] PLACE A FOOT ON THE SHOULDER OF ONE OF THE DETAINEES WHO BEGAN TRYING TO LIGHTER GET UP OR GET HIMSELF FREE FROM HIS ZIPCUFFS. AT THAT TIME, FROM BEHIND ME, I HEARD [REDACTED] BEGIN YELLING FOR [REDACTED]. AS [REDACTED] APPROACHED, [REDACTED] THREATEN TO LEAVE HIS POSITION IN THE TURRET AND PHYSICALLY HARM [REDACTED]. WHEN ASKED WHY HE WAS YELLING, [REDACTED] REPLIED TO [REDACTED] THAT "AS MP'S WE ARE OBLIGATED TO PROTECT MP DETAINEES, NOT ABUSE THEM." [REDACTED] THEN ASK WHAT ABUSE DID HE SEE AND [REDACTED] REPLIED THAT HE SAW [REDACTED] KICK A DETAINEE. I WAS SURPRISED WITH HIS ANSWER SINCE I DIDN'T SEE ANYTHING SIMILAR TO A KICK, I SAW [REDACTED] PLACE A FOOT ON A DETAINEE TO LIMIT HIS MOVEMENT WHILE STILL HAVING BOTH HANDS ON HIS WEAPON FOR POSITIVE CONTROL. [REDACTED] TOLD [REDACTED] THAT HE MAY HAVE MISINTERPRETED [REDACTED] ACTIONS WHICH ONLY SEEMED TO INTIMIDATE [REDACTED] MORE. [REDACTED] TO CALM [REDACTED], WENT TO THE DETAINEES POSITION. [REDACTED]

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

2050 TAKEN AT RIFLES WEST DATED 20030704

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

240,707

b3+6-2

STATEMENT OF

TAKEN AT

2050

DATED

20030704

9. STATEMENT (Continued)

HE THEN CALLED BACK TO [REDACTED], WHO WAS STILL ^{BM} CLAIMING TO BE WITNESSING ABUSE, WHERE ^{BM} HE DID HE SEE ABUSE TAKING PLACE. THE DETAINEE, ONCE AGAIN SQUERMED, SEEMINGLY TRYING TO GET OUT OF THE ZIP CUFFS. [REDACTED] CHECKED ON THE ZIP CUFFS.

b3+6-2

Also, Special Forces TOLD [REDACTED] TO MAKE SURE THEY, BEING THE DETAINEES, STAYED IN THE POSITION THEY WERE LEFT IN AND TO ENSURE THEY DID NOT MOVE THEIR HEADS DUE TO OPERATIONS THEY WERE STILL PULLING OUT OF THE DETAINEES VIEW. [REDACTED]

~~Not used~~

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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

Subscribed and sworn to before me [REDACTED] on the 14 day of August, 2003 at [REDACTED]

(Typed Name of Person Administering Oath)

Article 136 (B) 4 UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

VIII

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to: POSSIBLE MISTREATMENT

OF DETAINES ON 27 JUL 03

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide is disclosable to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY, AND THE EFFECT OF NOT PROVIDING INFORMATION:

The information you furnish is voluntary. There will be no adverse effect on you for not furnishing the information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

0406707

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above cited incident.

63+6-2

[REDACTED]

04 Aug 03

036757

SWORN STATEMENT			
For use of this form, see AR 190-45 the proponent agency is ODCSOPS			
LOCATION <i>Rifle West</i>	DATE <i>4 Aug 03</i>	TIME <i>2115</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS <i>94th MP Co.</i>			
I, <i>[REDACTED]</i> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: <i>[REDACTED]</i> <i>Myself + [REDACTED] were watching detainees during a raid on 29 July 03. There was 3-4 Detainees on the ground zipcuffed behind their backs. One detainee kept on moving around, his head + talking. There was a language barrier so we did not understand what he was saying. We told him to be quiet + turn his head. By pointing to our eyes and telling him to look the other way. He did not we used our hands to turn his head many times. This went on for 5 min maybe a little bit longer. He started to move his fingers and hands and looking back with his head to suggest something. We figured his cuffs were too tight. At that time [REDACTED] started to walk up to our position and he said "Gyys soop KKKing the Detainee". We turned around and disheliat at the accusation. And we told him nobody is kicking him. [REDACTED] turn back and told [REDACTED] to get a new pair of glasses. And that his squad would not do such a thing. [REDACTED] proceeded back towards [REDACTED] + myself. We told [REDACTED], we think his cuffs are too tight. [REDACTED] then said let's cut them off and put new ones on. I stand guard while [REDACTED] put one knee on the detainee's shoulder to keep him from moving and doing any harm to us. While [REDACTED] held the detainee's head and cut them off with a pair of medic's scissors. We then reapplied new zipcuffs. Which were checked by all of us. The detainee did not move or say any thing after that but thank you mister which he said a few times. The detainees were then brought back to the vehicles to be transported. [REDACTED] again asked us if any thing happened, did we kick him. We said no. nothing like that happened. He said okay I just want to be sore because [REDACTED]</i>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF <i>2</i> 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.			

036-2

036-2

STATEMENT OF

TAKEN AT

DATED

04 AUG 03

9. STATEMENT (Continued)

b3+1-2

[REDACTED] was accusing us of kicking that individual [REDACTED] and said my guys went back to [REDACTED] and said my guys were not kicking anyone. My guys are good and they would not do anything like that. They are professional MP's. We continued with our mission.

b3+6-7

End of Statement [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]
(Signature of Person Making Statement)

WITNESSES:

b3+6-2

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of August, 2003, at Ricks West Twp.

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ART 136 (b) 4 UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

IX

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:

CIF Detainees on 29 Jul 03


POSSIBLE MISTREATMENT

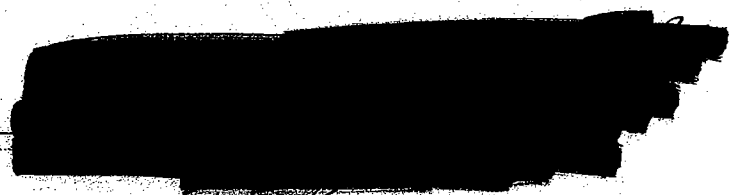
ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities, negligence, and make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide is disclosable to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY, AND THE EFFECT OF NOT PROVIDING INFORMATION:

The information you furnish is voluntary. There will be no adverse effect on you for not furnishing the information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

I, , having been advised of the above provisions of the Privacy Act agree to provide information concerning the above cited incident.



63162

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Rittles Nest	2. DATE (YYYYMMDD) 20030804	3. TIME 2220	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 2nd PL, 94th MP Co			

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

On 29 July 03 at 0830 we provided a TCP for a Raid. We captured 2 detainees that were hiding in the reeds. Myself and [REDACTED] and [REDACTED] were looking in the reeds for possible people, I spotted one man in the reeds [REDACTED] spotted the second man. We gave them commands to come out they where hesitant to come out. As soon as they came out we cross slung weapons and escorted them to flat ground, at this time the detainees were flex cutted and placed on the ground. At this point ODA came to scene with 3 detainees and screened our 2 detainees claiming, the one was the head guy they wanted. The ODA team had his brother, at this time ODA took our detainee and I escorted his brother. We placed the detainees in ODA humvees. At this time I went back to the scene. 1 detainee would not listen to our commands and complained speaking only in arebic. I said to the detainee if he can complete the sentence in english we can get some place. At this time we figured we would cut off the flex cutts and put another pair on him. [REDACTED] In between I was dismounted moving inbetween the detainees location and the humvees of the ODA team which was 50 to 75 meters away from the detainees. As dismounted at any time did I see any detainee abused in any way.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] 63+6-2	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

Exp 6/7/76

b3+6-2

STATEMENT OF [REDACTED] TAKEN AT Rifles West DATED 4 Aug 03

9. STATEMENT (Continued)

~~NOT USED~~

b3+6-2

b3+6-2

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE [REDACTED] 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)

b3+6-2

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of August, 2003 at Rifles West, Idaho

ORGANIZATION OR ADDRESS

[REDACTED]

b3+6-2

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136 (b) 4 UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

b3+6-2

PAGE 2 OF 2 PAGES

X

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 Rifles West Base, Iraq 2. DATE 04 Aug 03 3. TIME 2320 4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] 6. ORGANIZATION OR ADDRESS 2/44
7. GRADE/STATUS E4/SPC

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 Military Police
and wanted to question me about the following offense(s) of which I am
suspected/accused: Mistreatment of Detainees
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)
- b. ORGANIZATION OR ADDRESS AND PHONE
- 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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE:

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

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION <u>Rifles WPST TTAG</u>	2. DATE (YYYYMMDD) <u>20030805</u>	3. TIME <u>1115</u>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS <u>94th MP</u>			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On the date in question when the two individuals were pulled from the needs myself [REDACTED] and [REDACTED] were present at the area the suspected incident took place. Once the detainees were searched and flex cuffs they were placed on the ground. Myself and [REDACTED] were together as [REDACTED] went to 2A's vehicle to contact 6 element. [REDACTED] aided in moving other detainees. While myself and [REDACTED] had custody of the two men pulled from the needs one addressed me in English. Hoping that he could understand English I answered him to keep him as calm as possible. When I turned around towards the second man I saw that he was rolled towards his side with his back facing me. At this time I could clearly see that he was tampering with the flex cuffs. Assessing the scene I determined that in order to maintain control of the scene I needed this man on his chest. Due to the fact that he was messing with the flex cuffs I determined that I did not want the individual to gain control of my weapons, so I used my foot by placing it on his shoulder to place the individual chest down. At this point I had notified [REDACTED] of the situation, and knelt down maintaining positive control of my weapons, and checked the subjects flex cuffs. They seemed loose so I tightened them to a point where I could fit two fingers through. I checked the subjects capillary refill in his finger tips, and every thing seemed to be fine. A short while later I was approached by [REDACTED] who instructed me not to kick the detainees anymore. At this point I told [REDACTED]

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

DA FORM 2823 DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

C08213

Statement of

h3x6-2
Taken at RIFPS West OK-AUG 03

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

That I never kicked the detainees which was confirmed by [REDACTED]
[REDACTED] then proceeded to have an argument with
Sgt [REDACTED] When [REDACTED] returned to subject who was temporarily
with the flex cuffs was complaining they were too tight using gestures
and speaking Arabic. [REDACTED] then suggested we loosen the cuff. This
is when [REDACTED] placed his knee/shin over the subjects shoulder
using only enough force to keep the subject restrained. He as well used
his hands to immobilize the subjects arms, also using minimal force.
Then used surgical shears to remove the old cuffs, and apply new
ones. Using only methods taught through AIT the subjects were restrained
and brought finally to the vehicle they were to be transported in.

Q- [REDACTED]
A- [REDACTED]

Q- Did you at any time kick the detainees or hit you at
any time witness SSS [REDACTED] Rub detainees face in dirt or
ABUSE in any way [REDACTED]
A- NO [REDACTED]

End of Statement
nothing follows [REDACTED]

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

STATEMENT OF

TAKEN AT

Discretionary

DATED

5 Aug 03

9. STATEMENT (Continued)

not used

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this *5th* day of *August*, *2003* at [REDACTED]

ORGANIZATION OF ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

XI

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 <i>Rifles West Base, IRAQ</i>	2. DATE <i>08 Aug 03</i>	3. TIME <i>1257</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>94th military Police Company</i>		
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 *military Police*
[REDACTED] wanted to question me about the following offense(s) of which I am suspected/accused: *b3+6-2*

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) *b3+6-2 signed here but did not read waive his rights as he did request a lawyer and only answered*

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		
		6. ORGANIZATION OF INVESTIGATOR <i>94th military Police Company</i>

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. *b3+6-2*
ATTACH THIS WAIVER CERTIFICATE TO YOUR STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

XII

I, [REDACTED] questioned all soldiers known to be involved in the incident involving the raid on 29JUL03 and also questioned others whom I found witnessed enough to warrant investigation. I initially questioned [REDACTED] and then [REDACTED] very briefly for an understanding of background and then questioned [REDACTED] on his opinions and was informed that he felt [REDACTED] had attempted to backtrack on his initial statements at Rifles Base. I then questioned [REDACTED] and [REDACTED] who had already had statements taken by [REDACTED]. I questioned them on the contents of their statements as well as on secondary questions that I had. For context purposes, the first thing I did was have [REDACTED] walk me through the whole operation from preparation until ending. I then questioned him on his statement, what he witnessed and then any questions I had or discrepancies I noticed. Based on my questions I found out that he was very angry at what he perceived was kicking and that got him started. He could not say with certainty that he actually saw kicking as all he saw was foot movement from his peripheral vision. Also, he started to yell at a soldier near the detainee [REDACTED] and a soldier in the turret of the vehicle that was across from him yelled back (it turned out to be [REDACTED]). The two of them were yelling at each other and [REDACTED] was getting madder. I told him about the perception that [REDACTED] and [REDACTED] had that he had backtracked on his statements and questioned him about it. He explained that at this time he realized the seriousness of the situation and did not want to get soldiers in trouble. I had made it clear that his responsibility is to remember what he saw, not worrying about getting soldiers in trouble. He verified that he "perceived" actions but could not say that those particular actions actually took place. The only thing he knows he saw was "foot movement" and he cannot confirm that he saw [REDACTED] put a detainees head in the dirt. He also admitted he was very angry during and after the events due to his perception and his confrontations with the two soldiers [REDACTED] and [REDACTED]. He also told me that when he made the statements initially at Rifles base to [REDACTED] and [REDACTED] he remembers saying to them that it looked like the detainees were getting kicked. It was not verified. Same for the face in the dirt. I also asked him for a background on the mission itself to get an idea on how much, if any our soldiers had been briefed to go get the killers. He explained that that he was at the briefing and that it was briefed that they were going to get the FOX 6 killers but that this was not a vigilante mission. He also stated that the 5s were in fact briefed on treatment of detainees. He did mention that the [REDACTED] did state that he was a friend of Fox 6 but did not give any particular orders. Also, he said [REDACTED] confronted the suspected killer, talked to him and left, that's it. He also said he never spoke to any of the soldiers that were on the ground near the detainee and that after he got told to stay in his lane by [REDACTED] he did not speak to him again but remained very angry. [REDACTED] stated that he did not see any of the supposed kicking incidents but only heard it second hand from [REDACTED]. He did however state that he "heard profanities" coming from soldiers near the detainees but could not say what soldier was saying what. I also asked if he saw a soldier with his foot on a detainees head and he replied that he was moving but that he did see a soldier have his foot on the upper body of the detainee. [REDACTED] was also able to verify that a good brief did occur prior to the mission and that no specific instructions were given out for any type of vigilante justice and that proper treatment of detainees was covered. I now talked to 2nd Plt. [REDACTED] saw one of the soldiers put his foot on one of the detainees but did

63+6-7

63+6-7

not witness a kick nor did he see [REDACTED] later on put the detainees face in the dirt. He was involved in an argument across HUMVEE turrets with [REDACTED] and from his statements, he was attempting to counter what [REDACTED] was yelling to defend his own platoon's soldiers. He was the one arguing about the Geneva convention and also told [REDACTED] not to yell about the Geneva convention when he [REDACTED] was threatening his own soldiers. et p 6, 7, 7d

[REDACTED] did not witness [REDACTED] or [REDACTED] kick a detainee but did admit to talking to them as he was walking back and forth as security. He did make the statement that they (soldiers) would listen to them as long as they completed a sentence in English. He seemed very ^{calm} and did not feel that any soldiers did anything wrong.

[REDACTED] denied that either he or [REDACTED] ever kicked a detainee. He was the dedicated security with him and only saw [REDACTED] put his foot on him to secure him when he went to tighten zip ties that it appeared the detainee was trying to get out of. He also stated that [REDACTED] came up and told them to stop kicking detainees and that he was surprised he would say that. He denied any wrongdoing and thought that the detainees were treated well. He also stated that [REDACTED] put new flexcuffs on the detainee and moved his head to stop the detainee from looking around. He also stated that he remembered the detainee saying "thank you mister" after [REDACTED] did this.

[REDACTED] asked a few questions about his rights waiver warning and when I explained the reasons, was more than willing to sign it and talk. He strongly denied kicking a detainee and explained that a detainee was moving and he moved his foot to position it on the detainee's back to roll him back over on his chest so he could reapply zipcuffs while maintaining control of his weapon. He also stated that [REDACTED] came up and told him and [REDACTED] to stop kicking the detainee and was surprised as they had not kicked anyone. He also denied seeing [REDACTED] rub a detainees face in the ground and explained that [REDACTED] willingly reapplied zipties himself when he realized they were too tight on the detainee. b3 + b-2

[REDACTED] seemed very concerned when read his rights warning waiver. I walked him through the sheet and the instructions by the numbers and eventually he did say he thought it best if he talk to a lawyer. The instructions clearly state not to coerce in any way so I held up all questions and we went to Rifles to find an attorney. After finding [REDACTED] at TOC he helped me find [REDACTED] in the chow hall. I explained the situation and was told that He would need to talk to TDS but that I could still ask him questions and he could listen and answer voluntarily. I informed [REDACTED] of this we moved to Patriot Base second floor. He did answer all questions I asked. The first question I asked was whether he saw any soldier kicking detainees and he said no. I then asked if he had rubbed a detainees face in the dirt and he emphatically denied it. He explained that he briefs his soldiers to take care of detainees and when he heard [REDACTED] accuse them of kicking a soldier went over and told them to stop. He explained that they were taken aback by the accusation and informed him that neither one was kicking a detainee. He then explained that he had knelt down with one knee between a detainee's shoulder blades because it was brought to his attention that the zip ties on the detainee were too tight. He explained that the detainee kept trying to look back at him and he kept turning his head back so he was facing forward and not observing him. He also expressed that he was very mad at [REDACTED] for calling him out in front of people. He told [REDACTED] he would willingly go see the First Sergeant with him if he had a problem. b3 + b-7

BATES PAGES 8219 – 8221

(IDA: OTJAG – Administrative Law)

ARE NON-RESPONSIVE AND HAVE BEEN
REMOVED

XIV

exp-1

Date 4 AUG 03 REF: 29 JUL 03

Soldier [REDACTED]

Questioner [REDACTED]

b3rb-2

Did you take part in or see any portion of the incident being investigated which took place on the morning of 29AUG03 and if the answer is yes, what was your involvement?

YES, I WAS THE GUNNER FOR 1ST PLT, 3RD SQD, SGT [REDACTED] TEAM 3-C.

Did your higher command at this or any other time issue any directive on the way captured personnel are to be treated and if so, explain to the best of your ability.

YES, PERSONNEL CAPTURED BY KILLER TROOP WERE TO BE SECREATED, AS PER S-S's / ALSO MARKED ON BACK OF THE LEFT HAND WITH MAGIC MARKER AS TO WHICH / HOUSE OR LOCATION DETAINED.

Has your higher command at any time issued specific directives on treatment of detainees and did they for this raid? What was your understanding of the reasons for this operation and how did that affect your actions? YES THIS RAID WAS CONDUCTED ON INFORMATION COLLECTED THAT THE INDIVIDUALS WHO KILLED FOX 6 WERE AT THAT LOCATION,

- (1) SEPARATE WOMEN AND CHILDREN
- (2) ZIP TIE MEN OF MILITARY AGE, AND MARK THEM WITH LOCATION DETAINED (SEE REVERSE) #1

Do you believe that the actions you took or witnessed were justified and appropriate and based on your answer, why yes or no?

THE RAID YES. THE INDIVIDUALS WHO WERE CAUGHT HIDING, NO, (THREE) INDIVIDUALS WERE CAUGHT BY 2ND PLT, THEY WERE ZIP TIED, AND PUT IN THE PRONE POSITION, AFTER APPROXIMATELY 30 MIN. ONE WAS I.D. AS THE NUMBER ONE NAME ON THE RAID LIST FOR THAT MISSION (SEE REVERSE)

Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where? NO, BUT I HAVE SEEN

THE 3RD/3RD ACR, KILLER, GRIM, AND MADDOG TROOPS BE OVERLY AGGRESSIVE, AND UNPROFESSIONAL IN THE HANDLING OF CIVILIANS AT CHECK POINTS.

What is your understanding of the Geneva Conventions in regard to treatment of prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this topic?

(A) Briefed NOT TO MY RECOLITION!

(B) GENEVA CONVENTION, TO SAFE GUARD AND PROTECT DETAINEES WHILE IN YOUR CUSTODY, TO PREVENT ANY HARM FROM CIVILIAN, OR MILITARY PERSONNEL.

- ③ IF FIRED ARON RETURN FIRE
④ ONCE BUILDING WERE CLEARED, PANEL MARKERS WOULD BE HUNG OUT.

⑤ ② AS THE NUMBER ONE NAMED INDIVIDUAL WAS REMOVED TWO MILITARY POLICEMEN, WERE LEFT TO COARD THE TWO REMAINING DETAINEES. AT THIS TIME A MP LATER I.D. AS [REDACTED] WAS PERFORMING WALKING SECURITY, AND A MP LATER I.D. AS [REDACTED] WAS WATCHING THE DETAINEES. I PERCEIVED [REDACTED] TO BE KICKING THE DETAINEE ON THE RIGHT SIDE OF THE ROAD, BUT AS IT TURNED OUT HE WAS USING HIS LEFT FOOT TO HOLD THE DETAINEE IN PLACE, IT APPEARED THAT HE HELD THE DETAINEE BY PLACING HIS FOOT ON:
A) SMALL OF HIS BACK
B) HEAD
C) NECK

I COULD NOT SEE THE DETAINEE, STRUGGLING, NOR COULD I HEAR THE DETAINEE, I BELIEVE THERE WAS NO JUSTIFIABLE REASON FOR [REDACTED] TO DOING THIS.

008223

Ex 6, 7, 7

Date 04 AUG 2003

Soldier _____

Questioner _____

Did you take part in or see any portion of the incident being investigated which took place on the morning of 29 AUG 03 and if the answer is yes, what was your involvement?

JUL
Yes, I overheard part of a conversation between _____ and _____ and witnessed _____ and _____ acting aggressively towards 3 zip tied detainees. *Spanning*

b3162

Did your higher command at this or any other time issue any directive on the way captured personnel are to be treated and if so, explain to the best of your ability.

most of the briefings I have been to, commanders do not go into specifics of detainee handling except with regard to paperwork and soldier safety (i.e. zip ties, searching, etc) They did mention 5 S's

Has your higher command at any time issued specific directives on treatment of detainees and did they for this raid? What was your understanding of the reasons for this operation and how did that affect your actions?

My mfc chain of command has directed us to treat detainees as professional police should, i.e. no excessive force, no verbal abuse, respect for their person, 5 S's.

Do you believe that the actions you took or witnessed were justified and appropriate and based on your answer, why yes or no?

No, I believe it demonstrates poor professionalism and further, US Forces are supposed to set the example. Acting in this manner only makes us more like Saddam's Regime.

Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where?

yes, several TCP's with 3/3 Squadron, not just detainees but Iraqi nationals who were just passing thru a TCP.

What is your understanding of the Geneva Conventions in regard to treatment of prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this topic?

yes, we have been briefed. The Geneva Convention has very specific guidelines for the treatment of prisoners, which revolves around respect for human rights and the rights of the individual.

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0456,70

Date 3 Aug 03

Soldier

Questioner

6316-2

Did you take part in or see any portion of the incident being investigated which took place on the morning of 29 AUG 03 and if the answer is yes, what was your involvement?

Yes, I aided in the search and guard of detainees.

Did your higher command at this or any other time issue any directive on the way captured personnel are to be treated and if so, explain to the best of your ability.

Yes, to treat them IAW the Geneva Conventions, humanely, and with the least amount of force necessary in order to achieve the goal of restraining via flex cuffs, searching for evidence, and keeping the area as calm as possible.

Has your higher command at any time issued specific directives on treatment of detainees

and did they for this raid? What was your understanding of the reasons for this operation

and how did that affect your actions? No. We have always been taught to treat the detainees the same regardless of the reason for detaining them. The raid was to catch the killer(s) of Fox 6. That did not affect my actions, I acted as directed, and previously described.

Do you believe that the actions you took or witnessed were justified and appropriate and based on your answer, why yes or no? Yes, I used minimum levels of force to achieve the desired goal, keeping in mind my surroundings, and possible safety risks stemming from possible actions.

Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where? No.

What is your understanding of the Geneva Conventions in regard to treatment of prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this topic?

The Geneva Conventions say we must humanely treat all detainees. Search and confiscate only material with possible intelligence, or danger. Provide them with food, water, and any safety equipment they came with. In my situation the detainees were treated fairly and humanely using minimum force to achieve goals. Their comfort was taken into consideration and moved to a safer more comfortable location (the vehicle) as soon as practically possible. Yes the leadership of 2nd Plt. has frequently briefed us on Detainee Policy.

09-67573

Date 04 AUG 03

b3+6-2

Soldier

Questioner

Did you take part in or see any portion of the incident being investigated which took place on the morning of 29 AUG 03 and if the answer is yes, what was your involvement?

Yes, GUNNER PULLING SECURITY APPROX 50 METERS FROM THE ALLEGED INCIDENT

Did your higher command at this or any other time issue any directive on the way captured personnel are to be treated and if so, explain to the best of your ability.

WHEN WE ENTERED THEATER, WE WERE TOLD, COMMON SENSE RULES OF NON ABUSE OF DETAINEES, AT THE TIME OF THE INCIDENT, NOTHING NEEDED TO BE SAID, THE SOLDIERS DID NOT ABUSE THE DETAINEES, THE RULES WERE FOLLOWED

Has your higher command at any time issued specific directives on treatment of detainees and did they for this raid? What was your understanding of the reasons for this operation and how did that affect your actions?

WE WERE GIVEN THE BASIC SPEAK GIVEN BEFORE ALL RAIDS, BE SAFE, DON'T MUZZLE, MOVE DETAINEES SILENTLY AND SAFELY - FOR THEIR SAFETY AND OURS. THE REASON FOR THE RAID WAS TO CAPTURE THOSE RESPONSIBLE FOR AN IED ATTACK. IT DIDN'T CHANGE THE WAY I REACTED, EVERY RAID IS DONE AS SAFELY AS POSSIBLE

Do you believe that the actions you took or witnessed were justified and appropriate and based on your answer, why yes or no?

Yes, ABSOLUTELY, NO ABUSE OF DETAINEES EVER TOOK PLACE, THEIR MOVEMENT WAS LIMITED FOR THEIR SAFETY AS WELL AS THE SAFETY OF NEARBY SOLDIERS

Have you ever seen other soldiers treating detainees in a way you consider to be inappropriate and if so, when and where?

NO

What is your understanding of the Geneva Conventions in regard to treatment of prisoners of war and how do you believe this applies to your situation? Has your leadership briefed you on this topic?

MY UNDERSTANDING IS DETAINEES ARE TO BE TREATED HUMANELY AND WITH DIGNITY. NO PHYSICAL ABUSE IS ALLOWED ONCE DETAINED, PASSED WHAT IS NEEDED TO SAFELY SECURE THEM.

Yes, AS AN MP, I HAVE BEEN BRIEFED MANY TIMES ON THE EXPECTED TREATMENT OF DETAINEES