

b(6), b(3)



DEPARTMENT OF THE ARMY  
Headquarters, 2d Armored Cavalry Regiment  
Unit 92401  
APO AE 09322-2401



AFZX-C-CO

16 August 2003

MEMORANDUM FOR RECORD

SUBJECT: Appointment of Investigating Officer

1. [REDACTED], you are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances covering the actions of [REDACTED] which may have contributed to alleged ROE and Geneva Convention violations.
2. In your investigation, all witness statements will be sworn. From the evidence, you make findings as to whether negligence was involved.
3. Submit four copies of your findings and recommendations on DA form 1574 to this headquarters, ATTN: AFZX-C-RS1, within 3 days.

FOR THE COMMANDER:

[REDACTED SIGNATURE]

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

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

b(6), b(3)

**DATA REQUIRED BY THE PRIVACY ACT**

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

1. LOCATION CAMP DRAGON, IRAQ	2. DATE 16 Aug 03	3. TIME 2000	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

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

**Section A. Rights**

The investigator whose name appears below told me that he is with the United States Army [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: Actions which may have contributed to alleged ROF and Geneva Convention violations

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

I do not have to answer any question or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

or

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

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

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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. NAME OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		

**Section C. Non-waiver**

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

2. SIGNATURE OF INTERVIEWEE

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

## PART II - RIGHTS WARNING PROCEDURE

## THE WARNING

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

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

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

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

- or -

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

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

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

## THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

## SPECIAL INSTRUCTIONS

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

COMMENTS (Continued)

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

b(6), b(3)

**DATA REQUIRED BY THE PRIVACY ACT**

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

1. LOCATION <i>CAMP DRAGON, IRAQ</i>	2. DATE <i>16 Aug 03</i>	3. TIME <i>2030</i>	4. FILE NO.
5. NAME (Last, First, Middle) [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

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

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army: [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: *Actions which may have contributed to alleged ROE and Geneva Convention Violations*

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

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

- or -

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

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

5. COMMENTS *(Continue on reverse side)*

**Section B. Waiver**

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

WITNESSES <i>(if available)</i>		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME <i>(Type or Print)</i>		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME <i>(Type or Print)</i>		6. ORGANIZATION OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		

**Section C. Non-waiver**

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

2. SIGNATURE OF INTERVIEWEE

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

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

or -

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

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

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

THE WAIVER

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

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

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

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: CAMP DRAGON
2. DATE: 16 AUG 03
3. TIME: 1420
4. FILE NO.
5. NAME: [REDACTED]
6. [REDACTED]
7. GRADE/STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS: Fort Polk, LA 71459

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

CORR-101, dtd 9 Nov 01

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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COMMENTS (Continued)

b(6), b(7)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION (CAMP Dragon) 2. DATE 16 AUG 03 3. TIME 14:20 4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] 8. ORGANIZATION OR ADDRESS [REDACTED]
6. SSN [REDACTED] 7. GRADE/STATUS [REDACTED]

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
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4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

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



PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

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: Camp Dragon
2. DATE: 16 AUG 03
3. TIME: 1420
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: CAMP DRAGON IRAQ
2. DATE (YYYYMMDD): 20030816
3. TIME: 2000
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

Q. During Operation Scorpion or at any time while being presented with detainees, have you ever told a U.S. soldier to "take the detainees out back and beat the fuck out of them" in any manner seriously or jokingly?

A. I have never seriously told anyone to do that. My soldiers and I have always processed the detainees IAW our Battle Drill or released them. If the detainees are underage we have released them to an adult. If they are an adult we have either returned them to their homes or let them go at the gate.

Q. You have been accused of telling a NCO to "beat the fuck out of a detainee. Given this, do you feel that you should have been taken seriously if you did so?"

A. NO. Even if I had said that, the NCO should never have thought I meant it.

Q. Do you wish to add anything else that may help clear this matter?

A. NO. Nothing follows

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

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

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

b(6), b(3)

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

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

9. STATEMENT (Continued)



CORR-101, did 9 Nov 01

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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b(6), b(3)

CORR-101, dtd 9 Nov 01

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

9. STATEMENT (Continued)

(Signature)

AFFIDAVIT

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

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16<sup>th</sup> day of August, 2003 at Camp Dragon, IRAQ

\_\_\_\_\_  
 \_\_\_\_\_  
 (Signature of Person Administering Oath)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (Typed Name of Person Administering Oath)  
15-6  
 \_\_\_\_\_  
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_ PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

b(6), b(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 CAMP DRAGON, IRAQ	2. DATE (YYYYMMDD) 20030816	3. TIME 2113	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ADDRESS [REDACTED]			

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

Q. Have you ever directed A NCO to "beat" a detainee prior to releasing them?

A. I may have joked about it before but I never seriously ordered anyone to do it. I only joked about this once and was counseled by the SLO to stop it.

Q. ARE the documents that I am showing you in fact your current SOP on the processing of detainees and the current ROE governing the treatment of detainees?

A. Yes.

Q. As the [REDACTED] are you ensuring the enforcement of these documents?

A. I am. I have my ISG check detainees in the couple when they are there and I spot check paperwork to ensure it will pass MP standards.

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

ORIGINAL LHM: Redacted LAW Sec of Def Memo 01.  
CORR-101, dtd 9 Nov 01

b(6), b(3)

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

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

9. STATEMENT (Continued)



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

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES



b(6), b(3)

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

9. STATEMENT (Continued)

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

AFFIDAVIT

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August, 2003 at Camp Oragaw, IRAQ

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

15-6

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(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: CAMP DRAGON IRAQ  
2. DATE (YYYYMMDD): 20030816  
3. TIME: 2035  
4. FILE NUMBER:

5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]  
6. SSN: [REDACTED]  
7. GRADE/STATUS: [REDACTED]

8. ORGANIZATION OR ADDRESS: [REDACTED]

9. [REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. Please explain what happens to detainees when brought to your unit.  
A. The detaining unit brings the suspect(s) to the CMOG (colocated w/ our Battery TOC). They will fill out the apprehension forms and sworn statements relating to the suspected crime, and fill out a chain of custody form if applicable. Once the paperwork is complete, custody of the detainees and evidence is transferred to our control. The detainees are kept in a fenced cement pad w/ overhead shade and given water and MREs. The evidence is safeguarded in the Battery's TOC. Once the detail is ready to transport the prisoners (usually once daily), the detainees and evidence is loaded on vehicles and transported to BIA P under the control of an OIC. Once at BIA P, custody is transferred to the MPs on site.

Q. Are the documents that I am showing you in fact your current SOP on the processing of detainees and the current ROE governing the treatment of detainees?

A. Yes.

Q. Has your unit ever deviated from your SOP of processing of detainees?  
A. Not that I am aware. IF children are caught under the age of 16, we hold them at our location until either their

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

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

Personal Info Redacted LAW Sec 01 Del 140000 v.1 -  
CORR-101, dtd 9 Nov 01

b(6), b(3)

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

STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 16 Aug 03

9. STATEMENT (Continued)

parents come to pick them up or an Imam or community leader comes to pick them up.

Q. Have you ever heard [REDACTED] say "We should just beat the fuck out of them" in relation to detainees?

A. I have not heard him say this.

Q. Not even in a joking manner?

A. Not in my presence.

Q. Have you heard that he told a NCO who had brought detainees for processing to just "beat the fuck out of them and release them"?

A. I have heard him say something to the effect of "just kick their asses out of the gate and send them home." I have never hear of him instructing someone to beat a prisoner.

Q. Was this a directive or a joke?

A. It was a joking manner, you could tell he didn't expect anyone to physically kick the prisoners.

Q. Have you heard any rumors of anyone taking him seriously when he says this?

A. No. The only time I have heard of anyone striking a prisoner was in self defense, when a detainee attempted to bite a soldier while being transported.

Q. Do you have anything that you wish to add to help clear this matter?

A. When I have been present during the handling of detainees, they have been treated properly.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

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

b(6), b(3)

STATEMENT OF [REDACTED] TAKEN AT Camp Orsawa DATED 16 Aug 03

9. STATEMENT (Continued)

I have not seen a prisoner beat or mistreated, nor has anyone approached me about being instructed to do so.

Q. Have you ever observed [REDACTED] displaying unprofessional gestures or saying unprofessional things around or to detainees?

A. No. I have rarely been in contact with [REDACTED] while he is handling detainees. They are usually in the custody of the TOC personnel once released to us.

Personal info redacted in w sec 01 Del Memo U1 - CORR-101, dtd 9 Nov 01

AFFIDAVIT

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

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16<sup>th</sup> day of August, 2003 at Camp Orsawa, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)  
15-6  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: CAMP Dragon
2. DATE (YYYYMMDD): 2003/08/16
3. TIME: 14:53
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

WHEN WE would get a detainee we would take them to the CMOC where they would take control of them. I HAVE NEVER SEEN A SOP ON HANDLING what we were suppose to do. BECAUSE I SAW ALL THE TROOPS DOING THE SAME. WE HAVE TOOK DETAINEES to the CMOC 3 times ONE time they took THE 7 FROM US. THE other time they took them from US. THE LAST TIME MYSELF and [redacted] took a detainee WE ASKED what we do with the detainee. I HEARD [redacted] tell [redacted] TAKE the detainee to the back AND BEAT the shit out of the detainee. I TOOK that as he was being serious and HE wanted us to do that to the detainee. AFTER THAT I HAVE NOT BEEN INVOLVED IN TAKING ANY MORE OR TRYING TO TAKE ANY MORE DETAINEES to the CMOC. THE END of July my [redacted] HAD the [redacted] OVER THE FLAGO THAT PERTAINED ON HOW WE ARE suppose to handle IRACI PERSONEL WHEN WE DETAIN THEM. AFTER THAT I HAVE NOT HEARD ANYTHING ELSE ABOUT FROM ANYONE HIGHER than my PL.

Q. Who did you report to the first two times you took detainees to the CMOC?

A. IVE TOOK THEM to the Bulldog ELEMENT AT THE CMOC AND HANDLED THEM TO THEM.

Q. Why were the procedures changed the third time you took detainees to the CMOC

A. I GESS THEY WERE TIRED of HANDLING the personnel that WE would bring them for taking the copper wire from the back of the camp.

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

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

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


b(6), b(3)

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


STATEMENT OF  TAKEN AT Camp Dragon DATED 8/16/03

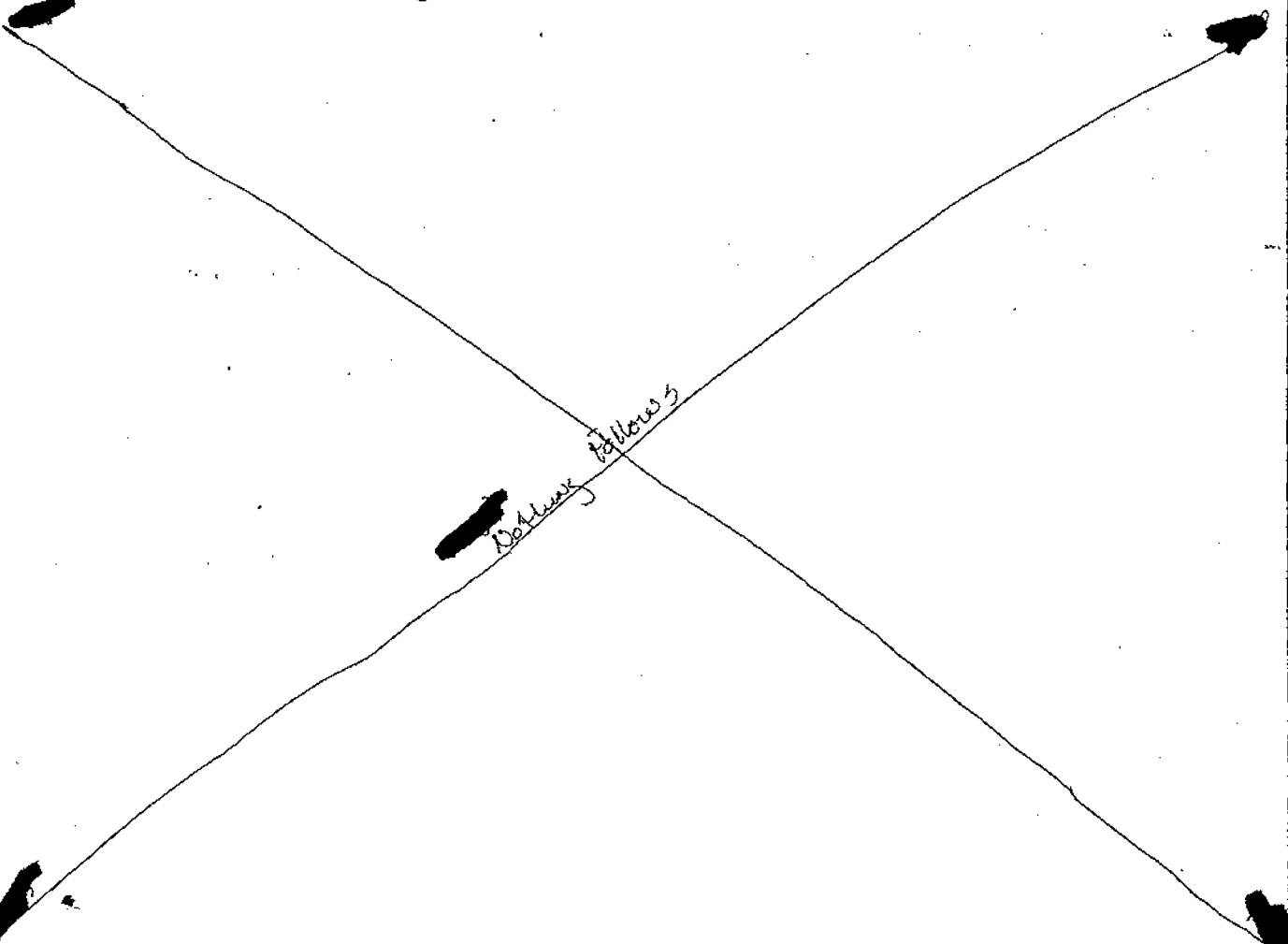
9. STATEMENT (Continued)

Q. Reference the first two times that you took detainees to the CMOC, who did you turn the detainees over to?

A. IT WAS ONE OF THE LTS THAT WAS WORKING IN THE bulldog TAC AT THE TIME. 

Q. Did the contractors follow what you think the SOP is?

A. After handing over the detainees I don't know what they did with them. So what they did with them I ~~guess~~ thought was right. because I thought all we had to do was take them to the CMOC were the bulldog element was located it was the SOP. AND the bulldog ELEMENT handled the rest 



*No other follows*

INITIALS OF PERSON MAKING STATEMENT  PAGE 2 OF 2 PAGES

USARMC HHD REGULATED IAW DEV OF DEPT REGHHD 01 - CORR-101, did 9 Nov 01

b(6), b(3)

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

9. STATEMENT (Continued)

*Doctury Pelawes*

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

AFFIDAVIT

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\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August 2003 at Camp Arsan, Baghdad, IRAQ

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

15-6

\_\_\_\_\_  
(Authority To Administer Oaths)

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

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

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(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: CAMP DRAGON
2. DATE (YYYYMMDD): 20030816
3. TIME: 1445
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
This is SOP for actions to take with detainees: When detaining Iraqis we flex cuff them and put the individual in the vehicle to take to Camp Marlboro. Actions with the detainee after arrival to Camp Marlboro is handed to Bulldog X-Ray. At that time a representative from Bulldog made the decision to keep the detainee or have us drop them off 2 or 3 kilometers from the site detained at. While en route from the site detained at and Camp Marlboro we send a radio transmission stating number of detainees to both Bulldog and Cougar X-RAY. There is two instances when I was involved with detaining Iraqis. First time I was in a four vehicle convoy with my platoon returning from Camp Dragon to Camp Marlboro. I called Bulldog X-Ray to check if they wanted us to enter Camp Marlboro through the back entrance in order to check for looters in the wire yard (Back 40). Bulldog X-Ray responded yes, so we executed the mission and detained four looters. I reported the number of detainees to Bulldog X-Ray so they could prepare for our arrival. Upon arrival to Camp Marlboro we dismounted the detainees outside the gate and escorted them through the ~~personnel~~ walk-thru gate. At this time one of the LT's stated that we Bulldog could hold them overnight or we could drive the detainees around, scare them a little and let them go. We chose to drive around. So I sent my Platoon Sergeant and 2nd Squad leader back out with the detainees while I returned to our warehouse with my 3rd squad leader. The second time we detained an individual and handed them off to Bulldog. When dealing with the locals, I was instructed to deal with them with dignity and respect. After the investigation started with my

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

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

CORR-101, dtd 9 Nov 01



b(6), b(3)

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

STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 16 AUG 03

9. STATEMENT (Continued)

Platoon, I received a print out from a division FRAGO that stated how locals could not be treated i.e. beating, abusive language etc. Since our investigation, I have been in contact with [REDACTED] (Bulldog 6) through normal daily activities (BUB, discuss force protection issues). During these times he has not made any additional comments about beating local to me.

Q. Have you ever heard [REDACTED] say to "beat the fuck" out of a detainee?

A. I have heard him say "We should beat the fuck out of these people". This comment was not said to me while I had a detainee, but in reference to all Iraqis as I perceived it.

Q. Did [REDACTED] make that comment in a joking or serious way?

A. My opinion is that he truly feels this way about the Iraqis.

Q. Address the question above, what manner did [REDACTED] make the comment "We should beat the fuck out of these people"?

A. While talking about treating looters, he had a more serious than joking expression on his face, he was not smiling, but had a smirk on his face.

Q. Your SDAW SOP on processing detainees is fairly detailed, you have stated that you have taken detainees to the CMOC on two occasions. Given this, why did the CMOC not follow the SOP when [REDACTED] supposedly told [REDACTED] to take the detainees and "beat the fuck out of them"?

A. I can't speculate why the detainees were not handled according to SOP. The two times stated earlier are just the times I was present during detaining the individuals. The only reason I can think of why Bulldog did [REDACTED] made that comment was so paperwork did not have to be done, possibly.

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

Personal Info Redacted IAW Sec of Det Memo 01 -  
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b(6), b(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: Camp Shagan
2. DATE (YYYYMMDD): 20030816
3. TIME: 1451
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

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

I think of our S.O.P. for detainees is bring them back to bulldog elements. (Camp Marlboro). Turn them over bulldog elements and they will take them to JOC. I never seen S.O.P. until now. When [redacted] 1st time we took the looter to Bulldog elements. they told us they couldn't take them, just take them out and send them. so, I [redacted] took them there house. before that we took them to there house, I told my translator to tell them we are going to take them to jail, but we took them to there house, turn over to there family's. When we are killing the looter "shooting them". we detain the looter from back of camp marlboro. I took them to bulldog elements, I seen [redacted], I ask him, where he want these looters at? he told me "Just take them out and beat the fuck out of them." I told all my squad leaders what Bulldog 6 told me to do with all the looters. I told them we are not going to do that. we are going to send them and hope they will not return back and get killed. Last week of July we received OP order for how to treat the detainees. Form 11. Consider.

Q. When [redacted] told you to take the detainees "out and beat the fuck out of them" did you take him serious?

A. YES

Q. What tone did [redacted] address you in? Could anyone else have heard his conversation with you?

A. [redacted] was behind me when [redacted] told me that, I took as order he was giving me do that, only me and [redacted]. I took as serious, I do not know [redacted] only seen him at bulldog JOC few times.

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

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b(6), b(3)

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

STATEMENT OF [REDACTED] TAKEN AT Camp Dragon DATED 16 AUG 03

9. STATEMENT (Continued)

Q. When [REDACTED] told you to take them and "beat the fuck out of them" did you ask him to clarify his instructions?

A. it was around June. he just told me that and walk away. I didn't ask him to clarify.

Q. Is there any reason why you did not ask for clarification?

A. I was trying to figure out what he just said to me, at the time and he walked away same time, I couldn't follow what he told me to do. I been ~~being~~ told by different people he doesn't like IRAQI people, maybe that's why he say that to me.

*Nothing Available*

INITIALS [REDACTED] MAKING STATEMENT

PAGE 7 OF 7 PAGES

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b(6), b(3)

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

STATEMENT (Continued)

*nothing follows*

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AFFIDAVIT

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

\_\_\_\_\_  
 (Signature of Person Making Statement)

WITNESSES:

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

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of August, 2003 at Camp Dragon Baghdad Iraq

\_\_\_\_\_  
 (Signature of Person Administering Oath)

\_\_\_\_\_  
 (Typed Name of Person Administering Oath)

IS-6  
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT	PAGE	OF	PAGES
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## BATTLE DRILL #3

### (DETAINEES)

#### BATTLE DRILL

- Troop notifies Bulldog X-Ray of detainees being brought to Camp Marlboro. Get the number of prisoners and what they are charged with.
- Contact the SOG so that he can ensure the Bang Bus personnel are prepared to guard the chicken coup.
- Contact the OIC for the Bang Bus so that he can ensure the paperwork is filled out correctly and so that he can coordinate for an escort.
- When the Troop comes to the CMOC give them 1 apprehension form and 2 sworn statements for each detainee. Give them 1 evidence custody log for them to fill out listing the seized property. Once completed the BOC NCOIC signs the evidence custody log and gives it to the troop. The RTO types the seized property on the DA Form 1594.
- The Troop guards the detainees while in the CMOC area. Once the paperwork and any interrogation is completed the Troop transports the detainees to the chicken coup.
- Safeguard all seized property now under our control. DO NOT let anyone touch or play with any of the seized property. DO NOT let anyone take any property unless Bulldog 6 personally tells you to give it to someone.
- If there are any questions about anything to do with detainees contact the OIC for the Bang Bus or Bulldog 5.

## DRAGOONS RULES OF ENGAGEMENT

### References:

CENTCOM Order 1003V  
V Corps FRAGO  
1AD FRAGO 18A

#### 1. Situation:

a. **GENERAL POLICY:** Commanders may use all necessary means available and take all appropriate action in self-defense of their units and in defense of other U.S. and coalition forces.

(1) **Effective date:** The ROE in this annex are effective immediately and will remain in effect, until rescinded.

(2) **Collateral damage:** Military operations will be conducted to ensure that incidental injury to civilians and collateral damage to civilian property is minimized.

b. **Enemy forces:** Iraqi military and paramilitary forces loyal to the former regime are declared hostile. They may be engaged on site.

2. **Self-defense** - American commanders and personnel have an inherent right to self-defense. Nothing in these rules of engagement negates a commander's obligation to take all necessary and appropriate action to protect his unit and those entrusted to his care. **All U.S. personnel may exercise the inherent right of self-defense.**

a. U.S. forces may use force, up to and including deadly force, as necessary to protect U.S. forces from civilians who demonstrate a hostile act or hostile intent.

(1) **Hostile act:** a hostile act is an attack or other use of force against U.S. forces, allies, or persons under the protection of U.S. forces.

(2) **Hostile intent:** a threat of imminent attack against U.S. forces, allied forces, or persons under the protection of U.S. forces.

b. If civilians pose a threat to U.S. forces, use graduated force, up to and including deadly force, as necessary to protect U.S. forces. Against civilians, U.S. forces should use the minimal amount of force necessary to protect themselves and other U.S. forces. U.S. troops may use any of the following techniques, as necessary, to protect themselves from harm by civilians:

(1) Provide verbal warnings. The word, "Kiffi!" means halt or stop in Arabic.

(2) Provide a show of force. Show a weapon and demonstrate an intent to use it. Call for reinforcements, as necessary.

(3) Use non-deadly force. Physically restrain or detain the civilians.

(4) Fire a warning shot. (Warning shots are not allowed to prevent looting).

(5) Use deadly force.

3. Protection of civilians – U.S. troops may use necessary force, including deadly force, to protect civilians from violent crimes, such as murder, rape, or armed robbery.

4. Protected persons, property, and places: U.S. forces may use necessary force, including deadly force to protect any of the following specially protected persons, places, or property:

- a. All U.S. citizens;
- b. Prisoners of war or detainees under U.S. control;
- c. Coalition forces and their mission-essential equipment and supplies;
- d. Specified non-governmental organizations, including the International Red Cross/Red Crescent, and UN relief agencies;
- e. Public and private banks and financial institutions;
- f. Courthouses and buildings housing vital government records;
- g. Weapons of mass destruction or WMD manufacturing or storage facilities;
- h. Public utilities or facilities, including those that generate, distribute, or transport electricity, petroleum, or water for public use;
- i. Civilian mass transit facilities;
- j. Waste facilities;
- k. Hospitals or other public health facilities; and
- l. Agricultural processing, storage, or distribution facilities producing food for civilian consumption.

5. Protection of other private property:

a. U.S. forces may use graduated force, not including deadly force, to protect all other private property. Commanders may take any of the following actions to prevent looting or damage to private property:

- (1) Detention of persons who are suspected of looting;
- (2) Establishment of off-limits areas;
- (3) Establishment of checkpoints to control traffic flow;
- (4) Establishment of curfews with approval of CG, 1AD; and
- (5) The temporary confiscation of property used to commit looting.



(6) Deadly force is only authorized to stop looting against the persons and property designated in paragraph 4.

b. U.S. forces are prohibited from looting or taking war trophies.

c. Troop commanders may authorize soldiers to seize civilian property in emergency situations. Commanders must provide a receipt to the rightful owners of the property.

d. Commanders are not allowed to spend locally seized money for any purpose.

6. Checkpoint ROE: U.S. forces are allowed to stop and search all persons and vehicles for weapons and other contraband. U.S. forces may use the following measures to control movement at checkpoints.

a. Restrict the flow of traffic with vehicles and other obstacles;

b. Shout, "Kiff!"

c. If a vehicle refuses to stop, U.S. soldiers may fire warning shots, fire to disable the vehicle or shoot to kill, as necessary, to protect the safety of U.S. forces.

7. Detaining civilians: U.S. forces are authorized to detain civilians for any of the following reasons:

a. Possession of any of the following items:

(1) A firearm without a valid weapons card;

(2) Explosives;

(3) Bayonets or military style knives;

(4) Equipment for making explosives or firearms;

(5) Maps with locations of U.S. base camps, routes, or other operational information;

(6) Photographs of U.S. areas or operations;

(7) U.S. or coalition forces paperwork, equipment, or uniforms;

(8) U.S. or coalition identification, U.S. or coalition passports, multiple IDs, passports from more than one country;

(9) Illegal drugs or drug paraphernalia,

(10) Stolen power lines; or

(11) More than eight feet of thin rope, wire, or similar material.

b. If the person has committed a crime; or

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c. The person possesses suspected intelligence information.

8. Treatment of detainees.

a. Processing of detainees. For persons detained for looting or other violations of public order, note the circumstances and basis of detention on the capture card accompanying the detainee to the collection point. Information on the basis and circumstances of detention, and contact information (name and phone number) of a detaining unit POC must be provided with each detainee along with sworn statements (DA Form 2823) from two witnesses. This information is essential in order to continue to hold detainees and to successfully prosecute persons who are detained for crimes. Record and safeguard all property seized with the detainee.

b. U.S. forces will not abuse or mistreat any detainees. Maltreatment is any act that is designed to cause physical or mental anguish without cause. Maltreatment includes:

- (1) Physical abuse: torture, hitting, butt-stroking;
- (2) Demeaning acts: spitting, stripping detainees of their clothes; and
- (3) Theft of private property.

c. U.S. forces are not authorized to take private property, money, or personal papers from any detainees, except:

- (1) Evidence of crimes;
- (2) Weapons, drugs, or other contraband;
- (3) Property with intelligence value; or
- (4) Property taken for safekeeping.

9. Weaponry:

a. Ammunition: All ammunition issued by the United States government to United States forces complies with the law of war. Soldiers may use cal. .50 machine guns against personnel or equipment.

b. Mines: Except as stated below, the use of mines requires approval by the Secretary of Defense.

(1) The Division Commander may authorize the use of command-detonated (Claymore) mines.

(2) The CENTCOM Commander may authorize the use of self-destructing or self-deactivating mines.

c. Riot Control Agents (RCAs): U.S. forces may not use riot control agents (CS gas, mace, pepper spray, etc.) for offensive operations. Riot control agents may only be used in the following situations:

(1) To protect U.S. and coalition forces or persons and places under the protection of U.S. forces from civil disturbances (riots);

(2) To control rioting enemy prisoners of war;

(3) To rescue friendly forces from enemy control; and

(4) When the enemy uses civilians for cover.

d. Indirect fires and Close Air Support – Only observed fires are authorized for offensive operations. Positive identification is required.

10. Hostile forces – U.S. personnel may engage hostile forces (Iraqi paramilitary and military forces loyal to the former regime) subject to the following limitations:

a. Positive identification is required prior to engaging any target. Positive identification is a reasonable certainty that the target is a legitimate military target.

b. U.S. forces will not engage anyone who is out of the battle due to sickness or wounds.

c. U.S. forces will not fire at anyone who has surrendered or is attempting to surrender.

d. Protected places: Cultural and historic buildings, nonmilitary buildings, civilian population centers, mosques and other religious places, hospitals, and buildings displaying the red cross or red crescent are protected places. Protected places will not be attacked, unless the enemy is using them for military purposes.