

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
 For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>Bldg 1816, Fort Carson, Co 80913 67C-466-4</i>	2. DATE <i>9 Aug 04</i>	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>66 MI Co, 3/3 ACK Fort Carson, Co 80913</i>		
6. GRADE/STATUS <i>W3/CW3 AD</i>	[REDACTED]		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States *Criminal Investigation Command* and wanted to question me about the following offense(s) of which I am suspected/accuse *Assault Art 128, UCMJ III*

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
- I do not have to answer any questions or say anything.
 - Anything I say or do can be used as evidence against me in a criminal trial.
 - (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

SSA Defense CPT [REDACTED] 67C-466-3

Section B. Waiver

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

WITNESSES (If available)

- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE
- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF [REDACTED]

*48th and Det (CID)
Fort Carson, Co 80913*

Section C. Non-Waiver

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

2. SIGNATURE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

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LAW ENFORCEMENT SENSITIVE

01504 EXHIBIT 18
000057

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; this proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

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

1. LOCATION 48th Military Police Det. (CID) Fort Carson, CO 80913	2. DATE 23-Nov-04	3. TIME 1405	4. FILE NUMBER 0491-04-CID056
5. Name (Last First MI) [REDACTED]	6. ORGANIZATION OR ADDRESS 66th Military Intelligence Company Fort Carson, CO 80913		
7. GRADE/STATUS E-5/SGT / AD	8. SSN [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: **Cruelty and Maltreatment, Conspiracy**

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

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

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

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

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OR INTERVIEWEE
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)		5. TYPE AND GRADE OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		SA [REDACTED]
		6. ORGANIZATION OF INVESTIGATOR
		48th Military Police Det. (CID)
		Fort Carson, CO 80913

SECTION C. Non-waiver

I do not want to be questioned or say anything
 I want a lawyer

2. SIGNATURE OF INTERVIEWEE
[REDACTED]

ATTACH [REDACTED] ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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EXHIBIT: 19

015043 000058

LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT
 For use of this form, see AR 190-45. The proponent agency is Office of The Deputy Chief of Staff for Personnel
 LOCATION: Bldg 1916 Fort Carson, CO 80915
 DATE: 23 Nov 01
 TIME: 1441
 FILE NUMBER: 67C-466-4
 LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
 SOCIAL SECURITY NUMBER: [REDACTED]
 GRADE/STATUS: E-5 Active
 ORGANIZATION OR ADDRESS: E TRP 213 ACR BLDG 2758 Ft Carson CO. 80915

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 The Day The individual was taken into custody, I went down to use the Shower room. The individual was sitting on a Box in a Blackrobe. He was zippered stripped with his hands in front of him, and was blind folded. He did not have any Bruises, scratches, scrapes, cuts, or marks on his face. He was Detained by the Iraqi Border Guards and upon running his I.D. It was discovered that he was on the Blacklist. We then zippered, blindfolded and escorted the individual to the FOB (Roomhead). We only had the one guard sitting across from the individual. Approx 3-4 hrs later, a chopper from Reg landed, the individual was escorted to the chopper and they left. This was the end of E-TRP involvement with the individual.

- Q: What do you mean by "zippered stripped"?
- A: The individual was placed in zip cuffs (hands) zip cuffs are basically thicker than zip ties. They are used to detain people instead of handcuffs because they are more humane & cheaper to buy in bulk.
- Q: Who were the Iraqi Border Guards who detained Mr. [REDACTED]?
- A: I cannot recall their names.
- Q: Did the Iraqi Border Guards provide any transfer documents for the prisoner?
- A: No, they didn't do that with the detainees at that time.
- Q: When you said "we then zippered..." who were you referring to as "we"?
- A: It wasn't me... it would have been the soldiers on guard duty at that time.
- Q: Who was the guard during the 3-4 hour wait for the helicopter?
- A: I cannot recall who was on guard at this time.

EXHIBIT [REDACTED] INITIALS OF PERSON MAKING STATEMENT: [REDACTED] 67C-466-4
 PAGE 1 OF 4 PAGES
 ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES."
 IF ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE UNITED OUT.
 AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.
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 LAW ENFORCEMENT SENSITIVE
 EXHIBIT 20
 015044 000059

b7c-4, b6-4

Statement of SGT [redacted]

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LAW ENFORCEMENT SENSITIVE

() dated 23 Nov 04

b7c-4, b6-4

Q: at any time was Mr. [redacted] physically or mentally mistreated while at your unit?

A: NO he was not.

Q: What do you consider mistreatment?

A: Taunting (Hazing), Beating, Throwing someone around when it is NOT necessary, using unnecessary force.

Q: Did you witness any mistreatment of any detainee?

A: NO I did not.

Q: When and where was Mr. [redacted] detained?

A: sometime before 0800 08 FEB 2004, and he was Detained at The Border gates at The Saudi/Iraq border on The Iraq side.

Q: Who were the soldiers involved in detaining him?

A: I can not recall The soldiers involved.

Q: Why was Mr. [redacted] detained?

A: He was on The Black List.

Q: What documents were created for the transfer of custody of Mr. [redacted] when he was given over to higher?

A: Typically he would get An "EPW Ticket" however he was not an EPW, so he should have gotten a 2062. He did not get one of these however due to the fact that FOB Broomhead had no computer to generate this document. It was primarily used just to house us, and had minimal Electricity Support as well.

Q: Who were the individuals who took Mr. [redacted] from your unit?

A: I cannot recall The individuals involved with his transfer.

Q: Was Mr. [redacted] interrogated or questioned during the time he was detained?

by CTRP 2/3 ACR

Initials of Person Making Statement

Page 2 of 4 pages

DA Form 2823 (Automated)

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EXHIBIT A

015045 000050

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LAW ENFORCEMENT SENSITIVE

A: No he was not.

Q: Was the 8F8604 the last time you saw MR [REDACTED]

b7c-4664

A: Yes it was.

Q: What unit was MR [REDACTED] turned over to?

b7c-4664

A: He was transferred from ETRP to REG.

Q: To clarify that is 3rd ARMORED CAVALRY Regiment, correct?

A: Yes

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Q: Who else from Etroop had contact with MR [REDACTED]

A: I cannot recall if anyone else did or not.

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Q: Did your unit, Etroop, physically capture MR [REDACTED]

A: No, The Iraq Border guards checked all I.D.s. When

They find something/someone suspicious, they notify

us and from there run I.D.s to our list.

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Q: At any time while in Etroop's custody was MR [REDACTED]

b7c-4664

in either wrist or ankle shackles?

A: No he was not.

b7c-4664

Q: Where was MR [REDACTED] transported after he left Etroop's

Custody?

A: I assume he was taken to Rifles Base (AKASAD)

Q: Do you have anything you wish to add to this

Statement?

A: No, I do not. // END OF STATEMENT // [REDACTED]

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Initials of Person Making Statement [REDACTED]

b7c-4664

Page 3 of 4 Pages

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STATEMENT OF SGT [REDACTED]

TAKEN AT FORT CARSON

FILE NUMBER DATED 23 NOV 04

CONTINUED

STATEMENT (CONTINUED)

[REDACTED]

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED TO THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

57C-4664

WITNESSES:

Signature of Person Making Statement
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of November 20 04 at FORT CARSON, CO

ORGANIZATION OR ADDRESS

[REDACTED]

57C-4664

ORGANIZATION OR ADDRESS

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

57C-4664

ART 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

015047

[REDACTED]

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LAW ENFORCEMENT SENSITIVE 000062 20

PAGE 4 OF 4 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of the Adjutant General, Chief of Staff for Personnel.

LOCATION Bldg 1816 Fort Carson, CO 80913	DATE 23 Nov 04	TIME 1459	FILE NUMBER 67C-466-4
LAST NAME, FIRST NAME, INITIALS [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-5	
ORGANIZATION OR ADDRESS E Troop, 213 ACR Ft. Carson, CO			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The individual came up on the Pisces black list and was detained by the Iraqi Border Patrol. We relieved the detainee from them. We kept the detainee Flexi-cuffed and under guard, per unit SOP. The detainee was allowed water & bathroom privileges. The detainee showed no signs of abuse when we relieved him. I never saw an American soldier physically or emotionally or physiologically abuse the detainee. The detainee was kept under guard until a helicopter arrived to take him away, to either Troop or Regimental HQ as far as I know, a few hours later.

Q: What is meant by "Flexi-cuffed"?

A: Flexi cuffs are plastic restraints equivalent to handcuffs. We use them because we can't afford metal cuffs for every detainee.

Q: What does "SOP" mean?

A: Standard Operating Procedure

Q: When you stated "we" who were you referring to?

A: I was referring to my platoon and the other members of Eagle troop present at FOB Brownhead.

Q: Did you come into physical contact with Mr. [REDACTED]?

A: I saw and was in the presence of Mr. [REDACTED] but did not physically touch him.

Q: Did your unit, E Troop, physically capture Mr. [REDACTED]?

A: No, he was detained by the Iraqi Border Patrol to my knowledge.

Q: What are the identities of the Iraqi Border Patrol who detained Mr. [REDACTED]?

A: I don't know the individual names of the Iraqi Border Patrol members who captured Mr. [REDACTED].

Q: Why was Mr. [REDACTED] detained?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES 3
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDED TO THE REVERSE SIDE OF PAGE 1 WILL BE LINED CUT. AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF THE LAST PAGE OF THIS FORM.

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 21

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Statement of
[redacted]

Sgt [redacted]

67C-4664

dated 23 Nov 04

A: His name came up on the Pisees Black List as he was trying to enter Iraq. I don't know the specific reason.

Q: where and when was Mr. [redacted] detained?

A: At the border crossing of Iraq & Saudi Arabia at FOB Broomhead on Feb 8, 2004.

Q: Did the Iraqi Border Patrol provide any change of custody documents pertaining to Mr. [redacted]?

A: Not to me personally. But it was SOP to do so.

Q: what documents did your unit, E Troop, generate pertaining to Mr. [redacted]?

A: I don't know of specific documents for Mr. [redacted].

Q: who were the individuals in your unit that took custody of Mr. [redacted] from the Iraqi Border Patrol?

A: I wasn't present at the exchange so I can't say for sure.

Q: who were the individuals that guarded Mr. [redacted] during the time he was in custody at E Troop?

A: Junior soldier supervised by Sergeants but I can't remember the individuals.

Q: At any time was Mr. [redacted] in wrist or ankle shackles?

A: He was never in any sort of ankle restraints to my knowledge and the only items used on his wrists were plastic Flexicuffs.

Q: where was Mr. [redacted] transported to after leaving E Troop?

A: Either FOB Quinn (Troop HQ) or Al Asad (Regimental HQ).

Q: to clarify is that E troop HQ on 3d Armored Cavalry Regiment?

A: Yes.

Q: what documentation was generated for this exchange?

A: I wasn't present at the exchange so I couldn't say for sure.

Initials of Person Making Statement

[redacted] 67C-4664

Page 2 of 3 Pages

DA Form 2823 (Automated)

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EXHIBIT
21
000064

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UNFOUNDED

67C-4166-4

67C-4166-4

FILE NUMBER

DATE: 28 Nov 85

STATEMENT OF [REDACTED]

TAKEN AT [REDACTED]

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

A: No. // End of statement. [REDACTED] 67C-4166-4

[REDACTED]

67C-4166-4

67C-4166-4

AFFIDAVIT

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

[REDACTED] 67C-4166-4
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of November, 20 84 at Fort Carson, CO.

ORGANIZATION OR ADDRESS

[REDACTED] 67C-4166-4
(Signature of Person Administering Oath)

SA [REDACTED]
(Printed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF [REDACTED] STATEMENT

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PAGE 3 OF 3 PAGES

EXHIBIT 21
015050 000065