



UNITED STATES MARINE CORPS  
1ST MARINE DIVISION (REIN)  
DTC 40120  
YFO AF 96426-0120

IN REPLY REFER TO:  
5830

SJA/

SEP 22 2004

FIRST ENDORSEMENT on Memo from CO 1BCT dtd 23 August 2004

From: Commanding General, 1st Marine Division (Rein)  
To: Commanding General, I Marine Expeditionary Force

Subj: 15-6 Investigation into alleged detainee abuse at 1BCT by  
(b)(7)(C) and (b)(7)(C)

1. Readdressed and forwarded. I only considered the addendum portion of the investigation that dealt with the alleged detainee abuse of (b)(7)(C) and (b)(7)(C)

2. I concur with the recommendation of the investigating officer as endorsed.

3. No further investigation is warranted.

R. F. NATONSKI

Copy to:  
File



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS  
1ST BRIGADE COMBAT TEAM, 1ST INFANTRY DIVISION (MECH)  
CAMP JUNCTION CITY, IRAQ  
APO AE 09394

AFZN-BA

23 August 2004

MEMORANDUM FOR Record

SUBJECT: Action on Additional Findings and Recommendations for 15-6 Investigation  
Conducted by (b)(7)(C)

1. The findings of the Investigating Officer are approved.
2. I direct that a copy of this file be sent to US Army CID with a recommendation that no further action or investigation be conducted.

(b)(7)(C)



DEPARTMENT OF THE ARMY  
1ST BRIGADE COMBAT TEAM, 1ST INFANTRY DIVISION (MECH)  
CAMP JUNCTION CITY, IRAQ  
APO AE 09384

REPLY TO  
ATTENTION OF:

AFZN-BA

17 August 2004

MEMORANDUM FOR (b)(7)(C) (b)(3) - 10 USC 130b

SUBJECT: Order to Reopen AR 15-6 Investigation

1. On 20 July 2004, you were appointed to conduct an informal investigation into the circumstances surrounding the loss of approximately \$190,000 at the Iraqi National Guard (ING) Training Camp located on Camp Junction City. You are now ordered to reopen that investigation and consider whether the two suspects in the theft of the money were mistreated in any way by coalition or Iraqi forces during their detention at either the ING compound or the 1st Brigade Detention Center.
2. Your investigation should focus on the entire duration of their detention. You will interview all soldiers, marines, contractors and any ING soldiers that may have information valuable to the investigation. You will advise military service members of their rights LAW Article 31 UCMJ if you suspect them of a violation of the UCMJ prior to questioning. Your findings must resolve any contradictory statements. You will make findings that are supported by the evidence and you will make recommendations that are supported by your findings.
3. Your legal advisor for this investigation is (b)(7)(C) BDE Trial Counsel. You will complete your investigation not later than 27 August 2003 and submit your findings and recommendations to your legal advisor.

(b)(7)(C)

DEPARTMENT OF THE ARMY

(b)(3) - 10 USC 130b

Camp Junction City, Iraq  
APO AE 09394

AFZN-BA-OPS

21 August 2004

MEMORANDUM FOR Commander, 1st Brigade Combat Team, 1st Infantry Division,  
Camp Junction City, Iraq, APO, AE 09394

SUBJECT: Addendum to 22 July 2004 15-6 Investigation

1. On 17 August 2004, I was ordered to reopen the 15-6 investigation concerning the loss of approximately \$190,000 at the Iraqi National Guard (ING) Training Camp located on Camp Junction City. I was instructed to consider whether the two suspects in the theft of the money were mistreated in any way by Coalition or Iraqi forces during their detention at either the ING compound or the 1st Brigade Detention Center.
2. On 19 August 2004, I was informed by (b)(7)(C) 1st Brigade Trial Counsel, that I had been ordered to reopen the 15-6 investigation that I had completed on 22 July 2004. I was provided the suspects detention packets and their statements identifying that they had been abused at various times during their detention at the ING compound.
3. On 19 August 2004, after reviewing the suspects' statements, I discussed my qualifications to reopen the investigation. In both suspects' statements, they identify that there was a Coalition Forces (b)(7)(C) present during the initial interrogation of the suspect (b)(7)(C). I was the (b)(7)(C) present at that interrogation and wanted to ensure that there was not a conflict of interest in this case. (b)(7)(C) 1st Brigade Trial Counsel, advised me that there was no reason for my disqualification due to the fact that much of the alleged abuses took place after the initial interrogation. My sworn statement on the facts as I witnessed them during the initial interrogation is found in Exhibit G.
4. In the course of the investigation, I took statements from (b)(7)(C), (b)(7)(C) and provided a statement myself. (b)(7)(C) the former 501<sup>st</sup> BN ING Commander, and (b)(7)(C) the former 501<sup>st</sup> BN ING S3, were unavailable for questioning. (b)(7)(C) was fired from his position on 14 August 2004. (b)(7)(C) quit shortly after (b)(7)(C) was fired. Additionally, I took several photographs of the detention cell at the ING compound as well as the mosque room; both rooms were mentioned in the suspects' statements as locations for some of the alleged abuses. I did not question the two suspects as their original statements did not agree with each other as to what the alleged abuses to (b)(7)(C) were. Both suspects provided facts in their statements that were

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SUBJECT: Addendum to 22 July 2004 15-6 Investigation

proven to be false and thus established patterns of not providing the truth in their original statements.

5. As of 20 August 2004, (b)(7)(C) and (b)(7)(C) are in the 1st Brigade Detention Facility awaiting transfer to Abu Gharib prison in Baghdad.

6. Findings. There is no evidence that either of the suspects were mistreated in any manner by either coalition or Iraqi forces during their detention at the ING compound or during their subsequent detention at the 1st Brigade Detention Facility.

The discussion relevant to the findings is presented for each suspect. Each incident of alleged abuse will be discussed below:

A. The suspect (b)(7)(C) alleges in Exhibit I that many forms and incidents of abuse took place while he was being detained at the ING compound. There were no reported incidents of abuse during his detention at the 1st Brigade Detention Center.

(1) (b)(7)(C) stated he was taken by the neck to an ICDC (b)(7)(C) named (b)(7)(C) to call his family. In his statement, Exhibit B, (b)(7)(C) stated that he did not strike or make physical contact with the suspect at any time during the interrogation process. In his statement, Exhibit G, (b)(7)(C) stated that when the suspect (b)(7)(C) was being taken to call his family that he saw (b)(7)(C) escort the suspect by the left arm and left shoulder. This action was in keeping with normal procedures when escorting a detainee to ensure that the suspect does not try to flee or injure himself or others.

(2) (b)(7)(C) stated that he was hit when the number that he tried to call was busy and that (b)(7)(C) threatened to hit (b)(7)(C) every time that he dialed and got no one. (b)(7)(C) and (b)(7)(C) Exhibits B and E, stated that there was no bodily contact between them and (b)(7)(C) until they left (b)(7)(C) office. (b)(7)(C) stated that he held (b)(7)(C) by left arm as he escorted him out of the office. This action was in keeping with normal procedures when escorting a detainee.

(3) (b)(7)(C) stated that as (b)(7)(C) pushed his head in to the door as he was being led him from (b)(7)(C) office. (b)(7)(C) stated, Exhibit C, that he did not push (b)(7)(C) head in to the door as they were leaving (b)(7)(C) office after (b)(7)(C) phone call to his family.

(4) (b)(7)(C) stated that he called his family he was taken back to (b)(7)(C) office where he was assaulted and shocked with a taser (electronic shocking device). (b)(7)(C) and (b)(7)(C) stated in Exhibits B and E that they neither used nor saw anyone use a taser on (b)(7)(C) at any time.

(5) (b)(7)(C) stated that after returning to (b)(7)(C) office for more questioning (b)(7)(C) placed him in flex cuffs and then began questioning him. (b)(7)(C) and (b)(7)(C) stated in Exhibits B and E that (b)(7)(C) was not flex cuffed at any time during his interrogations.

(6) [REDACTED] stated that [REDACTED] and [REDACTED] called him a liar during the questioning and proceeded to hit him after they called him a liar. This physical contact caused [REDACTED] to fall from his chair on to the floor where he landed on his stomach. [REDACTED] and [REDACTED] stated in Exhibits B and E that neither of them had any contact with [REDACTED] during any of the interrogations that occurred.

(7) [REDACTED] stated he was taken to a mosque in the ING headquarters where he was interrogated some more and hit in the head by [REDACTED] family. [REDACTED] further states that [REDACTED] asked the family to stop hitting [REDACTED] in the head but the family continued to do so anyway. [REDACTED] and [REDACTED] stated in Exhibits C and F that they did not see anyone strike or hit [REDACTED] in any way.

(8) [REDACTED] stated he was taken to a dark room where there was little air and that he could only breathe through a small hose that was provided by another soldiers. [REDACTED] and [REDACTED] stated in exhibits B, C, E, and F that the detention cell, that [REDACTED] referred to as the dark room, had a window in it that provided light and air. On 20 August 2004, I went to the 501st BN ING Headquarters to inspect and photograph the detention cell. The pictures of the detention cell are shown in Exhibit P through R. In the pictures you can see that the door to the detention cell has not been altered and that a hose of any type cannot be placed under the door. Additionally, a hose is not necessary due to the window being in the room. There is no glass on the window so it is not possible for the window to have been sealed airtight. [REDACTED] also stated that the detention cell was converted to an office for use by [REDACTED] and that the window was installed after he left the room. [REDACTED] and [REDACTED] stated in Exhibits C and F that they were responsible for the construction of the headquarters in various capacities and that the detention was constructed with a window in it. They also stated in those same exhibits that the detention cell had never been used as an office [REDACTED]

(9) [REDACTED] stated that he forced to move rocks the first day he was there. [REDACTED] and [REDACTED] stated in Exhibits C and F that they did not have [REDACTED] move rocks at any time while he was detained at the ING Compound. [REDACTED] was detailed to clean the latrine after he used it as well as pick up trash that they had accumulated both in the courtyard and the room.

(10) [REDACTED] stated that another ING soldier was placed in the Mosque room with him because the other soldier provided [REDACTED] food. [REDACTED] also alleges that he had not been provided food for two days and that is why the soldier was trying to sneak him food. [REDACTED] and [REDACTED] admitted in Exhibits B and E that they detained another ING soldier and that he was kept in the Mosque room with [REDACTED]. The ING soldier was detained when he was caught trying to sneak something, possibly cigarettes, to [REDACTED] in the Mosque Room. They placed the ING soldier in the room with [REDACTED] for approximately 2 hours and then he was released. They also stated in those same exhibits that they provided [REDACTED] with 3 MRE meals and bottled water daily.

(11) [REDACTED] stated that he was slapped by one of the interpreters but did not specify when this occurred. [REDACTED] and [REDACTED] stated in Exhibits B and E that they did not see anyone strike or hit [REDACTED] in any way.

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SUBJECT: Addendum to 22 July 2004 15-6 Investigation

(12) When [REDACTED] was brought to the 1st Brigade Detention Facility on 4 August 2004, it was noted that he had no current injury or medical complaint, Exhibits H and I. During his subsequent interrogations, Exhibit J, it was also noted that he had no injuries and denied being abused. [REDACTED] provided his statement, Exhibit I on 15 August 2004 claiming the above mentioned abuses. These claims came 11 days after being transferred to the 1st Brigade Detention Facility.

(13) In his statement, [REDACTED] alleges many incidents of abuse. Given the fact that both the detention cell and Mosque room are well ventilated and are not dark he creates a doubt about the validity of the rest of his statement. His physical condition at the time he was brought to the 1st Brigade Detention Facility also suggests that he had not been abused during his detention at the ING compound.

B. The suspect [REDACTED] alleges in Exhibit L that many forms and incidents of abuse took place while he was being detained at the ING compound. There were no reported incidents of abuse during his detention at the 1st Brigade Detention Center.

(1) [REDACTED] stated that [REDACTED] shocked him in the arm with a taser after repeatedly answering the same question. [REDACTED] and [REDACTED] stated in Exhibits B and E that they did not use nor did they see anyone else use a taser (electronic shocking device) on [REDACTED] at any time.

(2) [REDACTED] stated that [REDACTED] jumped on him after [REDACTED] used the taser on him. [REDACTED] and [REDACTED] stated in Exhibits B and E that they did not jump on [REDACTED] nor did they see anyone jump on him at any time.

(3) [REDACTED] stated that he denies having written a statement for [REDACTED]. The statement that [REDACTED] provided to [REDACTED] about the theft of the money is included as Exhibit N.

(4) [REDACTED] provides details of the various abuses that [REDACTED] received during his detention at the ING compound. The statement as it pertains to [REDACTED] is based on discussions he had with [REDACTED] during the remainder of their detention at the ING compound. [REDACTED] references the initial interrogation which occurred over 12 hours prior to [REDACTED] being detained and therefore he could not have been present for the interrogations. Additionally [REDACTED] the undersigned, was present for the initial interrogation of [REDACTED] and stated in Exhibit G that there was no physical contact by anyone during the initial interrogation except when [REDACTED] escorted [REDACTED] to call his relatives.

(5) As with [REDACTED] when [REDACTED] was brought to the 1st Brigade Detention Facility on 4 August 2004 it was noted that he had no current injury or medical complaint, Exhibits K and M. During his subsequent interrogations, Exhibit M, it was also noted that [REDACTED] had no injuries and denied being abused. [REDACTED] provided his statement, Exhibit L on 15 August 2004 claiming the above mentioned abuses. These claims came 11 days after being transferred to the 1st Brigade Detention Facility.

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SUBJECT: Addendum to 22 July 2004 15-6 Investigation

(6) In his statement (b)(7)(C) alleges two incidents of abuse against himself and numerous incidents of abuse against (b)(7)(C). Neither incident of abuse can be medically corroborated. (b)(7)(C) attempts to tell a story of abuses against (b)(7)(C) but (b)(7)(C) was not present for the alleged abuses. Thus I assume that he learned of the alleged abuses from (b)(7)(C) during their detention at both the ING compound and the 1st Brigade Detention Facility. By stating the alleged abuses against (b)(7)(C) (b)(7)(C) indicated a willingness to paint a false story to help out their current criminal situation.

7. Recommendations.

A. That no criminal charges be brought against (b)(7)(C) and (b)(7)(C) and that the 15-6 investigation be officially closed as it pertains to the theft of money and the alleged abuses.

(b)(7)(C)

Investigating Officer

Exhibits

- A - DA Form 3881- (b)(7)(C) (19 Aug 04)
- B - DA Form 2823- (b)(7)(C) (19 Aug 04)
- C - DA Form 2823- (b)(7)(C) (20 Aug 04)
- D - DA Form 3881- (b)(7)(C) (19 Aug 04)
- E - DA Form 2823- (b)(7)(C) (19 Aug 04)
- F - DA Form 2823- (b)(7)(C) (20 Aug 04)
- G - DA Form 2823- (b)(7)(C) (19 Aug 04)
- H - Picture of (b)(7)(C) (29 Jul 04)
- I - Statement- (b)(7)(C) (15 Aug 04)
- J - (b)(7)(C) inprocessing sheet and medical report (4 Aug 04)
- K - Picture of (b)(7)(C) (29 Jul 04)
- L - Statement - (b)(7)(C) (15 Aug 04)
- M - (b)(7)(C) inprocessing sheet and medical report (4 Aug 04)
- N - (b)(7)(C) initial statement (22 Jul 04)
- O - Diagram of the front portion of the 501<sup>st</sup> ING headquarters
- P - Picture of Detention Cell Door
- Q - Picture of Detention Cell Doorway from Hallway--showing window in cell
- R - Picture of Detention Cell window



**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proposed agency is USCOOPS

**DATA REQUIRED BY THE PRIVACY ACT**

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

1. LOCATION <i>Camp Ramadi, Iraq</i>	2. DATE <i>19 Aug 04</i>	3. TIME <i>1951</i>	4. FILE NO.
5. NAME (Last, First, MI) <i>(b)(7)(C)</i>	6. ORGANIZATION OR ADDRESS <i>(b)(3) - 10 USC 130b</i>		
7. SSN <i>(b)(6) - SSN</i>	8. GRADE/STATUS <i>(b)(7)(C)</i>	<i>Camp Junction City APO AE 09391</i>	

**PART I - RIGHTS WAIVER/MON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army *(b)(3) - 10 USC 130b* and wanted to question me about the following offense(s) of which I am suspected/accused: *Article 138 - Assault*

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.

**B. 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 (but and without having a lawyer present with me).

**WITNESSES (If available)**

1a. NAME (Type or Print)	<i>(b)(7)(C)</i>
b. ORGANIZATION OR ADDRESS AND PHONE	<i>(b)(7)(C)</i>
2a. NAME (Type or Print)	<i>(b)(7)(C)</i>
b. ORGANIZATION OR ADDRESS AND PHONE	<i>(b)(3) - 10 USC 130b Camp Ramadi, Iraq</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. SIGNATURE OF INTERVIEWEE**

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 201

FORM 3881

<p><b>THE WARNING</b></p> <p>WARNING: Before the represented of:</p> <ol style="list-style-type: none"> <li>Your official position.</li> <li>Your status of official.</li> <li>The fact that habeas is a constitutional right.</li> <li>And you are questioning your rights.</li> <li>You do not have to answer my questions or say anything.</li> <li>Anything you say or do can be used as evidence against you in a criminal trial.</li> <li>If you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins.</li> <li>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 them, even if you sign a waiver certificate.</li> </ol> <p>Make certain the represented fully understands his/her rights.</p>	
<p><b>THE WAIVER</b></p> <p>For reasons not subject to the (LCSM) 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 as you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins.</p> <p>"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 them, even if you sign a waiver certificate."</p> <p>I, the undersigned, hereby understand fully the rights which I am waiving and I am waiving these rights.</p>	
<p><b>THE WARNER</b></p> <p>"Do you understand your rights?"</p> <p>If the represented says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the represented says "yes," ask the following questions:</p> <p>"Have you ever requested a lawyer after being read your rights?"</p> <p>If the represented says "yes," find out when and where. If the request was recent (i.e., after being read your rights), obtain legal advice before waiving the representation. If the represented says "no," or if the prior request was not recent, ask whether the following questions:</p> <p>"Do you want a lawyer at this time?"</p> <p>If the represented says "yes," stop the questioning and invite the lawyer. If the represented says "no," ask whether the following question:</p> <p>"At this time, are you willing to discuss the offense(s) under investigation and make a statement without having a lawyer and without having a lawyer present with you?" If the represented says "no," stop the questioning and invite the lawyer and ask the lawyer to sign the non-waiver section of the waiver certificate on the other side of this form. If the represented says "yes," stop the questioning and sign the waiver certificate on the other side of this form.</p> <p><b>SPECIAL INSTRUCTIONS</b></p>	<p><b>WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: IF THE SUSPECT/ACCUSED EARLY WAIVES HIS/HER RIGHTS BUT REFUSES TO SIGN THE WAIVER CERTIFICATE, HE OR SHE MAY STILL BE REPRESENTED BY A LAWYER, BUT HE OR SHE MUST SIGN THE WAIVER CERTIFICATE IN THE PRESENCE OF A LAWYER. IF HE OR SHE DOES NOT SIGN THE WAIVER CERTIFICATE, HE OR SHE MAY BE REPRESENTED BY A LAWYER, BUT HE OR SHE MUST SIGN THE WAIVER CERTIFICATE IN THE PRESENCE OF A LAWYER.</b></p> <p><b>IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:</b> 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 delayed investigation, completion may be temporarily postponed. Waiver should be kept on the premises.</p> <p><b>FROM REPRESENTING ATTORNEY:</b></p> <p>If the represented has made representations concerning 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.</p>
<p><b>NOTE:</b> If 1 or 2 apply, the fact that the represented was advised accordingly should be noted in the summary section on the waiver certificate and initialed by the represented.</p> <p><b>WHEN SUSPECT/ACCUSED DISPLAYS MODERATION ON EXERCISING HIS OR HER RIGHTS DURING THE INVESTIGATION PROCESS:</b> If during the investigation, the suspect displays moderation about requesting counsel for example, "Maybe I should get a lawyer," further questioning may continue immediately. At that point, you may question the represented only concerning the waiver certificate and should not be asked to sign the certificate until the represented has agreed to sign it. The waiver certificate and initialed by the represented.</p> <p><b>1.</b> If the suspected/wanted was questioned on such other without being advised of his/her rights or some question makes no the property of the first statement, the wanted must be as advised. The officer of the arresting agency should be contacted for assistance in drafting the proper waiver certificate.</p>	<p><b>COMMENTS (Continued)</b></p> <p>If the represented is not obligated to answer further questions, he/she should be advised of his/her rights. The questioning may not be resumed until he/she has been properly advised of his/her rights.</p>

PRIVACY ACT STATEMENT

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

1. LOCATION: Camp Junction City 2. DATE (YYYYMMDD): 2004 08 19 3. TIME: 2015 4. FILE NUMBER:

5. GRADE/STATUS: (b)(7)(C) 6. SSN: (b)(6) - SSN 7. GRADE/STATUS: (b)(7)(C)

8. ORGANIZATION OR ADDRESS: (b)(3) - 10 USC 1305 Camp Junction City APO AE 09394

9. I, (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

See Attached questions and answers dated 19 Aug 04.

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

9. STATEMENT (Continued)

*Nothing follows*

AFFIDAVIT

I, **(b)(7)(C)**, 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.

**(b)(7)(C)**  
(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19th day of August, 2004 at Canton, Vermont, USA

**(b)(7)(C)**  
(Signature of Person Administering Oath)

**(b)(7)(C)**  
(Typed Name of Person Administering Oath)

*Investigative Officer*  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

(b)(7)(C) Statement - 19 Aug 04

Q. Did you ever strike (b)(7)(C) with any part of your body? If so, how did you strike him?

A. NO

Q. Did you ever use an electronic shocking device on any part of (b)(7)(C) at any time? If so, what part of his body did you use the device on?

A. NO

Q. Did you see anyone use an electronic shocking device on any part of (b)(7)(C) at any time? If so, what part of his body did you see the shocking device being used on?

A. NO (b)(7)(C)

Q. Did you jump on (b)(7)(C) at any time during his questioning?

A. NO

Q. Did you see anyone on (b)(7)(C) at any time during his questioning?

A. NO (b)(7)(C)

Q. If so, who did you see jumping on (b)(7)(C)? Where did this take place?

A. NO, N/A (b)(7)(C)

Q. Who questioned (b)(7)(C) after his return to the 501st BN ING Headquarters?

A. Myself, (b)(7)(C), Special agent (b)(7)(C)

Q. Did you have any physical contact with (b)(7)(C) before, during, or after the questioning sessions? If so, please describe the incident.

A. NO (b)(7)(C)

Q. Did you have any physical contact with (b)(7)(C) on the day you turned him in to the Ar Ramadi Detention Facility? If so, please describe the incident.

A. yes, I place Zip ties on his Arms and blind folded him (b)(7)(C)

Q. How long did you detain (b)(7)(C) before being turned over to the Ar Ramadi Detention Facility?

A. about 11-13 day (b)(7)(C)

Q. How and where was (b)(7)(C) detained until being turned over to the Ar Ramadi Detention Facility?

A. at the ING Camp; Camp Ramadi (b)(7)(C)

Q. How did you transport (b)(7)(C) to the Ar Ramadi Detention facility? Discuss the vehicle used and the physical state of (b)(7)(C)

A. My NTV (b)(7)(C)

Q. Who transported (b)(7)(C) to the Ar Ramadi Detention Facility?

A. Myself; (b)(7)(C) (b)(7)(C)

Q. Did anyone strike (b)(7)(C) before, during, or after being transported to the Ar Ramadi Detention Facility?

A. NO (b)(7)(C)

Q. Did you ever strike (b)(7)(C) with any part of your body? If so, what part of your body did you strike him with?

A. NO (b)(7)(C)

Q. Did you ever use an electronic shocking device on any part of (b)(7)(C) at any time? If so, what part of the body did you use the shocking device on?

A. NO (b)(7)(C)

Q. Did you see anyone use an electronic shocking device on any part of [REDACTED] at any time? If so, what part of the body was the shocking device used on?

A. NO [REDACTED]

Q. Did you jump on [REDACTED] at any time during his questioning?

A. NO [REDACTED]

Q. Did you see anyone on [REDACTED] at any time during his questioning?

A. NO [REDACTED]

Q. If so, who did you see jumping on [REDACTED]? Where did this take place?

A. N/A [REDACTED]

Q. Who questioned [REDACTED] after his return to the 501st BN ING Headquarters?

A. Myself, (b)(7)(C), and (b)(7)(C), Special Agent [REDACTED]

Q. Did you have any physical contact with [REDACTED] before, during, or after the questioning sessions? If so, please describe the incident.

A. NO [REDACTED]

Q. Did you have any physical contact with [REDACTED] on the day you turned him in to the Ar Ramadi Detention Facility? If so, please describe the incident.

A. yes, I placed zip ties on his arms; blindfolded him [REDACTED]

Q. How long did you detain [REDACTED] before he was turned over to the Ar Ramadi Detention Facility?

A. about 14 days [REDACTED]

Q. How and where was [REDACTED] detained until being turned over to the Ar Ramadi Detention Facility?

A. at the ING, Camp Ali [REDACTED]

Q. How did you transport [redacted] to the Ar Ramadi Detention facility? Discuss the vehicle used and the physical state of Akram.

A. *my* UTV [redacted] (b)(7)(C)

Q. Who transported [redacted] to the Ar Ramadi Detention Facility?

A. *myself* [redacted] (b)(7)(C) [redacted] (b)(7)(C)

Q. Did anyone strike [redacted] before, during, or after being transported to the Ar Ramadi Detention Facility?

A. *NO* [redacted] (b)(7)(C)

Q. Describe what happened when you took [redacted] to call his brother.

A. *I asked* [redacted] (b)(7)(C) *if I could use his phone in order to allow* [redacted] (b)(7)(C) *to call his family. He used the phone, but acted like he forgot the number. after several attempts, he contacted his father. He told his father to bring the money to Camp Ali* [redacted] (b)(7)(C)

Q. Did you strike or make any bodily contact with [redacted] at any time before, during, or after the call to his brother?

A. *NO; yes, I held him by his arm (left) and escorted* him [redacted] (b)(7)(C)



Q. Where did you take (b)(7)(C) when he was done calling his brother?

A. (b)(7)(C) 706 (b)(7)(C)

Q. Describe the 501st ING Detention Cell?

A. it is a Room with 2 locks and a Window (b)(7)(C)

Q. Are there any windows in the cell?

A. yes (b)(7)(C)

Q. Was (b)(7)(C) flex-cuffed at any time during his interrogations?

A. NO (b)(7)(C)

Q. Is there a Mosque or some type of prayer room in the 501st BN ING headquarters? If so, describe the room and its location.

A. There is a prayer room. The Prayer Room has Electricity and Windows. (b)(7)(C)

Q. Was (b)(7)(C) taken to either the Mosque or prayer room during any of his interrogations or at any time during his detention?

A. No (b)(7)(C)

Q. Did you provide food and water to both (b)(7)(C) and (b)(7)(C) while they were being kept at the 501st BN ING headquarters?

A. yes, 3 meals per day (LARD) and sometimes chicken. water was bottled water (b)(7)(C)

Q. Who was responsible for feeding and providing water to both (b)(7)(C) and (b)(7)(C)?

A. myself? (b)(7)(C) (b)(7)(C)

Q. Did you ever punish any other soldiers for trying to help either (b)(7)(C) or (b)(7)(C)? If so, how did you punish these other soldiers?

A. yes; The Soldier was trying to break to door; he was given them Cigarettes. The ING officer detained him for 2hr

Q. What did you have (b)(7)(C) and (b)(7)(C) while they were detained at the 501st BN ING Headquarters?

A. Nothing, just sit around. (b)(7)(C)

Q. Were (b)(7)(C) and (b)(7)(C) kept in the same detention location or were they kept apart while they were being detained at the 501st BN Headquarters?

A. They were kept together the whole time (b)(7)(C)

(b)(7)(C)

*Nothing follows*

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

9. STATEMENT (Continued)

Q. Has the detention cell ever been used by (b)(7)(C) as an office? If so, when was it converted to a detention cell?

A. No, it was NEVER used as an office (b)(7)(C)

Nothing follows

AFFIDAVIT

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

(b)(7)(C)  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of August, 2007 at Camp Ramoth, Iraq

\_\_\_\_\_

(b)(7)(C)  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

\_\_\_\_\_

(b)(7)(C)  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

\_\_\_\_\_

Investigative Officer  
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(7)(C)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 201; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Ali, Iraq
2. DATE (YYYYMMDD): 2004 08 20
3. TIME: 13:36
4. FILE NUMBER:

5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(7)(C)
6. SSN: (b)(6) - SSN
7. GRADE/STATUS: (b)(7)(C)

8. ORGANIZATION OR ADDRESS: (b)(3) - 10 USC 130b Camp Junction City KS

I, (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. Did you see anyone (i.e. interpreter, family members or sheiks) strike or hit (b)(7)(C) or (b)(7)(C) in any way? If so, please describe the incident.
A. No (b)(7)(C)

Q. Did you have (b)(7)(C) or (b)(7)(C) or both of them move rocks around Camp Ali while they were detained at the 501st BN Headquarters? If so, who did you have do which task?
A. No (b)(7)(C)

Q. After (b)(7)(C) was able to contact his family on the phone, did you take him to (b)(7)(C) office, your (b)(7)(C) office, or the detention cell?
A. YES, I TOOK him to the detention cell (b)(7)(C)

Q. Did you have (b)(7)(C) or (b)(7)(C) or both of them clean the latrines after using them and pick up their trash that was left outside? If so, who did you have do which task?
A. YES; (b)(7)(C) family brought change of clothes for them. They took showers and afterwards they cleaned up after themselves. I gave them clove and made them clean up afterwards (b)(7)(C)

Q. Did you rush (b)(7)(C) head into the door as you were leaving (b)(7)(C) office when (b)(7)(C) was done with his phone call?
A. NO (b)(7)(C)

Q. How long have you been working at Camp Ali?
A. 6-7 month (b)(7)(C)

Q. Were you working at Camp Ali during the construction of the 501st BN ING Headquarters?
A. YES (b)(7)(C)

Q. Did the detention cell have a window in it when the 501st BN ING Headquarters was constructed?
A. YES (b)(7)(C)

Q. Were you involved in the construction of the 501st BN ING Headquarters? If so, in what capacity?
A. yes, I had it Contracted. (b)(7)(C)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(7)(C)
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.

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

**WARNING** - Inform the suspect/accused of:

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., 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.

**FOR DISCRIMINATING 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 fact 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 advice.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the waiver 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 temporarily. 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)

REVERSE OF DA FORM 386f

USAPA V2.01

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

Use of this form, use AFM 188-30; the passport agency uses CSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 30121g)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION <i>Camp Ramadi, Iraq</i>	2. DATE <i>19 AUG 04</i>	3. TIME <i>19:57</i>	4. FILE NO.
5. NAME (Last, First, MI) <i>(b)(7)(C)</i>	6. ORGANIZATION OR ADDRESS <i>(b)(3) - 10 USC 130b</i> <i>AD AE 09394</i>		
7. GRADE/STATUS <i>(b)(7)(C)</i>	8. SOCIAL SECURITY NUMBER <i>(b)(6) - SSN</i>		

**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 *(b)(6) - 10 USC 130b* and wanted to question me about the following offense(s) of which I am suspected/accused: *Article 128 - Assault*

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.

**B. 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)	<i>(b)(7)(C)</i>
b. ORGANIZATION OR ADDRESS AND PHONE	<i>(b)(7)(C)</i>
2a. NAME (Type or Print)	<i>(b)(7)(C)</i>
b. ORGANIZATION OR ADDRESS AND PHONE	<i>(b)(3) - 10 USC 130b</i> <i>Camp Ramadi, Iraq</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. SIGNATURE OF INTERVIEWEE

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

PRIVACY ACT STATEMENT

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

1. LOCATION <b>CAMP AR RAMADI</b>	2. DATE (YYYYMMDD) <b>00040819</b>	3. TIME <b>20:25</b>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <b>(b)(7)(C)</b>	6. SSN <b>(b)(6) - SSN</b>	7. GRADE/STATUS <b>(b)(7)(C)</b>	
8. ORGANIZATION OR ADDRESS <b>(b)(3) - 10 USC 130b</b>			

9. I, **(b)(7)(C)** WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
*See Attached questions and answers dated 19 Aug 04.*

*nothing follows*

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

9. STATEMENT (Continued)

*nothing follows*

(b)(7)(C)

**PERJURY**

I, (b)(7)(C), 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

(b)(7)(C)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19th day of August, 2004 at Camp Ramoth, Iraq

(b)(7)(C)

(b)(7)(C)

(Typed Name of Person Administering Oath)

*Investigating Officer*

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES



ILT Ilagan Statement -- 19 Aug 04

Q. Did you ever strike (b)(7)(C) with any part of your body? If so, how did you strike him?

A. No (b)(7)(C)

Q. Did you ever use an electronic shocking device on any part of (b)(7)(C) at any time? If so, what part of his body did you use the device on?

A. No (b)(7)(C)

Q. Did you see anyone use an electronic shocking device on any part of (b)(7)(C) at any time? If so, what part of his body did you see the shocking device being used on?

A. No (b)(7)(C)

Q. Did you insult or (b)(7)(C) at any time during his questioning?

A. No (b)(7)(C)

Q. Did you see anyone on (b)(7)(C) at any time during his questioning?

A. No (b)(7)(C)

Q. If so, who did you see jumping on (b)(7)(C)? Where did this take place?

A. No (b)(7)(C)

Q. Who questioned (b)(7)(C) after his return to the 501st BNLING HQ headquarters?

A. (b)(7)(C), myself, Special Agent (b)(7)(C), (b)(7)(C)

Q. Did you have any physical contact with (b)(7)(C) before, during, or after the questioning sessions? If so, please describe the incident.

A. No (b)(7)(C)

Q. Did you have any physical contact with (b)(7)(C) on the day you turned him in to the Ar Ramadi Detention Facility? If so, please describe the incident.

A. Only w/ placing the goggles & goggles on him. I retrieved them from the Detention Facility (b)(7)(C)

Q. How long did you detain (b)(7)(C) before being turned over to the Ar Ramadi Detention Facility?

A. 3-4 days approximately (b)(7)(C)

Q. How and where was (b)(7)(C) detained until being turned over to the Ar Ramadi Detention Facility?

A. In the 501st BN prayer room, w/ a bed, floor mats, & windows (b)(7)(C)

Q. How did you transport (b)(7)(C) to the Ar Ramadi Detention facility? Discuss the vehicle used and the physical state of (b)(7)(C)

A. In the White Land Cruiser, in the back. He sat in one seat & the other sat on the other side. His physical state was fine, he wasn't crying or talking (b)(7)(C)

Q. Who transported (b)(7)(C) to the Ar Ramadi Detention Facility?

A. Myself, (b)(7)(C) & our interpreter (b)(7)(C)

Q. Did anyone strike (b)(7)(C) before, during, or after being transported to the Ar Ramadi Detention Facility?

A. No (b)(7)(C)

Q. Did you ever strike (b)(7)(C) with any part of your body? If so, what part of your body did you strike him with?

A. No (b)(7)(C)

Q. Did you ever use an electronic shocking device on any part of (b)(7)(C) at any time? If so, what part of the body did you use the shocking device on?

A. No (b)(7)(C)

Q. Did you see anyone use an electronic shocking device on any part of [redacted] at any time? If so, what part of the body was the shocking device used on?

A. No [redacted] (b)(7)(C)

Q. Did you jump on [redacted] at any time during his questioning?

A. No [redacted] (b)(7)(C)

Q. Did you see anyone on [redacted] at any time during his questioning?

A. No [redacted] (b)(7)(C)

Q. If so, who did you see jumping on [redacted]? Where did this take place?

A. No [redacted] (b)(7)(C)

Q. Who questioned [redacted] after his return to the 501st BN ING Headquarters?

A. [redacted] (b)(7)(C) myself [redacted] (b)(7)(C), Special Agent [redacted] (b)(7)(C)

Q. Did you have any physical contact with [redacted] before, during, or after the questioning sessions? If so, please describe the incident.

A. No [redacted] (b)(7)(C)

Q. Did you have any physical contact with [redacted] on the day you turned him in to the Ar Ramadi Detention Facility? If so, please describe the incident.

A. Only when placing the goggles + goggles on him. I unraveled them from the detention facility [redacted] (b)(7)(C)

Q. How long did you detain [redacted] before he was turned over to the Ar Ramadi Detention Facility?

A. Approximately 1 week [redacted] (b)(7)(C)

Q. How and where was [redacted] detained until being turned over to the Ar Ramadi Detention Facility?

A. At the 501st BN HQ's prayer room, that was converted to hold him there. He had a bed, floor mats, + windows [redacted] (b)(7)(C)

Q. How did you transport [redacted] to the Ar Ramadi Detention facility? Discuss the vehicle used and the physical state of [redacted]

A. In the white Land Cruiser. He sat on one of the seats in the back. His physical state was fine, he easily stepped up into the truck & out when we arrived. (b)(7)(C)

Q. Who transported [redacted] to the Ar Ramadi Detention Facility?

A. Myself, (b)(7)(C), & our interpreter. (b)(7)(C)

Q. Did anyone strike [redacted] before, during, or after being transported to the Ar Ramadi Detention Facility?

A. No. (b)(7)(C)

Q. Describe what happened when you took [redacted] to call his brother.

A. We went to the 501st BN Cavalry office to use their phone. He called several times, informing us no one was answering. He had a small phone book & our interpreter tried some numbers in it too. After around 10-15 mins he got a hold of him.

Q. Did you strike or make any bodily contact with [redacted] at any time before, during, or after the call to his brother?

A. No. (b)(7)(C)

Q. What did you have (b)(7)(C) and (b)(7)(C) do while they were detained at the 501st BN ING Headquarters?

A. Clean the bathroom after they showered & took care of their MRE trash that was left outside in the patio (b)(7)(C)

Q. Were (b)(7)(C) and (b)(7)(C) kept in the same detention location or were they kept apart while they were being detained at the 501st BN Headquarters?

A. Same location (b)(7)(C)

*nothing follows*

Q. Where did you take [redacted] when he was done calling his brother?

A. Back to our [redacted] (b)(7)(C)

Q. Describe the 501st ING Detention Cell?

A. Large room w/ windows, floor mat (b)(7)(C)

Q. Are there any windows in the cell?

A. Yes (b)(7)(C)

Q. Was [redacted] ever handcuffed at any time during his interrogations?

A. No (b)(7)(C)

Q. Is there a Mosque or some type of prayer room in the 501st BN ING headquarters? If so, describe the room and its location.

A. At the end of the hall where my office is located at on the right side. Large windows, fairly large inside (b)(7)(C)

Q. Was [redacted] taken to either the Mosque or prayer room during any of his interrogations or at any time during his detention?

A. Yes (b)(7)(C)

Q. Did you provide food and water to both [redacted] and [redacted] while they were being kept at the 501st BN ING headquarters?

A. Yes, 3 meals a day + bottled water (b)(7)(C)

Q. Who was responsible for feeding and providing water to both [redacted] and [redacted]?

A. myself + [redacted] (b)(7)(C) (b)(7)(C)

Q. Did you ever punish any other soldiers for trying to help either [redacted] or [redacted]? If so, how did you punish these other soldiers?

A. Yes, one soldier was speaking something thru the door. We kept him in the room w/ the [redacted] for a couple hours. He left at the end of the day (b)(7)(C)

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 2851; E.O. 8397 dated November 22, 1943 (SSN)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Ali, Iraq
2. DATE (YYYYMMDD): 20040820
3. TIME: 17:03
4. FILE NUMBER:

5. LAST NAME FIRST NAME MIDDLE NAME: (b)(7)(C)
6. SSN: (b)(6) - SSN
7. GRADE/STATUS: (b)(7)(C)

(b)(3) - 10 USC 1302 APD AF 09394

8. I, (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. Did you see anyone (i.e. interpreter, family members or sheiks) strike or hit (b)(7)(C) or (b)(7)(C) in any way? If so, please describe the incident.

A. NO (b)(7)(C)

Q. Did you have (b)(7)(C) or both of them move rocks around Camp Ali while they were detained at the 501st BN ING Headquarters? If so, who did you have do which task?

A. NO (b)(7)(C)

Q. After (b)(7)(C) was able to contact his family on the phone, did you take him to (b)(7)(C) office, (b)(7)(C) office, or the detention cell?

A. (b)(7)(C) office (b)(7)(C)

Q. How long have you been working at Camp Ali?

A. Since January about (b)(7)(C)

Q. Were you working at Camp Ali during the construction of the 501st BN ING Headquarters?

A. YES (b)(7)(C)

Q. Did the detention cell have a window in it when the 501st BN ING Headquarters was constructed?

A. YES (b)(7)(C)

Q. Were you involved in the construction of the 501st BN ING Headquarters? If so, in what capacity?

A. YES, TO PAY CONTRACTORS (b)(7)(C)

Q. Has the detention cell ever been used for an office by (b)(7)(C) as an office? If so, when was it converted to a detention cell?

A. NO (b)(7)(C)

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

9. STATEMENT (Continued)

*nothing follows*

(b)(7)(C)

AFFIDAVIT

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

(b)(7)(C)

(ing Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of August, 2004 at Camp Ramadi, Iraq

(b)(7)(C)

(Signature of Person Administering Oath)

(b)(7)(C)

(Typed Name of Person Administering Oath)

*Investigative Officer*

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(7)(C)

PAGE 2 OF 2 PAGES



**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION Camp Ramadi, Iraq	2. DATE (YYYYMMDD) 2004/08/19	3. TIME 2120	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(7)(C)	6. SSN (b)(5) - SSN	7. GRADE/STATUS (b)(7)(C)	
8. ORGANIZATION OR ADDRESS (b)(3) - 10 USC 2011 Camp Ramadi, Iraq APO, AE 09394			

9. I, (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 19 Aug 04, I was informed by (b)(7)(C) that I was being instructed to reopen a previous 15-6 investigation that I had conducted. As I reviewed the statements in the case, I discovered that I was included in several of the alleged incidents. At 191600A UTC 04 I met with (b)(7)(C) to determine my qualifications or disqualifications for this 15-6 investigation. I informed (b)(7)(C) that I was present when the detainee first returned to Camp Ali. I was in the room and asked several questions. At no time during the questioning did anyone physically touch me. When it was determined that (b)(7)(C) was to call his family to get the money back and return to (b)(7)(C). (b)(7)(C) escorted (b)(7)(C) out of the room by placing a hand on (b)(7)(C) left arm and shoulder. Once (b)(7)(C) and (b)(7)(C) left the room, I finished up the questioning that I had for the 15-6 investigation I was conducting. I then returned to Camp Ramadi. I did not see what happened to (b)(7)(C) after he departed (b)(7)(C) office. I was also not present for any additional questioning of (b)(7)(C) or when (b)(7)(C) returned to Camp Ali on 22 Jul 04.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT  
(b)(7)(C)

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.

*Nothing Follows*

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

B. STATEMENT (Continued)

Nothing follows

I, (b)(7)(C) AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(7)(C) Signature of Person Making Statement

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31<sup>st</sup> day of August 2004 at Camp Ramadi, Iraq

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

(b)(7)(C) Signature of Person Administering Oath

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

(b)(7)(C) (Typed Name of Person Administering Oath) CPT, FA Authority To Administer Oath

INITIALS OF PERSON MAKING STATEMENT (b)(7)(C)

PAGE 2 OF 2 PAGES