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11. INITIALS OF PERSON MAKING STATEMENT PAGE

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT ____ DATED ____

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

DA FORM 2823, DEC 1998

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TIALS OF PERSON MAKING STATEM		PACE 3
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STATEMENT OF		TAKEN AT		DATED _ 2 .4 .17	04
9. STATEMENT (Continued)	3.2.1.6	•	Ĵ	b(6), b(6)	3)
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ITIALS OF PERSON MAKING STATE	MENT	<u> </u>		PAGE 7 OF 7	
GE 3, DA FORM 2823, DEC 1998				PAGE 3 OF 3	PAGES

What had been the previous detainee actions like:

DETHINED SEVERAL PEOPLE AT BEENLING OF MISSION IN HUTABI Merce THATIL HE COULD REMANSER. APREST SEARCH FLEXICUFF When did you detain the individual in question: LUTTH HERCHS MU? HE WAS IN CHENERAL AREA

Why was he detained (circumstances): Resisting? No New-BURGETIN FRABIC (DID NOT ENDERSTAN

Who initially detained him: 0170 6 Nowe C3.2.1.4 x1

I IMO CONTROL OF HONE ENTIRE TIME

Was he interrogated at all prior to the film or after: INTER AFTER DETAINED

Who interrogated him: NOT SURE

Was any paperwork filled out on him being detained:

NOT AWARE

Did he speak any English:

NO

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How long before the video had he been detained: ALMOST AT END OF MODER IS WHEN CENSISHM TI

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How was his treatment prior to and after the video:

PUSHED HIM WITEN HE KEPT TALILING

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When was he flexicuffed:

Who did it DUSSN'T KINSON

What happened after the video:

AWAGE OF VIDEO WATCHED AS VIDEO

TOUR CAMERA FROM AND DID MORE

MOVERN BACK TO HIS AREA Who else was in the immediate area:

Was he stuck again:

NOT AWARE OF

Where was he taken:

BRIDERY AFTER CRUSSING LIFE

Who took him there:

Was there any additional interrogation done:

Was the detainee humiliated in any other way:

ATT ANARE OF

Did anyone say anything to stop it:

No

Why was he released and how:

To your knowledge has there been any other incidents of mistreatment of detainees:

CLAIMS PECTLE AREND BUT CAN'T REMEMBER

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	WHERETY OF PLT of EVERYONE IN SOLD
Ų	Video When and How many times was the video shown to the platoon: N HUSABA ON CHOCELLY ON LAPTOP
	Who was there and who was not: SHUN TO PEOPLE IN 1472TOP
	Was it shown repeatedly:
	Who showed it:
	Did anyone narrate the video:
	What did they say:
	Was the showing of the video selective to certain individuals.
4	Was the video shown to anyone outside the platoon: 5 RE SAW IT
	What the demeanor or attitude when the video was being shown: THEVENT OF AS SOKE
	What was the feelings of the group toward the video:
	Were people laughing about it:
	Did they take it seriously or as a joke: Just
	To your knowledge who has copies of the video:
	When did you report it to the chain of command:

Why didn't you report it:

THOUGHT IT WAS A JOKE

Who in the chain of command had knowledge of this incident:

BELIEVES LT SAW IT

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer: When?

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 6(6), 6(3) AUTHORITY: Title 10, United States Code, Section 3012(g) PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval. ROUTINE USES: DISCLOSURE: Disclosure of your Social Security Number is voluntary. LOCATION DATE TIME (10) INF FILE NO. <u>7 ma Virg</u> NAME ORGANIZATION OR ADDRESS SSN GRADE/STATUS PART I'- RIGHTS WAIVER/NON-WAIVER CERTIFICATE Section A. Rights The investigator whose name appears below told me that he/she is with the United States Army HHC 3 and wanted to question me about the following offense(s) of which I am MISTATATINENT IC DETAINEE INCIDENT suspected/accused: Before heishe asked me any questions about the offensels), however, heishe made it clear to me that I have the following rights: 1. I do not have to answer any question or say anything. Anything I say or do can be used as evidence against me in a criminal trial. 3. (For personnel subject othe UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me; or both. (For civilians not subject to the UCM.): I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. COMMENTS (Continue on reverse side) Section B. Waiver I understand my rights as stated above. I am now willing to discuss the offensels) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. WITNESSES (If available) SIGNATURE OF INTERVIEWEE A 6 3.2.1.6 NAME (Type ia. ORGANIZATION OR ADDRESS AND PHONE SIGNATURE OF INTE NAME (Type or Print) 2a. ORGANIZATION OR ADDRESS AND PHONE ORGANIZATION OF INVESTIGATOR 3 BDE 1015 ABN DIV Section C. Non-waiver I do not want to give up my rights

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

I want a lawyer

SIGNATURE OF INTERVIEWEE

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

I do not want to be questioned or say anything

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

- WARNING Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offensels).
 - 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 triat."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- Of -

(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?"

Iff 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 agot; obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

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COMMENTS (Continued)

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		WORN STATEMENT AR 190-45; the proponent agency is ODCSOPS	s
<u> </u>	PRI	IVACY ACT STATEMENT	
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PAGE 1 OF

PAGE 3, DA FORM 2823, DEC 1998

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Interview questions

Incident

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What was the mentality of the soldiers like: NERVENS ABOUT GOING DUE TO CURLENT STUATED. NORMAL DAY OF CREATIONS

How many other detainees had you delt with that day:

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What had been the previous detainee actions like:

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NOT AWARE OF PAFER WORK ON SITE

When did you detain the individual in question:
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EXY 3.2.1.4 Why was he detained (circumstances):

Resisting?

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SAID WHIS WIRE LET HIS & THEN CHARLED HIS MIND

WERKLY & SEENED SCARED DID NOT RESIST

Who initially detained him:

CAME OVER , WITH

Exb (3.2.1.6 Was he interrogated at all prior to the film or after:

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TOOK HIM TO BRADLEY WATCHED BY

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Was any paperwork filled out on him being detained:

Did he speak any English:

Who interrogated him: INTERP

How long before the video had he been detained:

WALKED WITH SED FOR MKSICH DURATION SPLACED IN BRANCEY.

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RELEASED AFIER HORS & MISSIGN 6(6), b(3)

How was his treatment prior to and after the video:
WALKED HIM W/ SGD INTER BY INTERP
NOT AWARE OF ANY BAS TRATMENT

C44.1.4

When was he flexicuffed: AFTER ADMITTING WARE LIES Who did it

What happened after the video:

Who else was in the immediate area:

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CULTURY T SEE EVERYONE WHILE IN WEST LINE

Was he stuck again:

DID NOT SEE HIM CET HIT WAS NOT PAYING ATTENTION TO DETHINE
Where was he taken.

TO BRADGET ON DICT ROAD

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Who took him there:

Was there any additional interrogation done:

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BELCINED TO HUM AND WANTED TO VEEP THEM.

Was the detained humiliated in any other way:

DIDN'T SEE ABUSE SAID HE WAS THURK DOWN

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Did anyone say anything to stop it:

Why was he released and how:

WAS NOT LANG AFTER 15 TO 30 MINS OF BEING PLACED

IN BRADLEY HE WAS FELETSED

To your knowledge has there been any other incidents of mistreatment of detainees:

NOT AWARE OF ANY MISTIREATIMENT

TALLED WITH HIM INTHUY BUT NOT MUCH

Video

When and How many times was the video shown to the platoon:

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SHOWN CONFUE OF TIMES IN TENT HARRE TOOK SCEPT

Cx4 C3.2.1.4 Who was there and who was not:

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Who showed it:

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Did anyone narrate the video: NOT AWARS

What did they say: ASICED PECRET IF THEY WANTED TO SEE

Was the showing of the video selective to certain individuals
Who EVER WAS AROND OR INTERESTED

Was the video shown to anyone outside the platoon:

NOT TO HIS KNOWLEDCE

What the demeanor or attitude when the video was being shown:

What was the feelings of the group toward the video:

Were people laughing about it:

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Did they take it seriously or as a joke:

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To your knowledge who has copies of the video:

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When did you report it to the chain of command:

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer: When?

Some PEOPLE THINK IT IS MESSED UP BEING AN INVESTIGATION NOTHING PRACLY HAPPENED

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	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 ISSNI. PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. Disclosure of your social security number is voluntary.
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DA FORM 2823, DEC 1998

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT ____ DATED

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8. ORGANIZATION OF	ADDRESS				· · · · · · · · · · · · · · · · · · ·
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When and How many times was the video shown to the platoon:

THE SAW VIDEO MANTH ACCO. IN BARRACICS

DESKTOP IN HIS RIZM

court

Who was there and who was not:

73.2.1.b

Was it shown repeatedly: Λ/ℓ

Who showed it:



Did anyone narrate the video: NO, SHOWING- NDECS FROM IRAQ

What did they say: NOTHING

Was the showing of the video selective to certain individuals:

Was the video shown to anyone outside the platoon:

What the demeanor or attitude when the video was being shown: DDN'T GIVE IT ANY REAL CONSIDERZATION

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke:

To your knowledge who has copies of the video:

When did you report it to the chain of command:

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer: When?

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

PRIVACY	ACT	STAT	FEMENT
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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)

4. FILE NUMBER

7. GRADE/STATUS

8. ORGANIZATION OF ADDRES

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

TIME

Sou the video sometime in April in the B= 312 PII CP. There was a number of people in there I well myself might have been more people in there at the time. The clost excell who was showing the pictures but when the pertures were being showed and everything started to remain as and then when the video clip was shown must partle just laughent. Most paople didn't think much of it

Joth by Followe S

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _

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

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Video

When and How many times was the video shown to the platoon:

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Who was there and who was not:

& SEVERAL CITIENS

Was it shown repeatedly: This Take Time

Who showed it: Den'T KNOW PENFOUNDE ALL PICTURES FROM PLACE

Did anyone narrate the video: Non

What did they say: LAUCHED

Was the showing of the video selective to certain individual's NO

Was the video shown to anyone outside the platoon: NET AWHEE A

What the demeanor or attitude when the video was being shown: Little To IT (Fi

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke: SomeThing STAID

To your knowledge who has copies of the video: アンタショスレミ

When did you report it to the chain of command:

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

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Why was the video deleted off the computer: When?

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ζ,	For use of this form, s	SWORN STATEMENT see AR 190-45; the proponent a	gency is ODCSOPS	6(6), 6(3)
<u> </u>		PRIVACY ACT STATEMENT	<u> </u>	<u> </u>
AUTHORITY:	Title 10 USC Section 301; Title		7 dated November 2:	2, 1943 <i>(SSN)</i> .
PRINCIPAL PURPOSE:	To provide commanders and law	enforcement officials with mea	ins by which informa	tion may be accurately
ROUTINE USES:	Your social security number is us	sed as an additional/alternate mo	eans of identification	to facilitate filing and retrieva
DISCLOSURE:	Disclosure of your social security			
1. LOCATION		2. DATE (YYYYMMDD) 20040507	3. TIME 2245	4. FILE NUMBER
5. LAST NAME		6. SSN		7. GRADE/STATUS
8. ORGANIZATION OR	ADDRESS IN RN E	El Caral II YV II	2223	
9.	7,5 15,7	T. Campholl KY 40		
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and such so	many time & places to	hol I am well sinks	e adexiate	detes & places.
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O. EXHIBIT		11. INITIALS OF PERCENT	STATEMENT	
		11. INTIALS OF	SIMIEMENT	
TO. EXTERNI		<u> </u>		PAGE 1 OF Z PAGE

MUST BE BE INDICATED.

The state of the s		b(6), b(3)
ATEMENT OF	TAKEN AT DAT	TED 120 07 2004
CTATCHENT (Continued)		
STATEMENT (Continued)		7
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A		
5	AFFIDAVIT	<u> </u>
	HAVE READ OR HAVE HAD REA	D TO ME THIS STATEMENT
WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE BY ME. THE STATEMENT IS TRUE. I HAVE INITIAL	FULLY UNDERSTAND THE CONTENTS OF	THE ENTIRE STATEMENT MA
CONTAINING THE STATEMENT I HAVE MADE THIS	S STATEMENT FREELY WITHOUT HOPE OF BENE	EU OR REMARO MITCHOUT
THREAT OF PUNISHMENT, AND WITHOUT COERCIN	N, UNLAWFUL INFEDENCE OR THE AVERAGE DROP	JC WILWIS
	Isignature of Pers	on Making Statement)
	Subscribed and sworn to before	o man a parcon authorized by l
WITNESSES:	administer oaths, this de	
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ONOTONE CHOCK BUT TO THE		of the same of the
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	(Typed Name of re	rson Administering Oath)
	1 INVESTIGATING	
ORGAÑIZATION OR ADDRESS	1 INVESTIGATING	

6(6), 6(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY:

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

PRINCIPAL PURPOSE:

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

ROUTINE USES:

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

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION
By NO 3/127

2. DATE (YYYYMMOD)

3. TIME

4. FILE NUMBER

あっ Ad 3 3/37 5. LAST NAME, FIRST NAME, MIDDLE NAME 7004 02 07 F/8

((, 4))

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9.

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

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10. EXHIBIT

11. INITIAL COF PERSON MAKING STATEMEN

PAGE 1 OF Z PAG

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.

<u>Video</u>

When and How many times was the video shown to the platoon:

DIDE'T SEE VIDEU WTIL CHAIN OF COMMAND SHOWED HIM

Who was there and who was not:

Was it shown repeatedly:

Who showed it: BY 156-

Did anyone narrate the video:

What did they say:

Was the showing of the video selective to certain individuals

Was the video shown to anyone outside the platoon:

What the demeanor or attitude when the video was being shown:

What was the feelings of the group toward the video:

Were people laughing about it:

Did they take it seriously or as a joke:

To your knowledge who has copies of the video:

When did you report it to the chain of command:

Why didn't you report it:

Who in the chain of command had knowledge of this incident:

Co C WANTED TO DEAL WY RICHT AWAY

Did the chain of command take any action regarding this incident at the time it happened or after they became aware of it:

Has this incident been discussed to anyone outside of the unit to your knowledge:

Why was the video deleted off the computer: When?

STEN AS CUITE SERIOUS

PISS POOK JUDGEMENT

(BELIEVES) NO MALICIOUS INTENT DY SOLDIERS AR 15-6 Investigation Report Kristopher Macavay



55#5) Names, ranks, unitadaresses, and
DEPARTMENT OF THE AR (CO. 1) IST ARMORED DIVISION OFFICIAL

APO AE 09324-3054

redacted IAW

b(6), b(3)

throughout investigate

AETV-THZ

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: Relief for Cause,

The Regimental Commander's recommendation that ' for cause is denied.

be relieved



DEPARTMENT OF THE ARM Headquarters, 2d Armored Cavalry Regiment APO-AE 09322



AFZX-C-CO

b(+), b(2)

23 August 2003

MEMORANDUM FOR

SUBJECT: Notification of AR 15-6 Investigating Officer's Report

1. I have reviewed the Investigating Officer's report into alleged detainee abuse by soldiers in your platoon. I concur with investigating officer's findings. While serving as the platoon sergeant, you mistreated Iraqi detainees who were under your control.

2. I have provided you with a copy of this AR 15-6 investigation. Before I take final action on this matter, you will be afforded an opportunity to submit a reply to the investigating officer's report in writing and submit relevant rebuttal materials. I will review and evaluate your response before I take final action on this report. You will have three days from the date you receive this memorandum to submit your reply and rebuttal.

3. You are suspended from your platoon serve pt duties pending resolution of this matter.

Encl.

Ref memo 01-coll-101, oltel 9 Theses



DEPARTMENT OF THE ARMY 2D ARMORED CAVALRY REGIMENT APO AE 09322



REPLY TO ATTENTION OF:

2 8 AUG 2003

5(6),6(3)

AFZX-C-JA

MEMORANDUM	FOR	RECORD
------------	-----	--------

SUBJECT: Chain of command recommendations of relief for cause of:

Light after earlier to the 2

1. On 28 AUG 2003, the soldier's company commander, that:

be relieved for cause.

2. On ______, the soldier's squadron commander, recommended that be relieved for cause.

3. On 28 AUG 2003, the soldier's regimental commander, recommended that be relieved for cause.

4. POC is the undersigned at

Personal Info Reducted + 74 c dea of of Mino 01-cokk- 101

DEPARTMENT OF THE ARMY

2d Armored Cavalry Regiment APO AE 09322

AFZX-CB-EN

6(4)612

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: Investigating Officer's Report

I acknowledge receipt of the AR 15-6 investigating officer's report and accompanying memorandum from the Commander, 2d ACR. I acknowledge that I will have three days from today's date to reply to this report and to submit relevant rebuttal materials on my behalf.

I waive my rights to reply to this investigation in writing and to submit any rebuttal materials.

I request an opportunity to reply to this investigation in writing and submit rebuttal materials on my behalf.

DATE: 25 Aug 2003 9900 hrs



DEPARTMENT OF THE ARMY

84th Combat Engineer Company, 2d Armored Cavalry Regiment Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

27 August 2003

6/11 b/2

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

During the first week of June 2003, we first detained looters from the back of Camp Marlboro. At the time we (EN 27,EN22) took the looters to the CMOC, they told us they could not take them at the time, and told us to take them out and scared them. I told my translator to tell the looters they are going to the jail. After we told them they are going to jail, we took them to their house next to Camp Marlboro, turned them over to their family, and witnessed the detainee's father beat them front of us. When I saw this, I told all my squad leaders when we detain any looters we will take them back to their family. The second time we detained looters, I took them back to their house located down an ally. I didn't feel comfortable going down the alleyway and I didn't want my platoon to get ambushed, so I decided that the next time we detained looters I wasn't going to take them back to their house.

In mid June 2003, my platoon was on a mission to retrieve copper wire and drop off in the back of Camp Mariboro. We again detained looters from the back of Camp Mariboro. Instead of taking them to their house, I took them to the CMOC. At the time our ROE was not to shoot the looters. Only time we were authorized to shoot or kill anyone was when we felt our life or another soldiers' life was in danger, i.e.; someone is pointing weapon at you or get shoot at. That's what I understood about our ROE. It wasn't true because Bulldog element shot and killed one looter, and wounded at least two other people. When they shot and killed the looter, they put the dead body on the hood of a vehicle and took the body into Al-Thawra. When I took the looters from the back of Camp Marlboro I could have shot and killed them when they tried to run, but I didn't. I attempted to turn them over to Bulldog elements and let them take care of it. When I , and told him I have detained the walked into the CMOC (same location as Bulldog TOC) I saw (told me, "just take them back and beat the fuck out of them". I looters for them. At that time (was standing next to me and heard what was was shocked at what he just told me to do. \$ had just told me. I was going to just take. said. I walked out and told the squad leaders what said, if you want to teach them a them out of Camp Marlboro and release them. At that time § told me I really wasn't thinking lesson, why don't you strip them and send them away. When about striping the looters, but while I was taking the looters to the back of the camp, I realize these looters will return and possibly be killed by Bulldog elements. I didn't want that to happen to them, so when we stopped at the back of Camp Marlboro there was an empty building we went to. I wanted to just release to strip the detainee. I them but I feared that they would return. I made a bad decision and told ! know that it was not the right thing to do, but at the same time I wanted for the detainee to never want to return to our camp to steal. I never saw the same looters again after that striping.

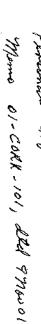
On 3 July 2003 we had a mission to pick up sodas for the squadron 4th July party. When we were coming back from picking up the sodas we saw looters at the back of Camp Mariboro. We tried to detain them, but they got away. EN22 had a flat tire, so I told EN22, EN23 to return back to camp. When EN23 came in to our AO, ' told me he had detained a looter after all. I told him we would just take him back later since dinner chow was almost ending. I told them to go to the chow, then we will take the looter back to the CMOC. didn't want to eat so he stayed back and watched the detainee. After I returned from chow, I was sitting on my cot, ' told me was bouncing a soccer ball on the detainees' head. I went to the back of the AO and asked: what the hell he was doing and told him not to dot that again. We took the detainee to the CMOC. When the entire platoon was back at our AO, I told them we would not abuse or miss treat detainees. When we do pick up any detainees in future we will just take them to the COMC.

man of - cock - 201, did 9 man of

Around mid July 2003, white we were returning from the RTOC, I saw a part on on the top of the telephone pole cutting wire. We stopped and detained them. I was with EN26, SIGO, when I detained the individuals and took them to the CMOC turning them over to Bulldog elements.

On 19 July 2003, we were going to the ASP. I saw a person pointing to a vehicle and copper wire on the sidewalk. It looked like someone stole the wire. I told EN21, EN22 to stop. When I walked up with my translator to try to find out where they got this copper wire, my translator told me it was stolen. I was trying to talk to the Iraqi citizen who owned the vehicle to find out where he got this wire from when he tried to push me or grab me. I felt like he was going for my weapon. I grabbed him and told my Driver to hand cuff him. While we were trying to put the handcuffs on, I heard gun shots coming from my left. I told stay and cuff the detainee. When I walked over to the vicinity the gunshot came from, I saw a person with an AK-47 ready to shoot again. The individual was aiming at EN21, I fired 3 shots and took him down. When I walked over to the body, I saw that it was a female, she was trying to get to the I took the AK-47 and took her to Camp Mariboro. AK-47 she dropped. shooter first AID, and she lived. Later we found out, from our translator who escorted the women through the medical channels, that the woman's brother was the shooter. After he ran she thought he was shot and brought out another AK-47. I feel that if I had not taken the actions I did, that she would have shot and possibly killed members of my platoon who could not see her. I know that what I did was wrong, I made a bad judgement call on stripping the looters. Kam ready to take responsibility for my action.





C



DEPARTMENT OF THE ARMY

84th Combat Engineer Company, 2d Armored Cavalry Regiment Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

28 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

. about two weeks after I was assigned to took over as the Platoon Leader. Since his first day, he has mentored and coached me to be a leader. His emphasis on taking care of the soldier and living the Army values has set a base for my development as an has demonstrated his ability to react to any officer. During Operation Iraqi Freedom. situation, ranging from helping a depressed soldier to calming upset citizens of Iraq. When the platoon was the first to make sure they were treated right. He would give started detaining locters, water to the thirsty and when informed of possible mistreatments, he talked to the platoon to make sure it would not happen. For a brief period looters were being shot when looter on the back of Camp Marlboro. felt it necessary to embarrass them to the When told to rough up, scare, and release detainees point they would not return to loot and possibly get shot. His decision was to make he detainee strip and y is aware that he walk home nude. The decision may not have been the best, but it worked. made a bad choice, but in that choice had saving the lives of the looters in his mind. He is a great asset to the platoon and should not be punished to the point of losing his position as Platoon Sergeant.

b(b), b(s)

VIOLATION OF THE UCMJ, ARTICLE 92:

Army, at or near Baghdad, Iraq, between 15 January 2003 and 15 July 2003, was derelict in the performance of his duties in that he willfully directed his soldiers to strip all clothing from a detainee, a person whose name is unknown, and release said detainee naked in public, when it was his duty not to do so.

Army, at or near Baghdad, Iraq, between 15 January 2003 and 15 July 2003, was derelict in the performance of his duties in that he willfully failed to process through the Civilian Military Operations Center (CMOC), a detainee in his custody, a person whose name is unknown, when it was his duty to do so.

	b(6), b(3)
UNITED STATES v.))) PRETRIAL AGREEMENT) (OFFER TO PLEAD GUILTY)
in the April E general Market April 1987)) 8 January 2004
))) (

1. I, the accused in a court-martial now pending, have examined the charges preferred against me, and all of the supporting evidence thus far provided by the government. After consulting with my defense counsel,

, and being fully advised that I have a legal and moral right to plead not guilty and to place the burden of proving my guilt beyond a reasonable doubt upon the prosecution, I offer to plead guilty to the following offenses:

CHARGE	<u>ARTICLE</u>	SPEC	<u>PLEA</u>
<u> </u>	92	100	Guilty
		2	Guilty

- 2. I offer to plead guilty, provided that the convening authority will approve the terms attached hereto as Appendix I. I understand that the terms of the Appendix are binding upon the convening authority only if my plea is accepted and if findings and sentence are entered pursuant to that plea. In offering to plead guilty, I state the following:
- a. I agree upon acceptance of this offer, to enter into a written stipulation of fact with the trial counsel as to the circumstances of the offenses. This stipulation may be used pursuant to this agreement to determine the providence of my plea and to inform the summary court martial officer of matters pertinent to an appropriate sentence. If my plea is not accepted, this offer to stipulate and the stipulation is null and void.
- b. This offer to plead guilty originated with me, and no person or persons have made any attempt to force or coerce me into making this offer to plead guilty.
- c. My defense counsel has advised me of the meaning and effect of my guilty plea, and I understand the meaning and effect thereof.
- d. I understand that I may request to withdraw this plea at any time before sentence is announced, and the summary court martial officer determines whether the request should be granted.
- e. I further understand that this agreement may become null and void upon the occurrence of any of the following events:

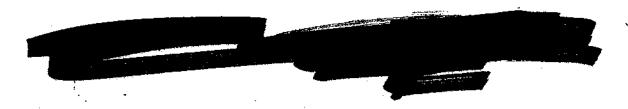
	b(b), b(3)
UNITED STATES	}
. v. .	APPENDIX I TO OFFER TO PLEAD GUILTY
N	8 January 2004
المناسب والمنافي المنافي المنا) }
) E))
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I, offer to plead guilty as stated in the Offer to Plead, provided the convening authority agrees to refer my case to a summary court martial. As part this offer to plea any other lawful punishment adjudged at the summary court martial may also be approved.

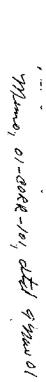


b(6),b(3)

- i) failing to agree upon the contents of a stipulation of fact with the trial counsel:
 - ii) my withdrawal from the agreement prior to trial;
- iii) the refusal of the summary court martial officer to accept my plea of guilty.
- 3. This agreement shall not be affected by dismissal of any specifications or charges by the summary court martial officer or upon motion by defense counsel.
- I agree to be tried by a summary court martial officer. By doing so, I freely choose not to exercise my forum right to have a panel of officers, commissioned or warrant, or a panel consisting of at least one-third enlisted members, to decide my guilt or innocence and determine an appropriate sentence.



Meno, 01-CORR-101, dtd 9 Hacol





DEPARTMENT OF THE ARMY HEADQUARTERS, FIRST ARMORED DIVISION BAGHDAD INTERNATIONAL AIRPORT COMPLEX UNIT 93054 APO AE 09324-3054

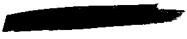
b(6), b(3)

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AETV-THZ

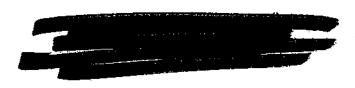
MEMORANDUM FOR Commander, 2^d Armored Cavalry Regiment, 1st Armored Division

SUBJECT: United States v.



- 1. I have reviewed the redacted charge. The accused now faces two specifications of willful dereliction under Article 92 of the Uniform Code of Military Justice.
- 2. I have also reviewed the offer communicated by defense counsel dated 8 January 2004. The accused has agreed to plead guilty as charged at a summary court-martial.

3. I accept do not accept the accused's offer to plead guilty.





15-6 Report Maltreatment of Detainees July — August 2003

REPORT OF PROCEDING	S BY INVESTIGAT is form, see AR 15-6; the p	ING OFFICER/BC	PD OF OFFIC	ERS (6) b((3)
IF MORE SPACE IS REQUIRED IN F	TUNG OUT ANY PORTIC	ON OF THIS FORM, A	TACH ADDITIONAL	SHEETS	
IF MORE STACE IS ICCOUNTED IN I	SECTION I - APPOI	NTMENT		<u> </u>	
	OLOTION: INCOM				Ì
A CONTRACTOR OF THE STATE OF TH			·		
Appointed by	(Appoint	ing authority)			
·					
on 28 JULY 2003 (Attach inclosure 1: Lette (Date)	r of appointment or summa	ry of oral appointment	data.) (See para 3-15	AR 15-6.)	:
	SECTION II - SES	SIONS			9
	Market Jane				
The (investigation) (board) commenced at Camp Marlbo	oro, Bagndad, Iraq (Place)		ar	(Time)	
	(1.100)			,	,
on 29 July - 8 Aug 03 (If a formal board met for ended, the place, persons present and absent, and explanation present: (After each name, indicate capacity, e.g., President,	more than one session, ch of absences, if any.) The t Recorder, Member, Legal I	following persons (me	n an inclosure the th mbers, respondents, co	me each session began wa ounsel) were	
			•		
		• •			
					0
•	2				Q
	•				
The following persons (members, respondents, counsel) were	absent: (Include brief exp	lanation of each absen	ce.) (See paras 5-2 an	a 5-8a, AK 15-0.}	
•					
	•				
					١
The (investigating officer) (board) finished gathering/hearing	evidence at	1800hrs	on	8 August 2003	
The unvestigating officer, food as made garage		(Time)		(Date)	1
and completed findings and recommendations at	1600hrs		_on10	August 2003	_
	(Time)			(Даяе)	
SECT	TION III - CHECKLIST FO	R PROCEEDINGS			- 3 11 21
A. COMPLETE IN ALL CASES			<u></u>	YES NO) INA
1 Inclosures (para 3-15, AR 15-6)			•	7.3	75
Are the following inclosed and numbered consecutively with	Roman numerals: (Attach	ed in order listed)			
a. The letter of appointment or a summary of oral appointm	ent data?	<u></u>		X	
b. Copy of notice to respondent, if any? (See item 9, below					- X
c. Other correspondence with respondent or counsel, if any		<u></u> ,		<u> X </u>	_
d. All other written communications to or from the appoint	ng authority?			X	-
e. Privacy Act Statements (Certificate, if statement provide	d orally)?			X	-
f. Explanation by the investigating officer or board of any u	musual delays, difficulties,	irregularities, or other	problems	×	
encountered (e.g., absence of material witnesses)?					
				1 1	1 \ / 1
g. Information as to sessions of a formal board not included	on page I of this report?				
g. Information as to sessions of a formal board not included h. Any other significant papers (other than evidence) relations FOOTNOTES: Y Explain all negative answers on an attached sheet.	on page I of this report? ag to administrative aspect	s of the investigation of	r board?		X X

		YES	ИΟΊ	NA¾
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered	X	}	
	exhibits and attached to this report?		-	
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X	_	
	b. Is an index of all exhibits offered to of considered by investigating or been reduced to written form and attached as c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as	_ ^_		
	an exhibit? d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is			X
	the location of the original evidence indicated?	- -		X
	the descriptions of diagrams included of locations visited by the investigating officer of board (parts 50), and			$\vdash \cap$
	f Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and talact an	X		
	ashibit or recorded in a vertation record?			
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter			X
	of which official notice was taken attached as an exhibit (part 5-10d, AR 15-0).			
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
÷				
_	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
4	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
5	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
6	Was each assence of any memory property Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			└
7	Were members, witnesses, teporter, and members who voted on findings or recommendations were not present when the board received some evidence, If any members who voted on findings or recommendations were not present when the board received some evidence,	} !		
8	does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	_}		
	does the majosine describe now that the president of the			
C.	COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?	1		
	b. Was the date of delivery at least five working days prior to the first session of the board?	 -		
	c. Does each letter of notification indicate -			
	(1) the date, hour, and place of the first session of the board concerning that respondent?		<u> </u>	
	(2) the matter to be investigated, including specific allegations against the respondent, if any?	 	-	
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?	+	 	
	(5) the respondent's rights to be present evidence, and call witnesses?	 		
	When the respondent provided a conv of all unclassified documents in the case file?	- - -	-	
	To there gives relevant classified materials, were the respondent and his counsel given access and an opportunity to examine mem.			
io	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):	_}		
	5 AP 15 612		 -	┼╼┥
	 a. Was he properly notified (para 5-2, AR 15-6)? b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)? 		<u> </u>	
11	Counsei (para 5-6, AR 15-6):	_	į.	
11	a. Was each respondent represented by counsel?			1
	Name and business address of counsel:	_88		
	Trainc and occurred vitaes v	_88		
	(If counsel is a lawyer, check here [])			
	The second of the property at all open sessions of the board relating to that respondent?			<u> </u>
	b. Was respondent's counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the	ł	1] ;
	action taken on it included in the report (para 5-6b, AR 15-6)?		<u>] </u>	
	action taken on it includes in the report of the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
12	If the respondent challenged the legal advisor of any voting includes for mean of the second			
	a. Was the challenge properly denied and by the appropriate officer?		_	
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			1
	Was the respondent given an opportunity to the board which deal with any matter which concerns that respondent? a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	- -		
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	-	-	-
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	 -		
	d. Call witnesses and otherwise introduce evidence?		 	
	e. Testify as a witness?		-	
	A Make or have his course) make a final statement or argument (para 5-9, AR 13-6)?		 -	1
4	If corrected, did the recorder assist the respondent in obtaining evidence in possession of the Government and in	Ì	}	
	arranging for the presence of witnesses (para 5-86, AR 15-6)?] -	
5	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an	{		1
	inclosure or exhibit to it (para 5-11, AR 15-6)?		i	
20	<u> </u>			
٠,	OOTNOTES: If Explain all negative answers on an attached sheet. 2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation.			

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

The (investigating officer) (board), having carefully considered the evidence, finds: find that soldiers of 2nd Platoon, 84th Engineers Company have committed detainee abuse.

The first incident was on or about the middle of June 03. An Iraqi civilian was detained in the fields behind Camp Marlboro. The Iraqi was trying to steal copper wire. He was arrested by members of 2nd Platoon. The detainee was then brought to the Civilian Military Operations Center (CMOC) for processing into the detention center. Upon 2nd Platoon's arrival at the CMOC, told the Platoon that he did not want any detainees at the CMOC. It was better for him to take the detainee away and to release recommended that the detainee be scared, beaten, or whatever the Platoon wanted to do to him. Sergeant 5 Ca, and C.C

lecided to take the detainee to an abandoned building behind Camp Marlboro. When they arrived ; to remove all gave an order to : took the detainee inside the building. They yelled and screamed at him. reseased the detainee after all of his clothing was removed the detainee's clothing. he clothing of the detainee.

emoved. Exhibits M, T, & U support these facts.

The second incident occurred a few days to a week later. The Platoon had detained two looters trying to steal copper wire. They took the to remove all of the clothing of the detainees. The detainees were released once all of their letainees to the same building behind Camp Marlboro. / told lothing was removed. Exhibits A, D, E, M, O, Q, T, & U support these facts.

The third incident occurred on the 3rd of July. The Platoon was tasked to get sodas for the Squadron's fourth of July party. On their way back to Camp Marlboro with the sodas, they were tasked to chase looters away from the back fields. ENG23 captured a looter. ENG23 was then told to take the detainee back to the Engineers barracks on Camp Marlboro. ENG23 arrived at the barracks and the detainee was emoved from the back of the truck and placed up against the wall. ; admitted to hitting the detainee and stated in his sworn statement that others also hit the detainee. Exhibits B, D, E, G, H, I, K, L, M, O, Q, R, T, U, Z, & AA support these facts. y. In addition,

Three soldiers wrote sworn statements of the use of an M34 blasting device to shock Iraqi detainees. Exhibits B, D, I, W, & Y support hese statements. However, during further investigation, the accused denied any use of the M34 blasting device to shock any Iraqi letainee. Exhibits M, U, V, X, &, Z support these statements.

was implicated in numerous alleged questionable actions. These n addition, during the course of this investigation, illeged actions are serious and are detrimental to the overall mission. Exhibit T supports this statement.

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

n view of the above findings, the (investigating officer) (board) recommends: At a minimum the unit:

- 1. Enforce patrol and mission debriefs at the Troop level at a minimum. For more significant events a debrief should be conducted by the 3-2.
- for his poor judgement, lack of battlefield composure, and loss of military discipline and professionalism as a senior noncommissioned officer. Continued performance like this could result in an uprising of the citizens of Iraq against US Forces
- >. Refine and clarify the ROE and treatment of detainees. Conduct a stand down day to refocus the Troops and establish clear procedures for processing detainees.
- alleged actions. 1. Appoint an Investigating officer in commensurate grade or higher to conduct an inquiry of

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	S' ON VI - AUTHENTICATION (para 3-17, AR 15-6) The CONTRACTE (If any voting member or the reder fails to sign here or in Section VII
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IS REPORT OF PROCEEDINGS IS COMPLI ow, indicate the reason in the space where his :	signature should appears
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	SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)
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DEPARTMENT OF THE ARMY Headquarters, 2d Armored Cavalry Regiment Unit 92401 APO AE 09322-2401



AFZX-C-CO

28 July 2003

MEMORANDUM FOR RECORD

SUBJECT: Appointment of Investigating Officer

- 1. , you are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances involving alleged detainee abuse by soldiers assigned to the 84th Engineer Company.
- 2. In your investigation, all witness statements will be sworn. From the evidence, you make findings of fact.
- 3. Submit four copies of your findings on DA form 1574 to this headquarters, ATTN: AFZX-C-RS1, within 3 days.

FOR THE COMMANDER:

SIGNATURE OF INTERVIEWEE

2.

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

BSAPA 2.01

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'S WARNING PROCEDURE/WAIVER CERTIF. TE

t of this form, see AR 198-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

b/6), b(3)

AUTHORITY:

PRINCIPAL PURPOSE:

Title 10, United States Code, Section 3012(g) To provide commanders and law enforcement officials with means by which information may be accurately identified.

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

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DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

TTS WARNING PROCEDURE/WAIVER CERTIF. $ar{\iota}$ use of this form, see AR 198-30; the proponent agency is ODCSOPS b(6), b(3) DATA REQUIRED BY THE PRIVACY ACT Title 10, United States Code, Section 3012(g) To provide commanders and law enforcement officials with means by which information may be accurately identified AUTHORITY: Your Social Security Number is used as an additional afternate means of identification to facilitate filing and retrieval. PRINCIPAL PURPOSE: HOUTINE USES: Disclosure of your Social Security Number is voluntary. DISCLOSURE: FILE NO. GRADEISTATUS PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE Section A. Hights and wanted to question the about the following offense(s) of which I am The invertion Before the laked me any questions about the offense(s), however before 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 exidence against me in a criminal trial (For personnel subject othe UCM) 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 UCMS) 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 offensels) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. COMMENTS (Continue on reverse side) Section B. Waiver i understand my rights as stated above. I am now willing to discuss the offensels) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. SIGNATURE OF INTERVIEWEE WITNESSES (If available) NAME (Type or Print) SIGNATURE OF INVESTIGATOR ORGANIZATION OR ADDRESS AND PHONE NAME (Type or Print) 2a.

Section C. Non-waiver

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ORGANIZATION OR ADDRESS AND PHONE

SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

ORGANIZATION OF INVESTIGATOR

l do not want to be questioned or say anything

USAPA 201

DATA REQ	UIRED BY THE PRIVACY ACT	16/1/3/
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HORITY: Title 10, United States Code, Section 30 (2)g)	s with means by which information may be accurately identified	
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PART I- RIGHTS	WAIVERINON-WAIVER CERTIFICATE	
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COOR-101, dtd 9 Nov 01

	SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is BOCSO.	b(6), b(3)
AUTHORITY: PRINCIPAL PURPOSE:	PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.D. 9397 dated November 22, 1943 (SSN). To provide commanders and law enforcement officials with means by which information may be accurately number is used as an additional alternate means of identification to facilitate filing.	rately identified. g and retrieval.
ROUTINE USES: BISCLOSURE:	Disclosure of your social security number is voluntary. 2. DATE (YYYYMMOD) 3. TIME	4, FILE NUMBER
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ON THE THIRD OF JULY, THE SUPPOSIVE TIME A RERTAIN INSIDENT MAY HAVE HAPPENED I WAS ON MY WAY TO THE BAY, TO CHECK A BUSTED HUB SEAL AND A CLASS TWO TRANSFER LEAR, AFTER WAITING AN HOUR - HOUR & 1/2 I WAS BROXING LATE A SLOT IN THE BAY WHERE I WAS TURNED AWAY, AFTER RETURNING FROM THE BAY I A AVE AN OBSTACLE OF 100 CASES OF SOLAS IN MY WAY SO THAT I CAN PARK MY VICTOR IN THE DESTINATED SPOT. SOME TEME AFTER THE 4TH OF JULY, ACTUAL DATE, IDON'T RECAL, MY PLATOON CAME IN CONTACT AND 27D CAME DATER COUGAR NET AND SAID THE WERE SHOT AT AND RETURNED FIRE. ZZ CAME ON GAVE AN EXPLANTION OF THE SHOOTING AND A GRID POINT, LATER THAT DAY SAPPER 6 TALKED TO THE MEN EMUOLVED, ONE-ON-ONE, THEN THE WHOLE PLATION ABOUT NOT BEATING IRAGI AND TO JUST TAKE THEM TO THE C-MOCK; BUT ABOUT THE SHOOTENG HEWAS PLEASED NOONE WAS HURT AND WE DETAINED THE SHOOTER.

10. EXHIBIT PAGE 1 OF	· · ·
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THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.	UCADA VI 88

DA FORM 2823, DEC 1998

8. ORGANIZATION OR ADDRESS

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AUTHORITY:	Title 10 USC Section 301; Title 5		/ACY ACT STATEMENT ; E.O. 9397 dated November 22	2 1943 (SSN).	
PRINCIPAL PURPOSE:	To provide commanders and law ex				ad.
ROUTINE USES:	Your social security number is used		•		
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SWORN STATEMENT

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

PRIVACY	STATEMENT	

AUTHORITY:

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

PRINÇIPAL PURPOSE:

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

ROUTINE USES:

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION 5. LAST NAME, FIRST NAME, MIDDLE NAME

3. TIME 2. DATE (YYYYMMDD) 2003 0801

4. FILE NUMBER

6. SSN

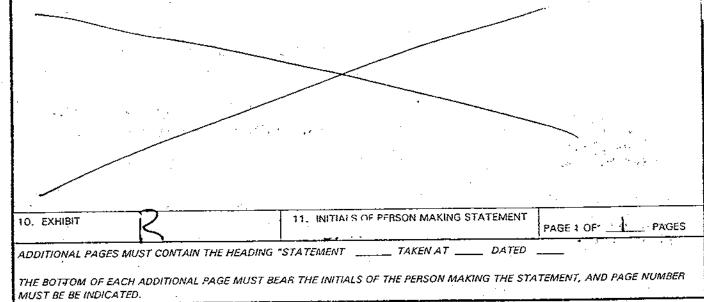
7. GRADE/STATUS

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WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The day we acrived to our Ao with an Iraqi, I was downloading the trailer of solas. I sow people take an Iragi out of 27 and 5st him against a wall. I then west to go and eat in the dow hall, when I returned, they were putting the Iragi back into 27 and the vehicle then left our Ao.

One day I was gunning on the 50 cal of ENDD. We arrived at a building behind our compound that I had never been do before. I stepped down into the back of 22 for a moment to drink some water and load M-16. When I stepped back up to the 50 cal, I noticed a Maked run by the vehicle. I took a bouble take and then we left the and returned to Camp Marlboro.



DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

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

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6(6), 6(3) 1514 Acs SWORN STATEMENT 1AUG 3 In the month of June 2003, 27,22, and 23 went to a designated spot behind Comp Parlhoro to drop of and download a trailor full of Stollen wire that we picked up in a neighborhood. When we arrived at the sight, there were about to boters that started running-I dismounted and chased the looters with 5. and in The looters were running away about Zett meters ahead of us, While chasing after Hem, to raised his weapon toward the looters and fired a ghot in their direction claimed it was a "varning that" - Nothing tolows Downstant.

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	For use of this form,	SWORN see AR 190	STATEMENT -45; the proponent	agency is ODCSOPS	b(b), b(3)		
		PRIVACY A	CT STATEMENT		,		
AUTHORITY:	Title 10 USC Section 301; Titl	e 5 USC Sec	tion 2951; E.O. 939	7 dated November 2	2, 1943 <i>(SSN)</i> .		
PRINCIPAL PURPOSE:	PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately						
ROUTINE USES:							
DISCLOSURE:	Disclosure of your social secur						
1. LOCATION CAMP MARLBORO	······································		TE (YYYYMMDD) 2003/08/01	3. TIME 1554	4. FILE NUMBER		
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1			WANT TO MAKE T	HE FOLLOWING STA	TEMENT UNDER OATH:		
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to do. So, we took the the detainee inside the looter was shot and ki I needed to teach him embarassment but at le Marlboro and instead the two guys take their On the 3rd of July my we were told to help pended up bringing the tire so they were fixin of the detainee. the Squad Leaders that because she had fired to the chest. We applie about how we had foll shoof them and our ROE at look.	e looter to a empty building in building yelled and screamed lled earlier this month and the a lesson. So, I told east he would be alive. We have the county of taking to CMOC we took in clothes off and run home. I platoon was tasked to pick uplick up looters in the rear field detainee back to our AO. I say the tire during this time. It chewed him out then to the we are going to tone this strummerous rounds with an AK ed first aid and took her to the lowed the ROE and did a good where to the county we have the co	er and drive the rear field at him the e guys who to strip the ad another if them to the p sodas for d. We ende poke with told the plat lift down. T 1-47. We re the Camps Ai digob. Tel	around a while, sold of Camp Marlt in I had to make a shot him was not he man and make a neident to where we same building and the SQDN Fourth dup catching one ind told boon to go to chow again chewed him wo weeks later we turned fire on the distation.	care him, beat him loro. Myself, decision of what I sounished. I didn't whim run home and I we detained two loothen Myself, of July party. On colooter. ENG23 action to wath had be out. We took the control woman. She receive came and spoil to the sackage of the	up, or whatever that we wanted took should do next. I heard that a want to kill him so I decided that appears to kill him so I decided that appears in the rear field of Camphad our way back to Camp Marlbornally caught the looter. ENG23 ch the guy. ENG22 had a flat bunced a soccerball of the head letainee to the CMOC. I told that we shot an Iraqi womaned four to five gunshot wounds act to the Platoon that afternoon		
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	SWO For use of this form, see AR	RN STATEME 190-45; the prop		ency is ODCSOPS	b(6),	6(3)	
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 Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. Disclosure of your social security number is voluntary.							
1. LOCATION CAMP MARLBORO,	2.	DATE (YYYYM) 2003/08/01	, ,	3. TIME 1700	4. FILE NUN		
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when we saw looters i	rpion we had finished picking up wing the rear field behind Camp Marlbore from the back of the trailers and the contract of the contrac	re in Eagle's sec oro. We chased then took them to	tor. We them down	MI and picked up MOC. We were or	k to Cmp to dr a total of 7 de ut on mission a	op off the wire tainees. We had leain and caught	
one looter stealing the him out and beat him old home. So he ran outsit to the building again a myself were in the building the checked the field for litruck got a flat tire. So into our AO with a de	re from the back of the trailers and to copper wire. We took him to the Clor do whatever you want to with him to strip the detainee of his clothed and went home. We had another and stripped them of their clothes and ilding. On the 3rd of July we had to ooters. There were looters in the back of we went back to Camp Marlboro a tainee in the back of the truck. I was ot changed ENG27 took the detainee	MOC to turn him . So, we took thes. fincident a few do I made them run go get sodas for ck field so we tri and I told my guy sn't around much	n in when his guy to followed ays later a home. It the 4th coiled to car	o a building in fice his orders. Then to where we detain both incidents for July party for the them. While the tire fixed. W	was told by eld behind the c i we released th ained two loote SQDN. On our trying to catch then we got bac	camp. the detainee to go are. We took them the way back we these looters my ck ENG23 came	
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PAGE 3, DA FORM 2823, DEC 1998

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	SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS
	PRIVACY ACT STATEMENT
	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
JRPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately
S:	Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
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8. ORGANIZATION OF ADDRESS 1

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This morning around 930 cameto meant asked me what I was going to say and said we all need to Tohave the same story.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF PAGES

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

DA FORM 2823, DEC 1998

AUTHORITY:

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PAGE 3, DA FORM 2823, DEC 1998

SWORN STATEMENT

	For use of this form, see	AR 190-45; the prop	onent agency is ODCSC)PS	
ALIXION TO		IVACY ACT STATEM			
AUTHORITY: Title PRINCIPAL PURPOSE: To pr	10 USC Section 301; Title 5	USC Section 2951; E.	O. 9397 dated Novemb	er 22, 1943 (SSN).	
FINCHAL FURFUSE: 10 pr	ovide commanders and law e	nforcement officials w	rith means by which info	ormation may be accur	rately
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		PRIVACY ACT STATEMENT		
AUTHORITY: T	Fille 10 USC Section 301; Title 5 USC Se	ection 2951; E.O. 9397 dated November 22,	1943 <i>(SSN)</i> .	
PRINCIPAL PURPOSE: T	To provide commanders and law enforcen	ent officials with means by which information	on may be accurately idea	rtified.
ROUTINE USES:	Your social security number is used as an	additional/alternate means of identification t	o facilitate filing and retri	ieval.
DISCLOSURE: 0	Disclosure of your social security number	is voluntary.		
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TO MAKE THE FOLLOWING STATEMENT UNDER DATH:

In the marring at a day which I can not recollect, but do know that it was poten to the Fourth of July, three trucks (22,23,27) from the 200 Platon 84th ENE CO went on a mission to pick up sodus for the squadron Fourth of July Restinities. I myself was riding on the back of 27 as hear security. When returning from the mission, one of our trucks spotted looters on the eastern side of RTE LEROS. We then began to chase the looters out into open fields, but after fifteen minutes of chasings decided to head back to Camp Marlboro . Upon returning to the camp, 23 called 27 on the net and asked him, what he should do with his detainee. Until we were inside the gades, 27 had regative knowledge of any detainees. What orders to 23 were are unclear. Once we returned to the warehouse, I dismonsted from the back of 27 and went to my cot to lay down. A few minutes later, I got up and went back to where the timeks were parked so that I could get some water out of 21. When I got to the back of the tranchouse, I heard a commotion. , and several other members of my platoon which I can not remember were Litting, Kicking, and tearing out the clothes of the Iraqi detainer. My feelings at the time were excitement. I went to my bunk to get a common, but when I returned, took the camera. I turned and went to my truck, 21, get the water which I had initially gone to the back for.

10. EXHIBIT AA	11 INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF	3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF	TAKEN AT DATED		
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STATEMENT OF

TAKEN AT Camp Mariboro DATED 8-8-03

9. STATEMENT (Continued)

I then decided to go back to where the detaince was alone with the detainer. ₩₩. the coaxed me into coming over and hitting the detainer. I went over and thumped the detainer on the head very lightly, which made laugh and call me a pussy. I can't begin to express how bad I felt for only that. That is when I went back to my cet for good. Roughly fifteen minutes later, 27 called for 21 and 23. to come and except him to the open area behind. Camp Marlboro. We escerted 27 and the detainer out to an abandoned building where the detainer would be stripped and later released. I myself was driving 21 at the time, and when we arrived at the building. I exited the truck and pulled security. I do not know the made the call to strip the detainee, but I do know that were in the building with the detainee. If there was someone else in the building, it is not to my knowledge. Once the detainer was released, we all went back to the

On another occasion, which secured several weeks after the first incident, three trunks (21,22,27) left camp Marlboro the explode several Uxos at the Pragoon ASP. When returning from the ASP, ene of our trucks again sighted a couple of looters. We then began to chase them. The looters managed to looters. We then began to chase them. The looters managed to escape safely, but decided to stop and investigate escape safely, but decided to stop and investigate further. At the time, I was driving 21, and upon stopping I got out and pulled security. Several minutes later, I walked got out and pulled security. Several minutes later, I walked to the back of my truck and witnessed, the back of my truck and witnessed and minutes the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and witnessed at the back of my truck and w

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PAGE 2 OF 3 PAGES

STATEMENT OF __

_ TAKENAT Cand Mallows DATED 8-8-03

Hey were doing this. My thoughts were that they had lost their minds. Several minutes later, we mounted back on to our trucks and drove across the street. Again s dismounted to further investigate the stolen wire. I again pulled security for 21.

I went to a nearby home and took from the owner a cooler and a burley tarp of some sort. They then came to

to burn the cooler and the bag. It wasn't until we had returned to the workhouse at camp Manlboro that I bust was informed as to why they had done these seemingly uncivil acts. Apparently, the truck which they had destroyed was carrying wire in the back, The cooler contained fuel which the thieves used to burn the wire, and the tarp is what the thieves used to hide the wire. After this incident, no other incidents took place to my knowledge.

:	
	(Signature of Person Making Statement)
ENESSES:	Subscribed and sworn to before me, a person authorized by law to
	administer paths, this day of Actors .
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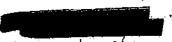
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AFZX-CB

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment, APO AE 09322

SUBJECT: Transmittal of Court-Martial Charges in the case of



2. I recommend:

- a Trial by Summary Court-Martial, () Special Court-Martial, () Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or () General Court-Martial.
 - b. Nonjudicial punishment under Art. 15.
- c. Nonpunitive administrative action. () Relief of duties for cause, () Letter of concern/nonpunitive reprimand, or () Administrative discharge proceedings.
 - d. That no action be taken at this time.



- 3 Encls
- 1. Charge Sheet
- 2. Allied Papers
- 3. Enlisted Record Brief

MEMORANDUM FOR Commander, 1st Armored Division, Baghdad, Iraq, APO AE 09324

SUBJECT: Transmittal of Court-Martial Charges in the case of

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2. I recommend:

- a. ____Trial by () Summary Court-Martial, () Special Court-Martial, () Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or () General Court-Martial.
 - b. ____Nonjudicial punishment under Art. 15.
- c. Nonpunitive administrative action. () Relief of duties for cause, () Letter of concern/nonpunitive reprimand, or () Administrative discharge proceedings.
 - d. ____ That no action be taken at this time



- 3 Encis
- 1. Charge Sheet
- 2. Allied Papers
- 3. Enlisted Record Brief

MEMORANDUM FOR Commander, 2d Squadron, 2d Armored Cavalry Regiment, APO AE 09322

SUBJECT: Transmittal of Court-Martial Charges in the case of Suppose First Charges

- 1. The attached court-martial charges against have been reviewed and are forwarded in accordance with R.C.M. 401, MCM (2002), for appropriate disposition.
- 2. Summaries of expected testimony and documentary evidence upon which the charges are based are attached.
- 3. All material witnesses are expected to be available at the time of trial.
- 4. Personal data of the accused is attached as a copy of the accused's Enlisted Record Brief.
- 5. The following additional personal data of the accused is provided:
 - a. Number of dependents in command: Two.
 - b. Previous disciplinary actions: None.
- 6. There is no record of prior court-martial convictions.
- 7. The soldier is not currently pending separation action under the provisions of AR 635-200.
- 8. I recommend:
- a. ___Trial by () Summary Court-Martial, () Special Court-Martial, () Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or () General Court-Martial.
 - b. Nonjudicial punishment under Art. 15.
- c. Nonpunitive administrative action. () Relief of duties for cause, X Letter of concern/nonpunitive reprimand, or () Administrative discharge proceedings.
 - d. ___ That no action be taken at this time.
- 3 Encis
- 1. Charge Sheet
- 2. Allied Papers
- 3. Enlisted Record Brief

From: Sent: To: Cc: Subject:	Monday, January 05, 2004 5:26 PM
ATTORNEY WORK PRO	DDUCT
here's my charging	suggestion based on my review of the 15-6 investigation:
VIOLATION OF THE UC	MJ, ARTICLE 92:
between 15 January 20 directed his soldiers to	hat 7, U.S. Army, at or near Baghdad, Iraq, 03 and 15 July 2003, was derelict in the performance of his duties in that he willfully strip all clothing from a detainee, a person whose name is unknown, and release said ic, when it was his duty not to do so.
to process through the	y, U.S. Army, at or near Baghdad, Iraq, 03 and 15 July 2003, was derelict in the performance of his duties in that he willfully failed Civilian Military Operations Center (CMOC), a detainee in his custody, a person whose n it was his duty to do so.
Have you dismissed / wit	hdrawn the 6 DEC 03 charges without prejudice? I'll need a copy of that for the file, please.
Please let me know whe come up.	s done with CH 10. Got a cohiba with your name on it up here when you
Thx.	

v/r,

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DD Form 458, ... - .

b(6), b(3)

Item 10, continued:

CHARGE III VIOLATION OF THE UCMI, ARTICLE, 92.

TO DECOS

____, U.S. Army, who know SPECIFICATION 1: In that L______ or should have known of his duties at or near Baghdad, Iraq, on or about between 15 June 2003 and 15 July 2003, was derelict in the performance of his duties in that he willfully failed to from committing assault consummated by battery, as it was his prevent ASSAULTING A detainer in custody, a possion whose duty to do. , U.S. Army, who knew SPECIFICATION 2: In that? or should have known of his duties at or near Baghdad, Iraq, on or about between 15 June 2003 and 15 July 2003, was derelict in the performance of his duties in that he willfully failed to 1 from committing assault consummated by battery, as it prevent

Assaulties a detainer is custody, in person whose warms was his duty to do. mykracus, 26 DEC#3) CHARGE DE VIOLATION OF THE UCMJ, ARTICLE, 128.

JEDEC43/

y, U.S. Army, did, at or THE SPECIFICATION: In that near Baghdad, Iraq, on or about between 15 June 2003 and 15 July 2003, unlawfully strike a detainee, A peason whose name is waknown.





66) h(3)

AFZX-C-CO

4 September 2003

MEMORANDUM FOR 09322

APO AE

SUBJECT: Recommendations for Action Regarding AR 15-6 Investigation

- 1. I have reviewed the AR 15-6 investigation into detainee abuse by soldiers in the ... I concur with the investigating officer's findings.
- 2. Based upon this investigation, I have recommended that the

suse for maltreating detainees.

- 3. In accordance with your recommendations, I am returning full authority to you to discipline I in a manner that you believe is appropriate.
- 4. Finally, I am concerned that soldiers from the
 Rules of Engagement for handling detainees and for using deadly force against intruders within
 your base camp. I direct you to evaluate your subordinates' understanding of the Rules of
 Engagement. Based upon your review, you may want to consider additional training on the
 Rules of Engagement and the law of war.

001475

DEPARTMENT OF THE ARMY



APU AC UTILL

REPLY TO ATTENTION OF

AFZX-C-JA

:2 8 AUG 2003

MEMORANDUM FOR RECORD

SUBJECT: Chain of command recommendation of relief for cause o:

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1. On 2 8 AUG THIS , the soldier's

recommended that

be relieved for cause.

2. On 28 AUG 2003 . the soldier'

recommended that

be relieved for cause.

3. On 2 8 AUG 2003, the soldier's

that

be relieved for cause.

4. POC is the undersigned at

/, recommended

30

001476

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



DEPARTMENT OF THE ARMY

Causi avec voi



AFZX-CB-EN

27 August 2003

MEMORANDUM FOR

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SUBJECT: Response to 15-6 Investigation

During Operation Scorpion Sting our whole platoon was attached to Eagle Troop. We assisted them in cleaning up the streets from copper wire in their sector. We spent two days doing that, and we would take at least 15 tuck loads of copper wire to the back of the camp each day. About one week later, we got a call from Cougar x-ray to go link up with Bagle Troop to go pick up some copper wire. When we got there we loaded up the copper wire into our trailers, and headed back to the camp were we had put the copper wire the week before. As we arrived to a support the copper wire the week prior.

1. and I chased

k told the platoon sergeant that he wanted to go after them again. He said ok. When got back from going after the looters, he came back with five detainees. We down loaded them and had them help the other two unload the trailers. I stayed at my truck because I was hurting from the heat. I also explained to my soldiers why we need to give the detainees water. Then, after we had them finish down loading the trailers, we took them to the CMOC.

That day that I said they saw me shock a detainee. The statements were false, I did not shock a detainee. After prought back the five detainees, was on the 27 truck as a M249 gunner, the stayed at ms truck like I did because he also was nurting from the heat. All of our trucks were arount hitly feet apart at the site facing the opposite way from each other pulline security. I never once, that I saw, got off of the truck he was on to do anything. I never saw come around my truck after arriving back at Camp Marlboro. He was a prior heat injury so he really did not move out of his truck unless it benefited him. I feel that both have had it out for me sense they both got moved from my squad.

Periodically we would go in the back entrance of the camp to see if we could catch looters in the back of the camp. On two occasions we detained looters. The first time, we took them to the CMOC were we attempted to hand them over to Bulldog elements. Bulldog 6 told my platoon sergeant that he didn't want them here. Then he told my platoon sergeant to "take them out back and beat the fuck out of them." I thought he was serious because every sense we had crossed the berm, it appeared that he had it out for the Iraqi people. We took the detainees to a building in back of the camp, and a team leader in the platoon told the platoon sergeant if he wanted to teach them we should strip them and send them on there way. We could have shot them because they said that they were breaching the outer perimeter. At the time we were way beyond the outer perimeter. We didn't make the outer perimeter until the first week in August. The ROE was to only shoot when you felt your life or another soldier's life was threatened or when fired upon. The Bulldog element was shooting the looters I thought that was to extreme at the time. Therefore, the platoon sergeant didn't want to shoot them and that is why they got stripped.

July 3, 2003 was the day that rought back a detained to the warehouse where we lived. I don't now why he did that, or what he was thinking when he brought him back. That day we went to go get cokes for the 4th of July party at the camp. When we headed back to the camp we entered into the back gate because I believe the front gate was closed due to the threat con. As we entered the back gate, there were Iraqi people running from were the copper wire was at. As we started to chase them I got a flat tire, so my truck stopped and we waited for the other trucks. We headed back to the camp and I went to get the spare three so my squad could fix the flat tire. When I came back had pulled in with a detained in the back of his truck. We unloaded him and out him next to the wall. The platoon sergeant sent everyone to chow sense it was about to be over.

b(6), b(3)

two soldiers of mine also stayed back that day so they change the tire. When soldiers in the platoon found out that rought back the detained they were going back there to take pictures. I told them to stop. I don't know what happen while I was at chow, but when we got done with chow we took the detained to the CMOC. When you come in the way we enter into the building, you can not see to the other half of the warehouse due to a camo net up between were we parked our trucks and were we live. So when I came back I couldn't see if anything was happening around the trucks.

I don't understand why only two people in the platoon said they saw me do something I didn't do. Everyone else in the platoon said they didn't see me do any of those things.

I admit to participating in the stripping of an Iraqi national. I know this was wrong. I am sorry for this and am-fully prepared to take responsibility for my actions and the consequences. I have not beat, kicked, or otherwise physically abused Iraqi nationals at any point in time during my time in theatre.

I have been in the Regiment for six of the seven years I have been in the Army. I deployed ahead of the Regiment with

Due in large part to my expertise in engineer operations and ability to make quick and sound judgments, I was selected as one of 10 engineers to accompany the squadron. My service to the country and Regiment is a source of great pride for me. I look forward to continuing to serve both as soon as possible.





DEPARTMENT OF THE ARMY ⁶ Combat Engineer Company, 2d Armored Cavalry Regiment Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

28 August 2003

MEMORANDUM FOR

SUBJECT: Response to 15-6 Investigation

I have worked with or approximately one year. During that year he served as the , performing well above the standards. When -t received deployment orders, 1 I was chosen to deploy ahead of the rest of the y. He was selected based on his knowledge on engineer task and his ability to make quick, sound decisions. These were characteristics needed to provide initial advice to the Squadron Commander and the TAC. lives of Iraqi citizens by destroying DPICM submunitions and other UXO's from neighborhoods in Iraq. He had always had the best interest of the locals in mind. The platoon started assisting Bulldog Company with looters on Camp Marlboro's "back 40" around mid June 2003. During this time involved with detaining several looters from the back 40. On one occasion, that I was present for, 3-4 looters were detained. We attempted to hand them off to Bulldog personnel and were told to take the looters out scare them, rough them up and release them. I return to our platoon AO and sent the others trucks out to release the torses. Just a day or two earlier a looter had been shot and killed on the back 40, I made a decision to make the detainee strip. This was done to embarrass the looter so he would not return to be shot and possibly killed. The decision mount have been the right one politically, but was effective on saving the lives of those looters. calizes that the wrong decision was made and is prepared to accept the consequences of his actions.



DEPARTMENT OF THE ARMY



AFZX-CB-EN

27 August 2003

MEMORANDUM FOR

SUBJECT: Response to 15-6 Investigation

During the first week of June 2003, we first detained looters from the back of Camp Marlboro. At the time we (EN 27,EN22) took the looters to the CMOC, they told us they could not take them at the time, and told us to take them out and scared them. I told my translator to tell the looters they are going to the jail. After we told them they are going to jail, we took them to their house next to Camp Marlboro, turned them over to their family, and witnessed the detainee's father beat them front of us. When I saw this, I told all my squad leaders when we detain any looters we will take them back to their family. The second time we detained looters, I took them back to their house located down an ally. I didn't feel comfortable going down the alleyway and I didn't want my platoon to get ambushed, so I decided that the next time we detained looters I wasn't going to take them back to their house.

In mid June 2003, my platoon was on a mission to retrieve copper wire and drop off in the back of Camp Marlboro. We again detained looters from the back of Camp Marlboro. Instead of taking them to their house, I took them to the CMOC. At the time our ROE was not to shoot the looters. Only time we were authorized to shoot or kill anyone was when we felt our life or another soldiers' life was in danger, i.e.; someone is pointing weapon at you or get shoot at. That's what I understood about our ROE. It wasn't true because Buildog element shot and killed one looter, and wounded at least two other people. When they shot and killed the looter, they put the dead body on the hood of a vehicle and took the body into Al-Thawra. When I took the looters from the back of Camp Marlboro I could have shot and killed them when they tried to run, but I didn't. I attempted to turn them over to Buildog elements and let them take care of it. When I and told him I have detained the walked into the CMOC (same location as Buildog TOC) I saw "wet take them back and beat the fuck out of them". I looters for them. At that time is told me as standing next to me and heard what was was shocked at what he just told me to do. ! s had just told me. I was going to just take said. I walked out and told the squad leaders what: them out of Camp Marlboro and release them. At that time ! caid, if you want to teach them a 1 told me I really wasn't thinking lesson, why don't you strip them and send them away. When, about striping the looters, but while I was taking the looters to the back of the camp, I realize these looters will return and possibly he killed by Buildog elements. I didn't want that to happen to them, so when we stopped at the back of Camp Marlboro there was an empty building we went to. I wanted to just release them but I feared that they would return. I made a bad decision and told to strip the detainee. I know that it was not the right thing to do, but at the same time I wanted for the geramee to never want to return to our camp to steal. I never saw the same looters again after that striping.

On 3 July 2003 we had a mission to pick up sodas for the squadron 4th July party. When we were coming back from picking up the sodas we saw looters at the back of Camp Marlboro. We tried to detain them, but they got away. EN22 had a flat tire, so ! told EN22, EN23 to return back to camp. When EN23 came in to told me he had detained a looter after all. I told him we would just take him back later our AO. since dinner cnow was almost ending. I told them to go to the chow, then we will take the tooter back to the didn't want to eat so he stayed back and watched the detainee. After I returned from CMOC. was bouncing a soccer bail on the detainees' told me chow, I was sitting on my cot, t what the hell he was doing and told him not to head. I went to the back of the AU and asked dot that again. We took the detainee to the CMOC. When the entire platoon was back at our AO, I told them we would not abuse or miss treat detainees. When we do pick up any detainees in future we will just take them to the COMC.