



UNITED STATES MARINE CORPS

1st Marine Division (Rein)
Camp Babylon, Iraq
UIC 39702
FPO AP 96426-9702

IN REPLY REFER TO:
5800
17/ [REDACTED]
26 Jul 03

THIRD ENDORSEMENT on (b)(7)(C) ltr 5800 (b)(7)(C) dtd 22 Jul 03

From: Commanding General, 1st Marine Division (Rein)
To: (b)(7)(C)

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE
TREATMENT OF IRAQI DETAINEES BY (b)(7)(C)
(b)(7)(C) USMCR ON OR ABOUT 14 JUNE 2003 AND
29 JUNE 2003 AT AL KUT, IRAQ

Encl: (24) (b)(7)(C) ltr (b)(7)(C) of 16 Jun 2003

1. Readdressed and returned for action consistent with the investigating officer's recommendations, as modified and endorsed by the Commanding Officer. The subject line has been modified to accurately reflect the location of the incidents.
2. Enclosure (24) contains comments on a previous investigation into allegations of detainee mistreatment and the wrongful disposition of detainee property. Those comments addressed the recommendations contained in (b)(7)(C) 7 June 2003 investigation. Recommendations #1 and #2 specifically called for the battalion's assigned Army Military Policemen to train the Marines on the proper handling procedures for enemy prisoners of war, detainees, and civilian internees, and to incorporate those procedures into the battalion's Standing Operating Procedures (SOPs). (b)(7)(C) fourth recommendation stated that the battalion should "develop SOPs for handling confiscated monies and weapons, with emphasis on providing receipts, chain of custody, record of confiscation and disposition of property received". Enclosure (24) indicates that recommendations #1 and #2 were completed by 16 June 2003, and that the recommendations regarding property disposition were developed and pending formalization into the battalion's SOP. Presumably that information was disseminated to Weapons Company Marines prior to the 29 June incident.

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE
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(b)(7)(C) USMCR ON OR ABOUT 14 JUNE 2003 AND
29 JUNE 2003 AT AL KUT, IRAQ

3. In light of the corrective actions cited in enclosure (24), the conduct described in (b)(7)(C) investigation is reprehensible and contradicts the 1st Marine Division's efforts to win the hearts and minds of the Iraqi people. (b)(7)(C)

(b)(7)(C) actions affected more than just the Iraqi men he detained and humiliated, his actions negatively influenced the Marines under his supervision and may have caused unnecessary friction in the Al Kut community. Those who witnessed and participated in the detention, search, and burning of the Iraqis' belongings, under (b)(7)(C) orders, were given a terrible example of detainee handling procedures. Strong remedial measures must be implemented to ensure that the Marines understand the proper way to treat detained persons.

4. I concur with the findings, opinions, and recommendations of the investigating officer as modified and endorsed. The investigation is returned, so that you may pursue the administrative or judicial actions that you deem appropriate.


J. F. KELLY

Copy to:
SJA

(b)(7)(C)



UNITED STATES MARINE CORPS

(b)(7)(C)

5800

(b)(7)(C)
23 JUL 03

SECOND ENDORSEMENT ON (b)(7)(C) LTR 5800 OF 22 JULY 2003

From: (b)(7)(C)
To: Commanding General, 1st Marine Division

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INNAPPROPRIATE TREATMENT OF IRAQI DETAINEES BY (b)(7)(C) USMCR ON OR ABOUT 14 JUNE AND 29 JUNE 2003

1. Forwarded with the following opinions and recommendations.
2. After reviewing the original correspondence and the SJA endorsement, I concur with the investigation. I also concur with the SJA opinion that recommendation (4) of the original correspondence has already been completed.
3. In the matter of the money referenced in Findings of Fact Nos. 11-13 and Paragraph (3) of the SJA endorsement, it is my opinion that an inquiry or investigation is not necessary. The amount of currency taken from the detainees is immaterial and the (b)(7)(C) should be charged with violations of Article 92 of the UCMJ (2000 Ed.) for willful disobedience of references (1) and (2).
4. I concur with recommendations (1), (2) and (5) of the Investigation.
5. I concur with the SJA's recommendation in Paragraph (8) of the First Endorsement.
6. As for forum for handling these violations, I recommend:
 - a. (b)(7)(C) be charged as indicated above at Division Office Hours, followed by administrative separation proceedings per SECNAVINST 1920.6B; and
 - b. (b)(7)(C) be charged as indicated above at Battalion Office Hours.

(b)(7)(C)



UNITED STATES MARINE CORPS

(b)(7)(C)

5800
(b)(7)(C)
22 JUL 03

FIRST ENDORSEMENT ON (b)(7)(C) LTR 5800 OF 22 JULY 2003

From: (b)(7)(C)
To: (b)(7)(C)

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INNAPPROPRIATE TREATMENT OF IRAQI DETAINEES BY (b)(7)(C) USMCR ON OR ABOUT 14 JUNE AND 29 JUNE 2003

1. Forwarded with the following recommendations.
2. After reviewing the original correspondence, I concur with the investigation. However, I disagree with recommendation (4). This recommendation has already been accomplished during Division mandated ROE refresher training. All Soldiers, Sailors and Marines of (b)(7)(C) were instructed in prisoner/detainee handling procedures, as well as instruction that company level authorization is required to confiscate anything, and a receipt must be provided to the owner. The undersigned officer personally conducted this training with all units between 2 July 2003 and 5 July 2003.
3. Further investigation may be required into the money referenced in findings of fact Nos. 11 - 13. Those findings of fact indicate that (b)(7)(C) ordered a sergeant to confiscate an unknown amount of money. The findings of fact further indicate that at least some of this unknown quantity of money was turned over to (b)(7)(C). The investigating officer has not resolved the issue of how much money was confiscated and what happened to the money. As there is no evidence the Marines of (b)(7)(C) obtained any personal information on the Iraqi males, it is quite likely that the order was given by the (b)(7)(C) to permanently deprive these men of the money. If so, the (b)(7)(C) is not only a violation of references (1) and (2), but also a violation of Article 128 of the UCMJ (2000 Ed.). Further investigation into the matter of the money may be necessary to resolve whether the (b)(7)(C) should be charged with violation of Article 128. The investigation does not have enough information to even determine if the amount of money was significant enough to warrant the effort of further investigation.
4. Regarding the incident involving the release of detainees referenced in Finding of Fact No. 7, I recommend an additional finding of fact reflecting the approximate point of release, 5-3 miles south of the ASP, is in a very remote area of desert. This fact is based upon a map study of reference (3) and is also common knowledge to almost all Marines in (b)(7)(C), including the undersigned, who have been to the ASP.
5. The investigating officer did not indicate how reference (1) was violated. However, examination of Paragraph 1-5 of reference (1) reveals that all detainees will be given humanitarian care from "... the moment they fall into the hands of U.S. Forces until final release or repatriation." Furthermore, the aforementioned reference clearly states that inhumane treatment "is prohibited and is not justified by the stress of combat or deep provocation." Under reference (1) inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice." Paragraph 1-5 of reference (1) further provides that collective punishments and cruel and degrading treatment are prohibited. Finally, Paragraph 1-5 of

Subj: **COMMAND INVESTIGATION OF INCIDENTS OF INNAPPROPRIATE TREATMENT OF IRAQI DETAINEES BY (b)(7)(C) USMCR ON OR ABOUT 14 JUNE AND 29 JUNE 2003**

reference (1) states, "All persons will be respected as human beings. They will be protected against all acts of . . . insults, public curiosity, . . . and reprisals of any kind."

6. The two incidents of 14 and 29 June 2003 are significant due to the language of reference (1) and (2). Both the Marine Corps order and the Geneva Convention highlight the prohibition against humiliating treatment of detainees. Another finding of fact that probably should be added to the investigation is the fact that culturally, the Iraqis are far more sensitive to being stripped down than Americans. Therefore, being forcibly stripped in public may psychologically be more humiliating to an Iraqi than an American.

7. The incident of 14 June 2003 is significant, because the detainees were abandoned without transportation in the middle of the desert outside of Kut, clearly endangering their safety and welfare.

8. The investigating officer recommended two charges of violation of Article 92 (violation of a lawful general order or regulation) for violating reference (1) during both the 14 June 2003 and 29 June incidents. I recommend two additional charges of violation of Article 133 (conduct unbecoming) and two charges of Article 92 (dereliction of duty), one for each incident.

9. The investigating officer failed to recommend a forum for handling the above violations of the UCMJ. From my experience, I believe that non-punitive administrative action or counseling is insufficient for these offenses. A more palatable forum is NJP followed by administrative separation processing through a Board of Inquiry. Also, as defined in reference (1) this matter is severe. Furthermore, the alleged conduct is a pattern of abuse of detainees in direct contravention to the Division Commanders policy of "No Better Friend, no worse enemy" as well as the law of war. SNO's conduct of publicly humiliating these Iraqis clearly jeopardized the Battalion's mission and the Battalion's standing with the public in Kut. Although there is no evidence of fallout from SNO's actions, these acts could have been a "tipping point" resulting in hostility against coalition forces. Furthermore, discomfort with being ordered to perform these actions and an inability to countermand the order of a superior commissioned officer are running theme is the statements of the sergeants and below. Therefore, Article 32 investigation followed by a general court-martial is also a palatable forum for this matter. An Article 32 investigation could provide the Commander with another neutral opinion to analyze the possible forums for this matter.

10. In any event, I recommend NJP for the charges referenced in Paragraph (8), above, followed administrative separation processing under SECNAVINST 1920.6B for:

- a. Substandard performance of duty as evidenced by failure to demonstrate acceptable qualities of leadership required of the members grade;
- b. Substandard performance of duty as evidenced by failure to properly discharge duties expected of officers of the members grade and experience;
- c. Misconduct or professional dereliction which is unbecoming an officer as evidenced by commission of a serious offense, to wit: Articles 92 and 133 of the UCMJ (2000 Ed.).

(b)(7)(C)

(b)(7)(C)

16 July 2003

From: (b)(7)(C)
To: (b)(7)(C)

Subj: STATEMENT REGARDING ACTIVITIES OF (b)(7)(C)

1. One of the assigned tasks of (b)(7)(C) is to provide security to an ASP, grid (b)(7)(C)
2. (b)(7)(C) was assigned to (b)(7)(C) commander beginning approximately October 2002, ending approximately 4 July 2003.

(b)(7)(C)

STATEMENT OF THE KNOWLEDGE REGARDING ACTIONS INVOLVING IRAQI
DETAINEES ON OR ABOUT 23 JUNE 2003.

On or about 30 June 2003, (b)(7)(C) informed me, in a bragging manner, that he had ordered Iraqi detainees that had been brought to (b)(7)(C) to be stripped to their underwear and escorted out of the front gate. He said that these detainees had been apprehended at the ASP to the north, collocated with the range. I counseled him regarding his poor judgment and that they should've been brought to the police station. After this, I asked (b)(7)(C) if he had knowledge of the incident. He stated that he was there. I also asked him if he advised the (b)(7)(C) that it was illegal and to not do it. (b)(7)(C) said that he did not. I asked (b)(7)(C) if he knew about it and he said that he heard (b)(7)(C) give the order to strip the Iraqi detainees to their underwear and to send them out of the front gate. He also stated that he then went into his room because he didn't want to be involved with the incident. I informed the battalion executive officer of my discovery of the incident on or about 2 July 2003. After making a few more inquiries, it came to my attention that (b)(7)(C) may have some information for me. I asked (b)(7)(C) what he knew of the incident. He stated that (b)(7)(C) ordered the Marines to take the Iraqi detainees' money and possessions. He then stated that (b)(7)(C) ordered the Marines to strip the Iraqi detainees to their underwear and to be released through the front gate. I then informed the battalion commanding officer with the information I had regarding the incident on or about 6 July 2003.

(b)(7)(C)

Rights Advise ment Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)
Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)
of: _____

and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- I expressly do not desire to have such a lawyer present with me during this interview.
- This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 8 Jul 2003
(signature and date)

(b)(7)(C) 8 Jul 03
(signature and date)

On or about 23 June 40
5 frags was brought from
The Field ASP by (b)(7)(C)
I informed (b)(7)(C) to
take them to (b)(7)(C) front
base and turn them @ loose,
(b)(7)(C) said to me
I have a great idea lets
strip them naked. I (b)(7)(C)
(b)(7)(C) informed him that
it was not a great idea.
he said he was a (b)(7)(C) and
I was only a (b)(7)(C) that he
was the senior man at (b)(7)(C).
I informed him that I would
get with (b)(7)(C) when
he returns, from the COC.

(b)(7)(C)

Rights Advise ment Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: Sgd Ldr
Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)
of: _____

and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

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- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

I expressly do not desire to have such a lawyer present with me during this interview.

This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C)

8 July 2003
and (date)

(b)(7)(C)

(Member's signature and date)

on the basis of the evidence that is contained in the investigative record.

(b)(7)(C) 8 July 01
(Signature and date)

Naval Justice School Publication

02/01

DOD JUNE

1064



UNITED STATES MARINE CORPS

(b)(7)(C)

IN REPLY REFER TO
5800
22 Jul 2003

From: (b)(7)(C)
To: (b)(7)(C)

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE TREATMENT OF IRAQI
DETAINEES BY (b)(7)(C) USMCR ON OR
ABOUT 14 JUNE 2003 AND 29 JUNE 2003

- Encl: (1) Convening Order
- (2) Statement of
- (3) Statement of
- (4) Statement of
- (5) Statement of
- (6) Statement of
- (7) Statement of
- (8) Statement of
- (9) Statement of
- (10) Statement of
- (11) Statement of
- (12) Statement of
- (13) Statement of
- (14) Statement of
- (15) Statement of
- (16) Statement of
- (17) Statement of
- (18) Statement of
- (19) Statement of
- (20) Statement of
- (21) Statement of
- (22) Statement of
- (23) Statement of

(b)(7)(C)

- Ref: (1) MCO 3461.1
- (2) Convention (IV) Relative to the Protection of Civilian Persons in Time of War
- (3) Map Series K643 Sheet #5155

Preliminary Statement

1. This investigation concerns the possible inappropriate treatment of Iraqi detainees at the orders of (b)(7)(C). All reasonable and available information has been gathered and placed in this report. All directives of the convening authority have been met. During the investigation I consulted with (b)(7)(C) as the Staff Judge Advocate. Requests for extensions were made verbally to (b)(7)(C) and were granted. No statement was made by (b)(7)(C) as he chose not to waive his right to remain silent. All personal information was obtained from military records and/or in compliance with the privacy act.

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE TREATMENT OF IRAQI
DETAINEES BY (b)(7)(C) USMCR ON OR
ABOUT 14 JUNE 2003 AND 29 JUNE 2003

Findings of Fact

1. (b)(7)(C) is assigned to Al Kut, Iraq. [encl (7)]
2. (b)(7)(C) is assigned the task of guarding an ammunition supply point in Al Kut, Iraq vicinity grid (b)(7)(C) [encl (2)]
3. During the period of 1 June 2003 to 30 June 2003 (b)(7)(C) was assigned to (b)(7)(C) [encl (2)]
4. (b)(7)(C) and his squad were guarding the ammunition supply point vicinity grid (b)(7)(C) 23 June 2003 from 0730 until 1700. [encl (4, 11)]
5. (b)(7)(C) detained three Iraqi men at approximately 1100 on 23 June 2003. [encl (4, 10, 12, 13,)]
6. (b)(7)(C) turned three Iraqi detainees over to (b)(7)(C) at the ammunition supply point. [encl (4, 6, 12, 13)]
7. (b)(7)(C) ordered the release of 3 Iraqi detainees after having them driven approximately 2 or 3 miles from the ammunition supply point. [encl (6)]
8. At approximately 1400 on 23 June, 2003 (b)(7)(C) detained 3 Iraqi men that he and his squad had detained earlier that same day and an additional Iraqi man. [encl (4, 10, 11, 12, 13, 14, 15)]
9. (b)(7)(C) was ordered to bring the four Iraqi detainees to the Al Kut police station after being relieved at the ammunition supply point. [encl(4, 7, 11, 12, 15)]
10. (b)(7)(C) brought 4 Iraqi detainees to the (b)(7)(C) position. [encl (4, 9, 10, 11, 12, 13, 14)]
11. (b)(7)(C) ordered (b)(7)(C) to search for and confiscate any money on these 4 detainees. [encl (4, 8, 9, 10, 11, 13)]
12. An unknown amount of money was confiscated by (b)(7)(C) and the Marines in his squad. [encl (4, 9, 10, 11, 12, 13)]
13. An unknown amount of money was turned over to (b)(7)(C) [encl (10, 11, 13)]
14. An unknown amount of money was returned to at least one of the Iraqi detainees by (b)(7)(C). [encl (4, 9, 12)]
15. (b)(7)(C) was ordered to release the Iraqi detainees at (b)(7)(C) Company's front gate. [encl (4, 8, 13)]
16. (b)(7)(C) ordered the 4 Iraqi detainees stripped before they were to be released. [encl (3, 4, 5, 8, 9, 10, 11, 13, 15)]
17. The 4 Iraqi detainees were stripped to their underwear and released on foot from the (b)(7)(C) position. [encl (4, 6, 8, 9, 10, 11, 12, 13, 14, 15)]

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE TREATMENT OF IRAQI
DETAINEES BY (b)(7)(C) USMCR ON OR
ABOUT 14 JUNE 2003 AND 29 JUNE 2003

18. On 28 June 2003 (b)(7)(C) conducted a vehicle checkpoint on Highway 7. [encl (16)]
19. At approximately 2310 an Iraqi truck was shot at in an attempt to stop it as it entered the vehicle check point. [encl (16, 17, 18, 19, 20, 21, 22, 23)]
20. 2 Iraqi men were treated for wounds and detained after the truck stopped. [encl (16, 17, 18, 19, 20, 21, 22, 23)]
21. (b)(7)(C) and Army Military Police were notified. [encl (16, 17, 20, 22)]
22. An ambulance was called to evacuate the Iraqi detainees. [encl (16, 17, 18, 19, 20, 21, 22, 23)]
23. 500,000 dinar was found when the truck was searched and turned over to the MP's. [encl (16, 17, 23)]
24. (b)(7)(C) and the Marines at the vehicle checkpoint were ordered to provide security for the truck until relieved. [encl (16, 18)]
25. On the morning of 29 June 2003 (b)(7)(C) ordered the truck searched again and all personal affects confiscated. [encl (16, 17, 18)]
26. Papers found in the Iraqi truck were transported to (b)(7)(C) position. [encl (16, 17, 18, 20, 22)]
27. (b)(7)(C) ordered other personal items found in the Iraqi truck to be burned. [encl (16, 17, 18)]
28. Items found in the Iraqi truck were burned by Marines beside Highway 7. [encl (16, 17, 18, 20, 23)]

Opinions

1. (b)(7)(C) was in violation of Marine Corps Order 3461.1 and Part I, Article 3 of the Geneva Convention when he ordered that the detainees be stripped before being released on 23 June 2003. [FF (16, 17)]
2. (b)(7)(C) was in violation of Marine Corps Order 3461.1 when he ordered Marines to confiscate money from the detainees before their release on 23 June 2003. [FF (11, 13)]
3. (b)(7)(C) was in violation of Marine Corps Order 3461.1 when he ordered the burning of detainees personal items on 29 June 2003. [FF (27, 28)]
4. Several Staff Noncommissioned Officers and Noncommissioned Officers failed to question the orders of (b)(7)(C) either to strip the detainees on 23 June 2003 or to burn civilians property on 29 June 2003. [FF (17, 28)]

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE TREATMENT OF IRAQI
DETAINEES BY (b)(7)(C) USMCR ON OR
ABOUT 14 JUNE 2003 AND 29 JUNE 2003

Recommendations

1. (b)(7)(C) should be charged for violating Marine Corps Order 3461.1 for his orders on 23 June 2003 to have Iraqi civilians stripped before their release from custody.
2. (b)(7)(C) should be charged for violation of Marine Corps Order 3461.1 for his orders on 29 June 2003 to burn civilians property.
3. (b)(7)(C) should be counseled on the rights of civilian detainees for his orders to confiscate money from Iraqi detainees on 23 June 2003.
4. Marines and sailors assigned to (b)(7)(C) should be instructed on the proper care and handling of civilian detainees while in Iraq.
5. Instruct the Marines and sailors of (b)(7)(C) Marines of their obligation to tactfully question orders that appear to be unlawful under the Uniform Code of Military Justice.

(b)(7)(C)



UNITED STATES MARINE CORPS

(b)(7)(C)

IN REPLY REFER TO
5800
7 Jul 2003

From: (b)(7)(C)
To: (b)(7)(C)

Subj: COMMAND INVESTIGATION OF INCIDENTS OF INAPPROPRIATE
TREATMENT OF IRAQI DETAINEES BY (b)(7)(C)
(b)(7)(C) USMCR ON OR ABOUT 14 JUNE 03
AND 29 JUNE 2003

Ref: (a) JAG Manual

1. Per Chapter II, Part B, Section 0204 of reference (a), you are hereby appointed to inquire into the facts and circumstances surrounding the inappropriate treatment of Iraqi Detainees by (b)(7)(C) on or about the dates of 14 June 2003 and 29 June 2003.

2. Inquire as to the cause and any fault, neglect, or responsibility therefore, and recommend appropriate administrative or disciplinary action. Report your summary of findings and recommendations in letterform utilizing the format contained in Appendix A-2-H of the reference within three working days, unless an extension of time is granted. If you have not previously done so, read chapter II of reference (a) in its entirety before beginning your investigation.

3. By copy of this appointment order, (b)(7)(C) (b)(7)(C) is directed to furnish necessary clerical assistance.

(b)(7)(C)

Copy to: Files

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: _____

and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

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- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- I expressly do not desire to have such a lawyer present with me during this interview.
- This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 8 July 2003
(Witness's signature and date)

(b)(7)(C) 8 July 03
(Member's signature and date)

Statement of (b)(7)(C) Fourth Squad Patrol Leader
Re: ASP Detainees of June, 23, 2003

The morning of June, 23, 2003 Squad 4 relieved (b)(7)(C) squad at Field Guard ASP at approx. 0700 hrs. As I can best recall at around 0900 one of my Marines spotted two Iraqis inside the ASP compound. I had three or four of my Marines including myself load into our highback hummer to investigate. We drove about 600 meters around the western Side of the perimeter, dismounted the hummer and walked to the top of the berm. There we saw two Iraqis in side the berm. We motioned for them to walk to us. When the two men came to us I explained to them that they were not allowed in the compound. I communicated with them by drawing a diagram in the sand and using another Marine to simulate hand cuffing and going to jail if We caught them again. They understood and walked North with some women and some cattle. At this time we drove to the North of the ASP and noticed Women and children with some donkeys and explained to them not to go into the compound. We then returned to our post at the south side of the compound. About two hours later my Marine on watch spotted some Iraqis on the compound berm. I assembled a react team to investigate and drove to the area where the Iraqis were spotted. We saw three Iraqis in an area just outside the berm of the compound, they were staging brass tank ammunition cartridges. Two of the men were the ones we had previously warned about going into the compound. I instructed my Marines to detain the Iraqis and place them in the back of the hummer. We flex cuffed the men's wrists and ankles. We then drove them back to our post where I saw that (b)(7)(C) and another Marine. I explained to (b)(7)(C) our situation with the detainees and he instructed us to place the detainees in the back of his hummer. The (b)(7)(C) Drove off with the detainees in route to what I assumed would be the Police Station. I then called (b)(7)(C) to notify them of the incident. At around 1400 my Marine on watch noticed a blue flat bed truck approaching our position. I watched the truck make a left turn off the main road and into the field about 700 meters away from us. The truck drove around to the west of our compound. I waited about twenty minutes or so and assembled another react team to go investigate. As we rounded the berm I noticed Four Iraqis picking up staged brass and loading it into the truck. When the men saw us they got back into the truck and were trying to flee. My Marines stopped the truck and motioned for the men to exit the truck. As I approached the men I noticed that three of them were the same men we had just detained a few hours before. I ordered my Marines to detain the men and place them in the back of our hummer. I had one of the detainees remain with myself and a few of my Marines while I sent the remaining detainees back to our post. I had this detainee pick up all the brass in the area and load it on the blue truck. After the detainee picked up all of the brass we drove him and the blue truck back to our post. I had the detainee pull off all the brass in the truck and stage in an area where my Marines could keep an eye on it. I had my Marines put the detainees in the shade by the guard shack and gave all the detainees water. I radioed my situation in to (b)(7)(C) and was ordered by (b)(7)(C) to make sure the owner of the truck retained possession of his keys and to drive the detainees to the Police Station after I was relieved. After talking to (b)(7)(C) one of my Marines told me that one of the detainees flex cuffs were too tight. I personally inspected each on of the

detainees cuffs and determined that all of them needed to be cut and that new ones needed to be placed on the detainees in a loose but secured manner. My Marines followed my instructions and even used (b)(7)(C) medical cutters to ensure the safety of the detainees. Our squad was relieved around 1700 hrs. by (b)(7)(C) Squad. My Marines carefully loaded the detainees into our hummer and drove back to (b)(7)(C). I drove to (b)(7)(C) first to drop off half of my Marines so they would have an opportunity to eat hot chow. As I was getting ready to pull out to bring the detainees to the Police Station when I was met by (b)(7)(C) and (b)(7)(C). The (b)(7)(C) Wasn't very happy with the detainees being inside our compound. He said that anytime we have detainees we were not to bring them back to (b)(7)(C). I informed him that we were going to bring them to the Police Station. At this time we were instructed by (b)(7)(C) not to bring the detainees to the Police Station but to release them at the gate. At this time I instructed my Marines to cut the flex cuffs off of the detainees and bring them to the gate. I said to the (b)(7)(C) (b)(7)(C) and to (b)(7)(C) that the Iraqis were just going to walk out our gate and grab a taxi and that they would probably show up at the ASP again knowing that there would be no consequences to their actions. The (b)(7)(C) told me to take their money so they would not be able to take a taxi. I confiscated about one thousand Dinars off of one Iraqi and then My Marines walked the detainees to the gate. As we were walking to the gate (b)(7)(C) ordered us to take the detainees cloths off in order to teach them a lesson. My Marines removed the detainees cloths leaving them in their underwear. I made sure that the detainee that owned the truck got his keys back and returned his money to him. The detainees walked through the gate and into the street. I then instructed my Marines to eat some chow.

(b)(7)(C)

Rights Advise ment Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: _____

_____ and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

- I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
 - I expressly desire to waive my right to remain silent.
 - I expressly desire to make a statement.
 - I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
 - I expressly do not desire to have such a lawyer present with me during this interview.
 - This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 6 July 2003
(Witness's signature and date)

(b)(7)(C) 7/8/03
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

3 or 4 Iraqi men were brought to (b)(7)(C) from a ASP. I assumed they were to be transported to the police station I was standing next to (b)(7)(C) and (b)(7)(C) (b)(7)(C) when the (b)(7)(C) suggested we should strip the Iraqis and let them walk home. (b)(7)(C) advised against that course of action. At that time (b)(7)(C) and myself left and went inside the building. I later heard that the Iraqi men were stripped and left to walk home.

(b)(7)(C) 7/8/03
(ate)

Rights Advise ment Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)
Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)
of: _____

and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- I expressly do not desire to have such a lawyer present with me during this interview.
- This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 7-9-03
d date)

(b)(7)(C) 030708
(member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

I (b)(7)(C) ON. ON AROUND THE 23RD OF JUNE WAS IN THE CAS WHEN I HEARD ALOT OF ACTIVITY OUTSIDE OUR BUILDING. I WENT OUTSIDE AND SAW A NUMBER OF MARINES WATCHING ACTIVITY AT THE FRONT GATE. I WITNESSED 3 OR 4 IRAQIS THAT WERE STRIPPED DOWN TO THEIR UNDERWARE BEING WALKED OUT THE FRONT GATE AND RELEASED. THE IRAQIS PROCEEDED TO WALK ACROSS THE STREET AND OUT OF VIEW. (b)(7)(C) WAS AT OR NEAR THE FRONT GATE AND WALKED BACK TO THE COX. (b)(7)(C) WAS ON THE PORCH IN FRONT OF THE BLDG OBSERVING. I SPOKE BRIEFLY WITH HIM AND HE MENTIONED THAT ONE OF THE MARINES, I BELIEVE (b)(7)(C) CAME UP TO HIM AND ASKED IF IT WAS NECESSARY TO TREAT THE IRAQIS LIKE THAT. HE SAID THAT HE WAS OPEN TO SUGGESTIONS BUT THAT WE HAD TO DO SOMETHING TO STOP THE IRAQI FROM GOING INTO THE ASP. I RETURNED INSIDE AND (b)(7)(C) CAME INTO THE CAS AND SAID THAT SOMEBODY HAD TAKEN THE IRAQI'S MONEY.

(b)(7)(C) 030708
(Signature and Date)

030709

IN THE LATE MORNING ^{or early afternoon} OF AROUND 23 JUNE, MYSELF, (b)(7)(C) AND (b)(7)(C) DROVE TO FIELD ASP TO CHECK ON ONE OF THE (b)(7)(C) VEHICLES. WHEN WE ARRIVED, THERE WERE 3 DETAINEES SEATED IN THE SHADE ^{of the} WITH THEIR HANDS FLEXCUFFED BEHIND THEIR BACKS. WE CONDUCTED OUR CHECK ON THE VEHICLE AND (b)(7)(C) OFFERED TO TAKE CARE OF THE DETAINEES FOR (b)(7)(C). AS THE SQUAD HAD BEEN WAITING FOR TRANSPORT OF THE PRISONERS FOR A WHILE, THE SQUAD LOADED THE DETAINEES IN THE BACK OF THE HIGH BACK (LAYING ON THE DECK). THE (b)(7)(C) SAID WE WERE GOING TO DRIVE THEM DOWN THE ROAD, A FEW MILES AND RELEASE THEM. MYSELF AND THE

(b)(7)(C) RODE IN THE REAR AS SECURITY. I DID A QUICK SEARCH AS WE DEPARTED CONFISCATING ~~THE~~ (1) KNIFE WHICH I GAVE TO (b)(7)(C). WE DROVE APPROXIMATELY 2-3 MILES DOWN THE ROAD AND PULLED OFF TO THE SIDE AND TOOK THE DETAINEE OUT. I USED A GERBER TOOL TO CUT OFF THEIR FLEX CUFFS. AFTER THAT I TRIED TO EXPLAIN TO THEM NOT TO COME INTO THE ASP AND THEY SEEMED TO UNDERSTAND. AT THIS TIME WE LOADED INTO THE VEHICLE AND RETURNED TO (b)(7)(C). A BOX WITH THEIR PERSONAL BELONGINGS, WHICH WAS MOSTLY FOOD WAS LEFT WITH THEM. THE DETAINEES WERE LAST SEEN WALKING BACK IN THE DIRECTION OF THE ASP.

(b)(7)(C)

030709

Rights Advise ment Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)
of: _____

_____ and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- I expressly do not desire to have such a lawyer present with me during this interview.
- This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) July 2003
(and date)

(b)(7)(C) 080703
(date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

On June 23, 2003 while stationed in Al-Kut, Iraq, I was assigned with (b)(7)(C) leader while stationed in Al-Kut with (b)(7)(C). I was at the COC talking to other Marines when I heard (b)(7)(C) on the radio advising the sergeant of the guard that he had detained (4) Iraqi civilians who had trespass at the ASP. I then informed (b)(7)(C) who is our commanding officer for (b)(7)(C) company of the situation. (b)(7)(C) informed me to tell (b)(7)(C) to transport the detainees to the Iraqi Police station after they were believed. I advised (b)(7)(C) of the (b)(7)(C) orders, which he then advised me that he would transport the Iraqi civilians to the Iraqi Police station. On the same date between the hours of 1800 and 1900, I was

(b)(7)(C) 086703
(Signature and Date)

APPROACHED BY (b)(7)(C) WHO ASKED TO SPEAK TO ME IN PRIVACY.
(b)(7)(C) AND I THEN SEPARATED OURSELVES FROM OTHER MARINES
AND WALKED TO A SECURED PRIVATE AREA.

(b)(7)(C) THEN TOLD ME THAT HE HAD WITNESSED IRAQI
CIVILIANS BEING ORDERED TO REMOVE THEIR CLOTHING AT THE FRONT
GATE OF (b)(7)(C) COMPOUND. (b)(7)(C) CONTINUED TO TELL
ME THAT IT WAS INAPPROPRIATE AND FELT IT WAS WRONG FOR MAKING
THE IRAQI CIVILIANS REMOVE THEIR CLOTHING, FOR HUMILIATION
PURPOSES.

I THEN WENT TO THE FRONT GATE AND CONTACTED (b)(7)(C)
WHO WAS STANDING NEXT TO AN UNKNOWN MARINE. PRIOR TO CONTACTING
(b)(7)(C) I OBSERVED (2) IRAQI CIVILIANS WALKING ACROSS THE
STREET WITH THEIR UNDERWEAR ONLY ON THEIR PERSON.

I ASKED (b)(7)(C) WHY DID HE NOT TRANSPORT THE IRAQI
CIVILIANS TO THE POLICE STATION. (b)(7)(C) INFORMED ME THAT
HE HAD BEEN ORDERED BY (b)(7)(C) TO BRING THE DETAINEES
TO OUR COMPOUND. (b)(7)(C) CONTINUED TO INFORM ME THAT
UPON HIS ARRIVAL AT (b)(7)(C) COMPOUND, (b)(7)(C)
ORDERED HIM TO HAVE THE DETAINEES REMOVE ALL OF THEIR CLOTHING AND
TO HAVE THEM WALK OUT OF THE COMPOUND AND TO WALK TO TOWN WITH
NO CLOTHING FOR HUMILIATION PURPOSES. (b)(7)(C) ALSO STATED
THAT (b)(7)(C) HAD ORDERED HIM TO REMOVE
ALL CURRENCY THAT THE DETAINEES HAD ON THEIR PERSONS) SO THAT
THEY COULD NOT GET A RIDE FROM A CAB AND THEY COULD WALK TO
TOWN. HE STATED HE DID NOT REMOVE ANY CURRENCY FROM (1) DETAINEE.

I THEN TOLD (b)(7)(C) THAT IF HE WAS EVER ORDERED TO DO
ANYTHING LIKE THAT AGAIN, TO HAVE THE PERSON WHO ORDERED HIM
COME SEE ME.

I THEN WENT TO (b)(7)(C) AND INFORMED
HIM OF THE SITUATION WHICH HE THEN INFORMED ME THAT HE WOULD
ADVISE THE CHAIN OF COMMAND.

END OF STATEMENT.

(17)

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: Coopsman

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: _____

_____ and that:

(b)(7)(C) I have the right to remain silent.
Any statements I do make may be used as evidence against me in trial by court-martial.

(b)(7)(C) I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.

(b)(7)(C) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.

(b)(7)(C) I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

(b)(7)(C) I expressly desire to waive my right to remain silent.

(b)(7)(C) I expressly desire to make a statement.

(b)(7)(C) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

(b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.

(b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 2 July 2008 (b)(7)(C) 030709
(Member's signature and date) (Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

On 23 JUNE AROUND 1730 HOURS APPROXIMATELY, I WALKED OUT ON THE FRONT PORCH OF THE TIGER COMPOUND AS (b)(7)(C) SQUAD WAS RETURNING FROM THE MSP. I NOTICED 3 IRAQIS IN THE BACK OF THE VEHICLE. AFTER THE SQUAD STOOD UP, I COULD SEE THEY WERE CURTAINED.
(b)(7)(C) ASKED (b)(7)(C) WHAT HE WAS DOING. I HEARD (b)(7)(C) SAY HE WAS TOLD TO TAKE THE DETAINEES TO THE POLICE STATION. I HEARD (b)(7)(C) TELL HIM NO, THAT THERE WAS A (DIVISION, BATTALION, MEF - NOT SURE WHICH) ORDER TO NO LONGER DELIVER PRISONERS TO THE POLICE. HE TOLD (b)(7)(C) TO TAKE ALL THEIR POSSESSIONS, EMPHASIZING MONEY, AND ~~SEND~~ THEM ESCORT THEM OUT THE GATE.
(b)(7)(C) WAS OUTSIDE SEEING THE SCENARIO. HE WALKED BACK IN & THEN RAN OUT. IT WAS THEN HE ADDED TO REMOVE THE IRAQI'S CLOTHING.

THE MEN WERE STRIPPED TO THEIR UNDERWEAR & LED OUT THE GATE. THAT'S WHEN I CAME INSIDE.

(b)(7)(C) 030708
(Signature and Date)

Interviews Adviseement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: Sqd Ldr.
Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)
of: No charges pending at this time

and that:

- (b)(7)(C) I have the right to remain silent.
- (b)(7)(C) Any statements I do make may be used as evidence against me in trial by court-martial.
- (b)(7)(C) I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- (b)(7)(C) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- (b)(7)(C) I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

(b)(7)(C) I expressly desire to waive my right to remain silent.

(b)(7)(C) I expressly desire to make a statement.

(b)(7)(C) I expressly do not desire to consult with either a civilian lawyer retained by me (b)(7)(C) appointed as my counsel without cost to me prior to questioning.

(b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.

(b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 10 July 2003
(Interviewee's signature and date)

(b)(7)(C) 07/10/03
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

I was involved in the instances of detention of Iraqi citizen. One incident involved my squad along with one section of (b)(7)(C) led by (b)(7)(C). We detained (4) individuals on the road N/W of Tiger. They were witnessed digging around power cables and had a large length of power cable hidden in some bushes. We detained the suspects and waited in a concealed position for about 2 hours in the hopes that their accomplices returned.

A second incident involving detainees, occurred when I was Sergeant of the guard. (b)(7)(C) squad returned from the ASP (Field guard) with about 4 detainees in the back of a high back. I assisted (b)(7)(C) in removing the individuals and searching them. We found several rolls of dinars, approx 30 bills. At that time the

(b)(7)(C) 07/10/03
(Signature and Date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

determination to release them was made. (b)(7)(C) ordered that we confiscate their money. Myself and (b)(7)(C) cut several mounds when I can recall began to move them toward the gate. (b)(7)(C) was standing on the steps and ordered us to "Strip them, take their clothes." (b)(7)(C) and I discussed this and stripped them to the waist, I utilized one mans shirt to immobilize his arms. I left his arm in the sleeves of his button down shirt and pulled the rest down. One individual removed his flube and was wearing sweat pants underneath. All the men had pants or shorts and shoes except for one individual who showed up barefoot. I believe I witnessed (b)(7)(C) return the money to one individual over the wire.

(b)(7)(C) 07/10/07
(Signature and Date)

Addendum: When the money was confiscated I handed the rolls of bills that I found to (b)(7)(C)

When (b)(7)(C) gave the order to "Strip them, take their clothes." (b)(7)(C) replied with "That's your call sir."

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time

and that:

- (b)(7)(C) I have the right to remain silent.
- (b)(7)(C) Any statements I do make may be used as evidence against me in trial by court-martial.
- (b)(7)(C) I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- (b)(7)(C) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- (b)(7)(C) I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- (b)(7)(C) I expressly desire to waive my right to remain silent.
- (b)(7)(C) I expressly desire to make a statement.
- (b)(7)(C) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- (b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.
- (b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 9 July 2003
(Witness's signature and date)

(b)(7)(C) 7/9/03
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

On one of our days at the ASP we detained three Hoagies for going into the ASP for Brass. The Hoagies were picked up by a (b)(7)(C) vehicle which would take them to the Police station. The three men were let go and were back that afternoon. This time it was four of them in a blue truck. We stopped them again and advised that we would bring them in. We stopped here at the tiger post to drop off some Mainer and gear on the way to the Police station. (b)(7)(C) asked if we had taken their money. We had not, so he asked for their money one of the Mainer that was around got the money from the men and gave it to the (b)(7)(C). We were told to let them go at the front gate. On the way (b)(7)(C) gave the order to take their shirts and pants off. The Hoagie man with the truck was given his Keycard and they were let go.

We were told to let the men's clothes and can't remember my self but (b)(7)(C) but can't recall who the other mainer was. The men were not given the money and the last person I saw with it was (b)(7)(C)

(b)(7)(C) 7/9/03
Date:

Rights Advise ment Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)

of: No charges pending at this time

and that:

(b)(7)(C) I have the right to remain silent. Any statements I do make may be used as evidence against me in trial by court-martial.

(b)(7)(C) I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.

(b)(7)(C) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.

(b)(7)(C) I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

(b)(7)(C) I expressly desire to waive my right to remain silent.

(b)(7)(C) I expressly desire to make a statement.

(b)(7)(C) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

(b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.

(b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 9/21/2008 (b)(7)(C)
(Witness's signature and date) (Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

I, (b)(7)(C) was at the "Fieldyard" ASP about 11:00, 2 weeks ago when our squad apprehended a group of 4 Iraqis in the process of stealing artillery-sized brass from the back side of our ASP. We searched and zip-tied them, and brought them back to the front of our position. After radioing back to (b)(7)(C) we were instructed to hold the detainees there until 12:00, or about 1 hour, when our relief would arrive. When the next squad relieved us, we loaded the detainees in with us, and drove them back to (b)(7)(C). The Iraqis' vehicle, we left at the ASP, but we gave the keys back to one of the detainees.

When we returned to (b)(7)(C), lots of people came out to see the prisoners. The original word received was that a few members of our squad would drive them to the

(b)(7)(C)

(Signature and Date)

July 9th 03

police station. Someone (I'm not sure who) canceled this. We knew they would be turned loose in a few hours, and we'd just catch them again. So it was decided to let them go from (b)(7)(C). At that point (b)(7)(C) said to take their money, so we got their wallets, gave the money to (b)(7)(C), and returned the empty wallets. As we were bringing them to the front gate, (b)(7)(C) told us to take their clothes off. The idea was that since we had to let them go, we could at least embarrass them a little.

1

So after we searched them to the exit gate, we took their shirts and pants. We left them with shoes, underwear and T-shirts. Then we turned them loose, and they walked away. The Iraqis' clothes were left at the front gate.

It should be noted that we haven't caught anyone at the ASP since

(b)(7)(C)

July 9th, 2003

2

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time

and that:

- (b)(7)(C) I have the right to remain silent.
- (b)(7)(C) Any statements I do make may be used as evidence against me in trial by court-martial.
- (b)(7)(C) I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- (b)(7)(C) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- (b)(7)(C) I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- (b)(7)(C) I expressly desire to waive my right to remain silent.
- (b)(7)(C) I expressly desire to make a statement.
- (b)(7)(C) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- (b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.
- (b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 9 July 2003
(Witness's signature and date)

(b)(7)(C) 7-9-03
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

(b)(7)(C) squad went to the ASP for a shift change. After we got here about 10 min later we drove around on the outside of the compound to see if there were any Iraqis inside the compound. We saw three called them over and told them not to go in any more. As we got done with them we saw three other Iraqis sitting outside the compound about 25 meters away. We drove over to them (b)(7)(C) and I got out of the Humvee to talk to them. We were trying to explain not to go inside the compound. There was a language barrier of course so (b)(7)(C) drew in the sand a circle with an X marking them on the outside and then with drawing an X on the inside saying no and shaking his head no not to go inside the compound. It seemed they understood. So we continued our patrol around the compound and went to the front. We ate some chow which took about 20 to 30 min. We went on the patrol again and saw the ^{two of the same three} ~~same three~~ guys we drew a picture for inside the compound.

(b)(7)(C) 7-9-03
(Signature and Date)

we called them over and
detained him also because [redacted] was with them. When we go back to the front
the ASP there was a Humvee there with (b)(7)(C)
[redacted] could take the three detainees to the police station for us. About 2 to 3 hours later
truck came down the road then went off road toward the back of the ASP. [redacted]
[redacted] about 10 minutes before doing another patrol. Sure enough the same three Iraqies
with a 4th guy as a driver. We detained them again and brought them to the front of the ASP.
[redacted] sat them down in the shade gave them water and cigarettes. We called into [redacted] they
told after our shift change take them down to the Police station. We had about an hour wait
because the flex cuffs were tight on the Iraqies so we cut them and put new ones on.
When relief came we loaded up the Humvees came back to [redacted] to drop off gear and some Marines
we got new word from [redacted] and [redacted] to strip their clothes and take
all their money and let them go. [redacted] got their money we walked them to the gate
[redacted] told them to strip they stripped down to their shorts or whatever they had on underneath
their clothes. We cut the flex cuffs off before that. They only had on shorts no clothes, no sandals.
The last guy to leave was the driver and [redacted] gave him back some money. They all went
out the gate and went to wherever they live.

(b)(7)(C) 7-9-03

Rights Advise ment Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time

and that:

(b)(7)(C) I have the right to remain silent. Any statements I do make may be used as evidence against me in trial by court-martial.

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(b)(7)(C) 9 Jul 03
(Witness's signature and date)

(b)(7)(C) 9 July 03
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

This is a statement by (b)(7)(C) on an incident that happened at Field Guard ASP and (b)(7)(C) Pos. We arrived at the ASP around 0500 and relieved 3rd Squad. Upon relieving them they informed us that there had been some crazies in the area. With this knowledge myself, (b)(7)(C) decided to go on patrol and investigate the area. We drove around the ASP until we came to an area where there were some crazies we walked up the Berm around the ASP and discovered three individuals inside the perimeter we instructed them to exit the area and they did (b)(7)(C) instructed these men not to go inside the compound. they seemed to understand so we sent them about their business. upon further

(b)(7)(C)

9 July 2003

(Signature and Date)

investigation of the area we found three other individuals so we stopped and (b)(7)(C) explained to them to the best of his ability that the area inside the wire was off limits, they seemed to understand but did not leave. We got into the vehicle and drove away back to Field guards Pos. We waited there for an hour or so and then got back in the vehicle to see if the crazies had left. When we got to the area where the three individual were before we found only one so we got out of the vehicle to search the area for the others. we did not see them so we left. Once back at our Pos. we decided to wait about 30 min before we went to look for the other 2 men. After waiting we again went to look around the area. We found that same individual in the same spot so we got out to look again. We found the other two men inside the perimeter we then motioned for them to exit the ASP. they did. Once on the outside of the wire I had them lay on the ground as I searched them. I found a wallet and a knife. We confiscated the knife but gave the wallet back we cuffed all 3 men and put them in the back of our vehicle. we brought them to the front of the ASP and found (b)(7)(C) (b)(7)(C) explained why we had detained these men and they decided to take the individuals to the police station. We later found out that they only brought the men 5 miles down the road and dropped them off. about 2 hrs later we noticed. That individual

Truck drive down the perimeter road of the ASP. We knew they were up to no good so we decided to let them have a little rope to hang themselves with. We waited about 45 minutes until we drove to investigate what they were doing. we arrived at the same area we had arrested the 3 men. before to find it was the same three men plus one more. we arrested the men again and brought them back to our pos. during the time these men were detained they were placed in the shade and given cold water. When we were relieved by the next shift we loaded the detainees in the vehicle and proceeded to (b)(7)(C) Pos. we intended to take the men to the Police Station after we dropped off our gear and a few Marines. When we got to (b)(7)(C) (b)(7)(C) told us to take their money and let them go, so we took one individuals money and gave it to (b)(7)(C). We then gave them belongings back with the exception of their knives. as we walked them to the front gate we heard an order to take off their clothes so we proceeded to do so. (my whole squad plus (b)(7)(C)) We decided that we would leave them their dignity and only take off their shirts. We then handed them their clothes back and sent them on their way.

(b)(7)(C)

9 July

Read its Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time

and that:

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(b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C)

9 July 2003

(b)(7)(C)

7-9-03

(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

I (b)(7)(C) arrived at the ASP at 1300-1400, soon after my arrival a blue truck drove by on its way to the back of the ASP. (b)(7)(C) grabbed some of the squad and we patrolled to the back of the ASP where we found 4 individuals loading brass on to the truck. We flex cuffed 3 of the detainees and escorted them to the front of the ASP and put security on them. The other individual loaded the brass then unloaded the brass from the truck, he was then flex cuffed and searched like the others. The four detainees were re-flex cuffed to their fronts, given water, put in the shade, given cigarettes and porn. Upon being relieved from the ASP we brought the detainees to the (b)(7)(C) compound. (b)(7)(C) told half the squad to prepare to transport the detainees to the police station and the rest (Signature and Date) to rest our gear down and relax.

I went into our squad room and upon leaving the room, I saw the detainees being escorted to the front gate ^{BVS} where they were stripped to shoes and underwear and sent on their way.

(b)(7)(C) 7-9-03

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time

and that:

- (b)(7)(C) I have the right to remain silent.
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(b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 090702
(Witness's signature and date)

(Member's signature and date)

(b)(7)(C) 8 July 03

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

Last month I went out to the ASG about six hours later than my squad. During the time we got there, we sent out a GAF/Patsat to check out the perimeter. There we found 4 Iraqi male collecting brass from exploded ordinance. We detained them and set them next to a Guard shack. We were ordered by (b)(7)(C) to hold them until we get relieved. So we gave them water and cigarettes to the ones that smoke. When we returned, we were ordered to let them go. So I grounded my gear and came back out. When I came into view of the detainees there was orders to take their money and clothes. None of us were in any place, that I know of, to question the orders. So we followed the orders and let them go. The order was given by (b)(7)(C)

(b)(7)(C) 090703
(signature and Date)

2155 Roof reports congregation of 8 Iraq males at the car wash (auto shop). Force protection notified by SOG.

2246 SOG checked all post. Nothing new to report. (b)(7)(C) replaced by (b)(7)(C) at post 3.

2254 (b)(7)(C) relieved (b)(7)(C) at post 2.

0000 SOG checked all post. Nothing unusual to report. [23 JUN]

0002 - LATE ENTRY - Approx 2320 AT&T phone was reported broken by (b)(7)(C).

0002 - Generator shut off by SOG.

0044 - I, (b)(7)(C), HAVE BEEN PROPERLY RELIEVED AS SOG by (b)(7)(C).

0043 - I, (b)(7)(C), have assumed duties as SOG at this time. I have in my possession 6 119's (2 Folio's), 1-C&E-10, and 8 ISS. All general orders remain the same.

Post 1
2
3
4
(b)(7)(C)

0110-SOG worked all post - I went at water pump station clear
0140-SOG turned off water pump
1200 SOG checked all post, nothing unusual to report.

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

0846

0851

(b)(7)(C)

(b)(7)(C)

06-23-07

- 0856 S06 has no comm w/ post 3 leaving to go bring batteries
- 0904 S06 Returns from replacing post 3's Batteries, com is good.
- 0921 (b)(7)(C) hears shooting and post 1 and Postop 1; but they say their is nothing unusual to report.
- 0926 S06 goes to post 3 to relieve him to take a shit.
- 0935 two civilians come to front gate and report the shooting killed a civilian of we called (b)(7)(C) and they are responding. Post 4 reports kids throwing rocks (b)(7)(C) responds, kids stop throwing and running away
- 0952 S06 Returns.
- 1003 (b)(7)(C) leave compound. On the way to Field ASP.
- 1014 S06 checks all post nothing to report
- 1019 Stan arrives w/ Sack bag minis and ice.
- 1025 Field Guard Detained 3 individuals and (b)(7)(C) notified them of.
- 1029 3 minor T guys come in compound
- 1032 CI minis shown, Sgt Sherron and Holden leave compound
- 1045 (b)(7)(C) notified Sherron and Postop 1
- 1064 S06 leaves to go to post 3
- 1100 Klenke and 2 minis enter
- 1105 S06 returns from post 3
- 1110 S06 returns from post 3
- 1115 S06 returns from post 3
- 1120 S06 returns from post 3
- 1125 S06 returns from post 3
- 1130 S06 returns from post 3
- 1135 S06 returns from post 3
- 1140 S06 returns from post 3
- 1145 S06 returns from post 3
- 1150 S06 returns from post 3
- 1155 S06 returns from post 3
- 1200 S06 returns from post 3
- 1205 S06 returns from post 3
- 1210 S06 returns from post 3
- 1215 S06 returns from post 3
- 1220 S06 returns from post 3
- 1225 S06 returns from post 3
- 1230 S06 returns from post 3
- 1235 S06 returns from post 3
- 1240 S06 returns from post 3
- 1245 S06 returns from post 3
- 1250 S06 returns from post 3

1245

06-23-03

SOG (b)(7)(C)

Radio (b)(7)(C)

Post 1 (b)(7)(C)

Post 2 (b)(7)(C)

Post 3 (b)(7)(C)

Post 4 (b)(7)(C)

Post 1 (b)(7)(C)

Post 2 (b)(7)(C)

GATE (b)(7)(C)

1250 2 CF marines leave compound 4TR

1305 2 CMST⁽³⁾ vehicle return to compound (b)(7)(C)

1320 (b)(7)(C) takes radio to Field guard w/ 5 marines

1335 SOG Relinquishes (b)(7)(C) TEMP

1340 CAR RUN RETURNS TO (b)(7)(C)

1342 POST 2 RELIEVED BY FRANK

1343 POST 3 RELIEVED BY FRANK

1345 SOG Returns to COG

1347 2 CF marines return

1348 Post 1 relieved by [unclear]

1400 [unclear] return to [unclear] w/ [unclear]

1405 [unclear] return to [unclear]

1407 [unclear] return to [unclear]

1408 [unclear] return to [unclear]

1409 [unclear] return to [unclear]

1410 [unclear] return to [unclear]

06-25-03 (b)(7)(C)

1434 1 radio + 3/4 marines to (b)(7)(C) chow/mail 9 (b)(7)(C)

1435 (b)(7)(C) returns w/ one radio 10 radios on deck

1445 (b)(7)(C) w/ 7 radio 11 radio on deck

1525 1 Hummer + 1 water truck come on deck

1525 SSC returns from checking post all secure

1530 (b)(7)(C) assume post 4 + roof 2

1545 1 radio + 9 marines 1 Doct depart from (b)(7)(C)

↓ Inspection patrol (b)(7)(C)

1545 TOTAL 10 Radio @ (b)(7)(C)

1625 5 marines 1 chow hall return from (b)(7)(C)

w/ 1 radio chow + water

1635 Inspection Patrol returns (b)(7)(C)

3 marines rest on guard (b)(7)(C) (b)(7)(C)

none of these weapons are functional, w/ 9 marines

w/ 1 Doct.

1650 (b)(7)(C) For post 3/1 of Lancer (b)(7)(C)

1650 If 20' Lancer become 14' ...

on 5 ...

(S) I am ...

(b)(7)(C)

06-23-p3

1745 - Post 4 reports in single packet to the North of (b)(7)(C) approx. (100) meters.

1800 - SOG checks posts - all secure etc

1810 - SOG Reports for (b)(7)(C) meeting etc

1900 - SOG Finishes w/ (b)(7)(C) meeting etc

1815 (Late entry) - (b)(7)(C) returns radio #=141371008 etc

1900 - SOG conducts post check all secure etc

2000 - SOG conducts post check all secure etc

2045 - (b)(7)(C) has been properly relieved by (b)(7)(C)

(b)(7)(C)

2046 - (b)(7)(C) assumes duty as SOG.

I have in my possession 11 radios, 10 ICans, 3 m-2106, 5 laptops. All Special & General remain the same. All secure.

Copy - (b)(7)(C)

Page 3 (b)(7)(C)

2230 -

2211 -

2229 -

(b)(7)(C)

2230 - Shimmered down response on threat

2240 - Shimmered down threat compound

2250 - Shimmered down threat compound

2300 - Shimmered down threat compound

2310 - Shimmered down threat compound

2320 - Shimmered down threat compound

2330 - Shimmered down threat compound

27 June 03

Vehicle Check Point / Patrol

2030-01

(b)(7)(C) (Name / Location)

Set up VCP @ (b)(7)(C) . Stopped 3 vehicles w/o incident.
 Set up 2nd VCP @ (b)(7)(C) . Stopped 3 vehicles w/o incident.
 PARALLEL Down Powerline Rd. Several "Games" were on the streets,
 they would blow their whistles when they saw us coming. Don't know
 if they were trying to warn drivers about our presence or alerting
 us not to shoot them. Reason for starting the VCP operation
 due to the lack of traffic.

(b)(7)(C)

28 June 03
2600-2200

(b)(7)(C)

Patrol was to create a presence and to let the people in our area know that we
 still operate in our area and are not just sitting around. We also wanted to show our
 presence and show the people that we are still here to assist them. We also wanted to
 if anyone wanted to come and give us any intel on what activities have been taking
 at the compound. There was nothing unusual to report. The patrol went smooth we had
 the vehicles that were going through our area. We stopped and searched the vehicle
 (1) found nothing.

(b)(7)(C)

28 June 03 Vehicle Check Point DATE 2100 - 10:49 (29

Patrol leader:

(b)(7)(C)

Observers:

... the truck. The truck skidded to a halt in front of the North check point across the road from its present location on highway 7 and the power station. Cease fire was given and we did an initial casualty report. The Iraqis stumbled out of the truck, we had them lay down, zip tied, searched and first aid was given by the Corporal. At that time, we searched the truck and called (b)(7)(C) to the Iraqis and requested an ambulance.

The Military Police showed up at 2335 with the ambulance (b)(7)(C) (Capt. of the (b)(7)(C)) was the MP in charge. Search of the truck resulted in 500,000 Dinar, 81 magazines loaded with gear. (b)(7)(C) took the money to give to the Iraqi Police riding with the ambulance.

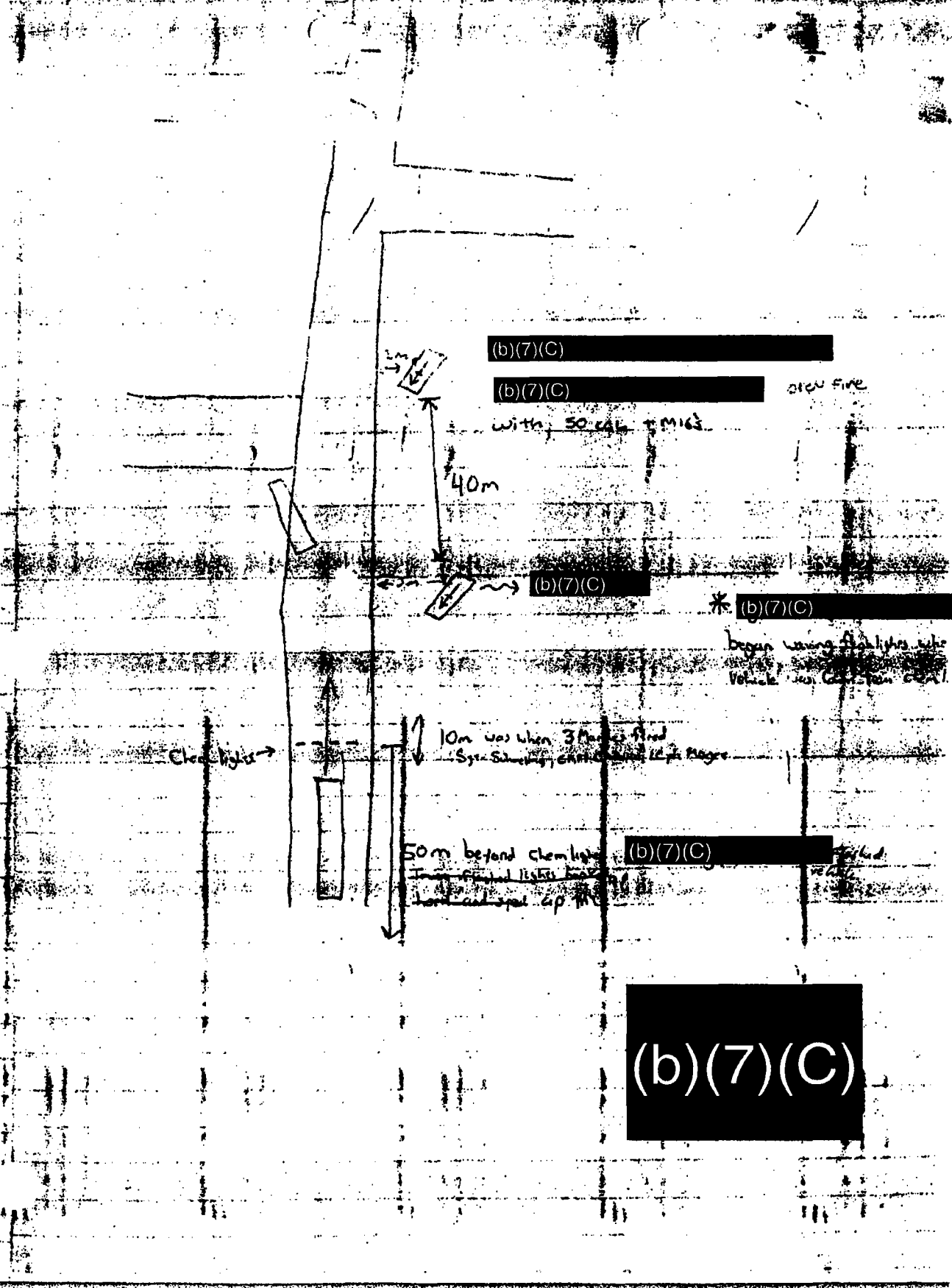
The MPs had an interpreter with them who asked the Iraqis why they were at the check point. They said they thought we were "Ali Babba". (b)(7)(C) followed the ambulance to the hospital. He said he would notify (b)(7)(C) to get a truck and Iraqi Police to our location and once he was done at the hospital (b)(7)(C) would return to our position.

We gave (b)(7)(C) four S traps on what was going on throughout the time right after the shooting to the point the ambulance left. Once the ambulance left at approx 2350 we conducted more vehicle searches and did that until about 0100. We searched lapped 91 vehicles and confiscated (1) one AK47 and (3) three magazines.

At 0100 (b)(7)(C) told us to hold our position until ordered by the MPs and the Iraqi Police. At approx 0105 we moved the vehicles back down off the road and stopped all vehicle checks.

Approx 10 vehicles were searched from 0145-0100. (2) AK47s, Five (5) magazines, and Five (5) Dinar were found during the check point.

* No enemy at all.



(b)(7)(C)

(b)(7)(C)

air fire

with 50 cal. rifles

40m

(b)(7)(C)

* (b)(7)(C)

began using flashlights when vehicle was...

Chem light →

10m was when 3 M16's fired
Sgt. Sch... and 12th Regt

50m beyond chem light
...
...
...

(b)(7)(C)

(b)(7)(C)

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: Vehicle Cmdr
Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)
of: No charges pending at this time

_____ and that:

- (b)(7)(C) I have the right to remain silent.
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- (b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 13 July 2003
(witness's signature and date)

(b)(7)(C) 030713
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

At approx 2145 ^{on June 27, 2003} we arrived at the police deployment in Al Kut to get a check point sign from the Army MP's. They said they had none and to talk to (b)(7)(C) with the Army MP's on the 28th June. At approx 2145 we set up the roadblock on Hwy 7 just South of Al Kut by the road to the ASP and power lines. Through out the night we stopped maybe 40 vehicles. My vehicle which included myself, (b)(7)(C) and (b)(7)(C) had the traffic going North. (b)(7)(C) vehicle who had himself, (b)(7)(C) (b)(7)(C) had all South bound traffic. At approx 2300 (b)(7)(C) and myself were standing by our Chemlights in the road headed back to our (b)(7)(C) vehicle to get water. The vehicle was maybe 50m North of the Chemlights 10-15m off the road. As we started for the (b)(7)(C) vehicle a truck approached so the three of us stopped and waved flashlights at the truck to get it to stop as we had done all night. The truck did not slow down and at approx. 40-50m from the Chemlights the truck blew his horn, flashed his lights and increased speed. He was traveling maybe 50mph. At approx 10-15m from the Chemlights and (b)(7)(C)

(b)(7)(C) 030717
(Signature and Date)

Mysiek and (b)(7)(C) fired, (b)(7)(C) fired his M-16 from my (b)(7)(C) vehicle turret. (b)(7)(C) vehicle fired the .50 cal machinegun. The firing lasted a few seconds. I called cease-fire and made sure all Marines were OK. I then approached the truck, which stopped slightly off the road pointing North directly across from (b)(7)(C) vehicle, as well as (b)(7)(C). The driver and passenger got out of the driver side door and we ordered them to the ground. I searched them and zip-tied them and called (b)(7)(C) to give aid. Mysiek and (b)(7)(C) searched the truck. (b)(7)(C) gave the Company a SITREP. Army MPs and an ambulance showed up approx. 2315. We found 500,000 Dinar inside a door. A (b)(7)(C) with the MPs took it, the Iraqis gave us the Iraqis zip-ties off and were sent to the hospital. At approx 2345 we continued searching vehicles. At 0000 (b)(7)(C) informed us to guard the vehicle throughout the night. At 0100 we picked up the chem lights and put the vehicles off the road maybe another 20m. The next morning we were told that a Tow Truck would be in route to move the truck off to another location. At this point our two vehicles were in the driveway to the power plant next to the truck. At approx 0800 the two Iraqi drivers showed up at the truck. (b)(7)(C) ordered Mysiek and (b)(7)(C) to tell them to leave. Around 0900 the Tow truck showed up and only could move the truck approx. 100m. (b)(7)(C) ordered Mysiek to round up all the personal effects. I got all the paper work and tag for the truck and put it in (b)(7)(C) vehicle. (b)(7)(C) got all the clothes, blankets, and pillows and we put it in a bag. (b)(7)(C) told me to keep the documents and give to the (b)(7)(C) team and he had us burn the clothing, blankets and pillows. (b)(7)(C) gave us the order to load up and leave. That was approx. 1000. We arrived at the Company CP and I gave (b)(7)(C) all the documents. (b)(7)(C) wanted us to stay on the truck so two vehicles from (b)(7)(C) guarded the truck. Approx 1500 we were told to go back to the truck to talk to (b)(7)(C). (b)(7)(C) asked me what happened after the truck stopped, mainly if the Iraqis were taken care of.

(b)(7)(C) - 030713

ights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: Vehicle Cmdr

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)
of: No charges pending at this time

and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

(b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.

(b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 13 July 2008
(witness's signature and date)

(b)(7)(C) 030713
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

During a Vehicle Checkpoint a truck ran the checkpoint at about 2310. The driver acknowledged us by flashing his lights + hitting the horn, but sped up instead of stopping. At this point, the first vehicle (b)(7)(C) fired at the truck with M16 + 9MM. As the truck passed them + into my field of fire, my gunner fired the .50 cal at the truck in an attempt to stop the truck. The truck came to rest on the left side of the road about 25 meters before my vehicle's position. We closed on the cab with flashlights + personal weapons to ensure the threat was gone. The

(b)(7)(C)

(Signature and Date)

030713

Driver & passenger get out on their own, were
searched & cuffed, and once cleared, the ~~driver~~
DOE administered first aid to both men.
The incident was relayed to (b)(7)(C), about 10 min later
the MP's showed up, soon thereafter (5-10 min after the MP's)
the ambulance showed up. The driver said he had
500,000 Dinar in THE TRUCK, so I pulled the panel off the
passenger door & removed 10-12 bundles of Dinar. The
driver then said there was some also under the seat, so
I checked and found 2-3 more bundles there. The Dinar
was handed to MP's, who then handed it to the
Iraqi Police inside the ambulance with the
men from the truck. We stayed with the truck
throughout the night & in the morning about 9 or 10 o'clock
a wrecker from the CDC came & pulled the truck off
the road. We then departed for (b)(7)(C). Later, 2 vehicles
from (b)(7)(C) 3 were sent to guard the truck, then
4 vehicles & (b)(7)(C) vehicles were sent back to the
ISB. When we got there the MP's was there, then shortly thereafter
after (10-15 min), then (b)(7)(C) pulled blankets, clothes, seat
covers from the truck & told me to burn them. I attempted
to load them into the Hummer, but he wanted them
burnt there, so I did just that. (b)(7)(C) & I
at them on the spot. All of the Negusthalion papers
operak was taken back to (b)(7)(C)
(b)(7)(C) 837712

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time

and that:

- I have the right to remain silent.
- Any statements I do make may be used as evidence against me in trial by court-martial.
- I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

(b)(7)(C) I expressly desire to waive my right to remain silent.

(b)(7)(C) I expressly desire to make a statement.

(b)(7)(C) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

(b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.

(b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 15 July 2003
(witness's signature and date)

(b)(7)(C) 030713
(signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

DURING A VEHICLE CHECKPOINT ONE NIGHT AT
APPROX 2230-2300 A TWO TRAILER TRUCK WAS HEADED
TOWARDS OUR CHECKPOINT. THE FIRST VEHICLE ON THE
CHECKPOINT WAS (b)(7)(C) VEHICLE WHICH
INCLUDED (b)(7)(C) AS THE TRUCK APPROACHED
THE CHECKPOINT, IT BLEW ITS HORN, AND FLASHED ITS
LIGHTS. I HEARD OVER THE ICOM, "HE'S RUNNING IT."
NOT SOON AFTER, I HEAR GUN SHOTS AND SAW
TRACER ROUNDS. BY THEN I WAS MOVING OFF
OF THE ROAD, AND OUT OF ANY POSSIBLE LINE
OF FIRE. AS SOON AS I GOT NEXT TO THE
HMMWV, I HEARD THE .50 CAL BEGIN TO ~~SHOOT~~ FIRE.
I WAS UNAWARE OF WHETHER OR NOT THE TRUCK
PASSENGERS WERE FIRING AT US SO I TOOK COVER.
WITHIN SECONDS, I HEARD (b)(7)(C) TELLING (b)(7)(C)
(b)(7)(C), THE GUNNER, TO "CEASE FIRE." I ALSO BEGAN
TO YELL CEASE FIRE AS WELL, BECAUSE HE COULD NOT
HEAR OVER THE .50 CAL. I STEPPED FROM ^(Signature and Date) BEHIND THE
HMMWV TO ASSESS THE SITUATION, AND ^{ON SIDE} (b)(7)(C)
AND I APPROACHED THE VEHICLE AT THE READY.
I HEARD THE DRIVERS SIDE DOOR OPEN, AND TWO
IRAQI MEN LEFT THE VEHICLE AND LAYED DOWN
ON THE GROUND. (b)(7)(C) RAN OVER, AND ORDERED
SOMEONE TO FLEX CUFF THE IRAQI'S. (b)(7)(C)
GRABBED SOME ZIP TIES AND DID JUST THAT. I
WAS THEN TOLD TO GO OVER TO (b)(7)(C)
VEHICLE TO ASSIST WITH ANY VEHICLES THAT
MIGHT COME DOWN THE ROAD. WITHIN 30 MIN.
THE ARMY MP'S SHOWED UP AND WITHIN THE HOUR
AN AMBULANCE HAD TAKEN THE IRAQI'S TO THE
HOSPITAL.

PRIOR TO THIS (b)(7)(C) HAD GIVEN MEDICAL
AID TO THE IRAQI'S. I DO REMEMBER SEEING
THEM WITH BANDAGES, BUT FROM A DISTANCE.
WE SEARCHED A FEW MORE VEHICLES THAT NIGHT,
BUT STOPPED THAT NOT SOON AFTER 2400. ~~WE~~ I
REMEMBER RADIO TRANSMISSIONS BETWEEN (b)(7)(C)
AND TIGER ON WHAT TO DO WITH THE TRUCK, AND
WE WERE TOLD TO GUARD IT. WE STOOD 50%
WATCH THAT NIGHT, AND THE NEXT MORNING ABOUT
0600, WE WERE AGAIN TRYING TO FIND OUT WHAT
TO DO WITH THE TRUCK. WE WERE TOLD TO GUARD
IT UNTILL A MOTOR T CREW CAME TO TOW IT.
WE PULLED BACK TO AN OVERWATCH POSITION AT
A COMPOUND NOT FAR AWAY, BUT WITHIN 15-20 MIN
DECIDED IT WAS TO FAR AND PULLED TO A POSITION
AT 100 M DOWN A SIDE ROAD FROM THE VEHICLE.
THE IRAQI'S SHOWED UP TO GET THEIR PERSONAL
EFFECTS, BUT WE WERE GIVEN THE ORDER TO SEND
THEM AWAY. ONCE MOTOR T SHOWED UP THEY REALIZED
IT COULD NOT BE TOWED, SO (b)(7)(C) GAVE
THE ORDER TO PLACE ALL PERSONAL ITEMS INTO
A BAG. I WENT INTO THE CAB AND PLACED
SOME CLOTHES, CASSET TAPES, AND OTHER ITEMS IN
A SACK, WHILE SOMEONE ELSE CLEANED OUT THE
GLOVE COMPARTMENT. I ALSO CLEANED OUT THE
STORAGE BINS ON SIDE OF THE TRILERS. I ASKED
WHAT TO DO WITH THE SEAT CUSHIONS IN THE
CAB, AND I WAS TOLD THEY MIGHT HAVE LICE AND
TO PUT THEM IN A PILE. THAT PILE WAS LIT ON
F, AND SOME OF THE CONTENTS OF THE BAG
WERE DUMPED INTO THE FIRE, WE TOOK A STOVE
AND I BELIEVE SOME POPS AND PAPERWORK LEFT IN THE
BAG. WE LEFT THE SCEN AND WENT BACK TO TIGER.

AT (b)(7)(C) I TOOK A NAP SINCE I HAD BEEN UP ALL
NIGHT AND WAS WOKEN UP SAYING WE HAD TO GO
BACK TO THE SCEN AND FOR INVESTIGATION, WE
BROUGHT THE PERSONAL EFFECTS WITH US. AT THE
SCEN THE ARMY MP'S WERE THERE AND
I THINK THEY TALKED TO (b)(7)(C). WE
WENT BACK TO (b)(7)(C) AND WERE INVESTIGATED BY
(b)(7)(C).

(b)(7)(C)

0307

ights Advise ment Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time.

_____ and that:

(b)(7)(C) I have the right to remain silent. Any statements I do make may be used as evidence against me in trial by court-martial.

(b)(7)(C) I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.

(b)(7)(C) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.

(b)(7)(C) I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

(b)(7)(C) I expressly desire to waive my right to remain silent.

(b)(7)(C) I expressly desire to make a statement.

(b)(7)(C) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

(b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.

(b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 9 July 2003
(Witness's signature and date)

(b)(7)(C) _____ 030714
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

The night of the checkpoint shooting, two (b)(7)(C)
vehicles set up a checkpoint on the main Hwy.
Just outside of the ASP. We stopped and successfully
searched approximately 40 vehicles with
no problem. I happened to look at the other
vehicle and noticed a truck coming pretty fast.
The truck got closer and bumped his horn and
flashed his lights and sped up. when he got
approx. 10 meters from checkpoint and showed
no sign of slowing down, the first (b)(7)(C)
vehicle opened fire. Their entourage of fire
didn't seem to deter the haji so I opened
up with my M2, 50 cal Heavy machine gun.
It stopped the truck approx. halfway through the

(b)(7)(C) 030714
(Signature and Date)

checkpoint. The Marines on the ground searched the Hajis and truck so the corpsman could administer aid to the wounded Hajis. A little later the MPs escorted an ambulance and took the Hajis to the hospital.

(b)(7)(C)

030714

ights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: Driver

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time

and that:

- (b)(7)(C) I have the right to remain silent.
- (b)(7)(C) Any statements I do make may be used as evidence against me in trial by court-martial.
- (b)(7)(C) I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- (b)(7)(C) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- (b)(7)(C) I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- (b)(7)(C) I expressly desire to waive my right to remain silent.
- (b)(7)(C) I expressly desire to make a statement.
- (b)(7)(C) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- (b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.
- (b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 18 July 2002
(Witness's signature and date)

(b)(7)(C) 030714
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

I (b)(7)(C) and 1 vehicle were doing a vehicle check point one night. We were set up on both sides of the highway. I think it was highway 7. I was on the northern position. We had Mares on the ground with chemlights and flash lights to stop and search the vehicles. There were 2 mares that stayed on the vehicles 1 driver and 1 gunner. I was the driver monitoring the radar. We had been stopping vehicles on both lanes of traffic. A large truck was approaching from the south. It honked its horn and didn't appear to slow down. It speed

(b)(7)(C)

(Signature and Date)

030714

up and drove through the check point.
The next thing I remember tracer
fire and other weapons being fired.
So I opened fire with an M-16.
I remember the 50 cal opened fire as well.
The vehicle didn't make it past
my position it slide off the road
and the cease-fire was called. The (b)(7)(C) called cease-fire.
Other Marines approached the vehicle to
assist situation the 2 Iraqis got out
and layed on the ground. I relayed
back to (b)(7)(C) that a vehicle had rammed
our check point and we opened fire, and
there were 2 wounded Iraqis. Also for (b)(7)(C)
to contact (b)(7)(C) and have the med come
to our position. They came and brought
an ambulance then the Iraqis that were wounded
were put into the ambulance and left to the
hospital. We stayed overnight providing security
for the vehicle. The next morning we stayed
until a tow truck had arrived. It

wasn't strong enough to pull the vehicle.

We took the papers and license plates from the vehicle and a stove with us back to (b)(7)(C)

Some clothes or blanket & pillows, some type of cloth, was left and burned along with a cooler.

We came back to (b)(7)(C) position and (b)(7)(C)

took statements from some Marines. Later that day

I remember going back out to the scene. The

truck was still there. I don't know for sure

why we went I think that the officer,

(b)(7)(C) wanted to take some pictures. Then

we came back to (b)(7)(C).

After writing statement, I remembered that the Iraqis that were in the vehicle showed up the next morning before the tow truck had arrived. Then they left before the tow truck arrived. The Marines had told them leave.

(b)(7)(C)

030714

ights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: Driver

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s)
of: No charges pending at this time

and that:

- (b)(7)(C)] I have the right to remain silent.
- (b)(7)(C)] Any statements I do make may be used as evidence against me in trial by court-martial.
- (b)(7)(C)] I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- (b)(7)(C)] I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- (b)(7)(C)] I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C)] I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

(b)(7)(C) I expressly desire to waive my right to remain silent.

(b)(7)(C) I expressly desire to make a statement.

(b)(7)(C) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

(b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.

(b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) _____
(Witness's signature and date)

(b)(7)(C) _____ 03/21/13
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

Left (b)(7)(C) to head for (b)(7)(C) ASP to give (b)(7)(C) their ^{mail} at 2100 and about 2130 we set up the checkpoint. It was myself (b)(7)(C) and (b)(7)(C). About 50, maybe at the least by hit cars came through just fine and smooth and then about 2400 a semi carrying two trailers came through going 55 to 60 mph at us. (b)(7)(C) and myself waved him down with our lights to tell him to stop but all he did was speed up and honked his horn at us. (b)(7)(C) took the first warning shot and then the rest of us started firing at the tires of the semi. (b)(7)(C) mistaken the tracer rounds as returned fire from the vehicle so he fired the .50 cal at the semi, and then the semi stopped, and the passengers got out; one had a wound in the shoulder and the other

(Signature and Date)

had a wound to the ~~top~~ of the head. Both men were conscious, but very startled or frightened. (b)(7)(C) ran over to assist the two, while (b)(7)(C) (b)(7)(C), and myself searched the vehicle. And after we were finished searching the vehicle we found nothing. The next morning they returned with the Army MP's saying we stole some of their money but again we didn't find any money or ~~any~~ personal belongings (b)(7)(C) was there as well as part of the investigation and that night the MP's brought the Ambulance out there to pick up the wounded passengers and take them to hospital. Two of the MP's stayed behind for about 15 minutes and then they took ~~us~~ off ~~to~~ the hospital I ~~guess~~ and after it was clear the next day that we had no sightings of personal belongings we came back to (b)(7)(C)

(b)(7)(C)

ights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: Activity: (b)(7)(C)

Unit: (b)(7)(C) Telephone number:

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time

and that:

I have the right to remain silent. Any statements I do make may be used as evidence against me in trial by court-martial.

I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.

I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.

I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

I expressly desire to waive my right to remain silent.

I expressly desire to make a statement.

I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

I expressly do not desire to have such a lawyer present with me during this interview.

This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C)

14 July 2003

(b)(7)(C)

030714

(Witness's signature and date)

(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

We set up a lastly checkpoint on the highway by (b)(7)(C) ASP. We placed clean lights out and spaced our two (b)(7)(C) vehicles about 50 m. apart. I was providing security manning the Mark-19. A truck came around the bend from our checkpoint and turned his left beams on, it cracked like he was speeding up and they actually hit their son. The man in that was at the beginning of the checkpoint was (b)(7)(C). (b)(7)(C) The truck just sped up. He (b)(7)(C) gave a warning shot. The truck kept coming to (b)(7)(C) the speed fire. The truck kept coming, and increased speed I grabbed my M-16 and turned the M-19 out of the way and by the

(b)(7)(C) 030714
(Signature and Date)

Sept. 10, 1968 was the day when the truck came into position to wear it down clear to open fire without notice in my line of fire. So I opened fire the truck kept going. The other (b)(7)(C) vehicle then opened fire. (b)(7)(C) called for a cease fire. I pulled back my weapon and waited. The (b)(7)(C) called cease fire. The truck came to rest on the side of the road and then they yelled for the people to get out. I was still providing security down the road so I didn't see a lot, but I turned a couple of times and saw that there was "2", possibly "3" Iraqi's in the truck.

Someone got a the radio and called to get an ambulance to come out and to get the Iraqi police. We waited and the MP's showed up with the ambulance. Then we waited for them to come back. We sat all night guarding the truck. The next day one of the Iraqi's came back to the truck. I'm not sure what he said. I was still in the turret providing security. The Iraqi left in a truck and (b)(7)(C) called to see about getting a tow truck to tow the truck. The truck finally came, they couldn't tow it. So we were ordered to return to Sig. So they did a quick clean of the cab and grabbed personal items and we left for Sig. I heard that their passports were turned over to the CIA staying at (b)(7)(C). The rest of the personal effects were brought into the COC at (b)(7)(C).

(b)(7)(C)

030714

ights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(7)(C) Rank/Rate: (b)(7)(C) Activity: Corpsman

Unit: (b)(7)(C) Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: No charges pending at this time.

and that:

- (b)(7)(C) I have the right to remain silent.
- (b)(7)(C) Any statements I do make may be used as evidence against me in trial by court-martial.
- (b)(7)(C) I have the right to consult with lawyer counsel prior, to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- (b)(7)(C) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- (b)(7)(C) I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

(b)(7)(C) I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

(b)(7)(C) I expressly desire to waive my right to remain silent.

(b)(7)(C) I expressly desire to make a statement.

(b)(7)(C) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.

(b)(7)(C) I expressly do not desire to have such a lawyer present with me during this interview.

(b)(7)(C) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure of coercion of any kind having been used against me.

(b)(7)(C) 19 Oct 2003
(Witness's signature and date)

(b)(7)(C) HHB
(Member's signature and date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

About 3 weeks ago my (b)(7)(C) 1 team performed a vehicle checkpoint along route 7. 2 vehicles from my team were involved. (b)(7)(C) and (b)(7)(C) also went along. We left (b)(7)(C) at about 2030 or so. We went to the police station first and (b)(7)(C) went in while the rest of us provided security. After words we went to the checkpoint setup point. just past the ASP approx 1/4 mile down, were the road combines. We set up chem lights and tactically positioned the vehicles. We did the road block for a while when a orange

(b)(7)(C) 14 Jul 03
(Signature and Date)

check for other wounds and found swelling to the back of his head. There was a little blood on the back but it was more swelling than bleeding.

I placed a bandage on him and then proceeded to the next individual. He appeared to have a

gunshot wound to his left front shoulder. I placed a bandage on him and checked him for further wounds. He had none. I then returned to the

first patient and asked for his flex cuffs to be undone so that I could further examine him. While they were removing the cuffs I ran back

my vehicle to retrieve 2 IV bags but could not find them in my vehicle. I then ran back

to the Iraqis and monitored them and checked for further wounds or injuries. Approx 20 min after first contact

an Iraqi ambulance arrived with a doctor and they resumed care. The one with the wounds to the right

elbow was placed on a cot and placed in the ambulance. The one with the wound to the left shoulder walked

the ambulance. The doctor then asked who was going to watch the vehicle and I told him it was not me but my (b)(7)(C) makes that decision and

that he talk to him. The doctor also asked about the money they had in the vehicle. The vehicle was searched and then the money placed in a dark plastic bag and given to them. The ambulance pulled away and we provided security for the truck. We stood post all through the night at 250 and repositioned the vehicles in the morning. Later that morning Army MP's showed up and so did the Iraqis that were in the vehicle the night before. I ~~cannot~~ remember seeing one of them but overheard that both had returned and were turned away. About 45 min. later someone set what appeared to be Iraqi belongings on fire next to the vehicle. We then mounted up and had **(b)(7)(C)** relieve our post and we returned to **(b)(7)(C)**

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