

*Normally would not
release*

INFORMATION PAPER

AFOP-TRO

[REDACTED] 464-6303
24 August 2004

ISSUE: Detainee Operations before and after May 2004 60 Minutes broadcast on Abu Ghraib

FORSCOM G3 training was asked to provide information on actions taken in response to the detainee abuse situation before and after 4 May.

Sequence of events

- Sometime prior to 31 March: USAMPS deploys a Mobile Training Team to Iraq to provide training on detainee operations, and develop a training support package for use in preparing soldiers for deployment. FORSCOM Provost Marshal contributes one team member.
- 4 May – 10 May: FORSCOM G3 Training is asked to answer training questions related to the 800th Military Police Brigade.
- 11 May: Hard copy of the USAMPS in theater detainee operations training received. Followed by electronic copy 12 May.
- 14 May: Email from TRADOC indicates that MP and MI schools are working a scrub of their doctrine.
- 15 May: LTG McKiernan white paper on detainee operations training is received.
- 17 May: FORSCOM completes draft training guidance for units performing detainee operations training and missions at detention facilities. This training guidance is reviewed and adjusted by COL(P) Terry on 18 May.
- 7 Jun: FORSCOM publishes training guidance for all units that will be performing detainee operations missions and missions at detention facilities.
- 15 Jun: USAMPS completes the detainee operations training support package.
- 22 Jun: Detainee ops training support package is available on Army Knowledge Online.

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ISSUE: Detainee Operations before and after May 2004 60 Minutes broadcast on Abu Ghraib

Actions prior to 4 May 04.

FORSCOM provided combat arms, combat support, and combat service support forces to engage in major hostilities. FORSCOM training guidance required units to be proficient in tasks essential to their mission. Individuals are trained on Rules of Engagement and Rules for the Use of Force.

Actions after 4 May 04.

FORSCOM responds to pre-mobilization and post mobilization training questions concerning several Military Police units mobilized and deployed for Operation Iraqi Freedom.

FORSCOM is aware of the developing situation regarding alleged detainee abuse at Abu Ghraib, and some of the actions being taken by Training and Doctrine Command and the combatant commander chain of command to assess the situation, define the problem, and make recommendations. FORSCOM starts revisions of training guidance in response to initial TRADOC documentation and LTG McKiernan paper with training recommendations.

General training guidance is changed as follows:

- All deploying units and headquarters will conduct or receive Law of War and Code of Conduct training supported by a Judge Advocate where feasible, Active Component units will perform this training within 60 days prior to deployment. Reserve Component units will conduct this training at the mob station. Training will stress -
 - The Geneva Conventions with specific emphasis on the Geneva Convention relative to the treatment of civilian persons in time of war;
 - The basic principles of humane treatment and prohibited acts outlined in AR 190-8, paragraph 1-5b and c, for any captured or detained person, which includes those captured individuals suspected of being unlawful combatants; and
 - The importance of immediately reporting all suspected Law of War violations to the chain of command.
- All individuals receive training on -
 - The Law of War (Geneva Convention) briefing
 - Army Values Briefing
 - Comply with the Law of War and the Geneva and Hague Conventions
- All leaders receive training on -
 - Enforce the Law of War and the Geneva and Hague Conventions
 - Supervise the Handling of Enemy Personnel and Equipment at the Squad level

Specific training guidance is published for units performing internment and detainment operations based on initial training tasks identified by TRADOC and LTG McKiernan's white paper.

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Specific questions

6. Provide unit training exercises that existed to train detainee operations and establish links between MP and MI units. Has training expanded to incorporate lessons learned from OIF and Bosnia:

- Before and after 4 May: For units deploying as part of a brigade or division, the mission rehearsal exercise and staff exercises provide a training event where all elements work in concert. For echelons above division (EAD) and echelons above corps (EAC) units, no standard mission rehearsal exercise with other units is conducted.

- After 4 May: Individual, leader, and collective training has changed in response to lessons learned in OIF. Training has not been changed in response to lessons learned in Bosnia.

9. What training has been incorporated into our MP/MI schools to prepare soldiers/leaders for detainee operations?

- This question can be answered by Training and Doctrine Command.

10. What training existed to prepare soldiers to report detainee abuse and use of the ethical decision making process when dealing with different categories of detainees? How has this training changed?

- Before 4 May: Units were required to be trained and proficient in their mission essential tasks. FORSCOM OIF/OEF Training guidance did not explicitly address training tasks related to preparing soldiers to report detainee abuse or using the ethical decision making process, but all reserve and active component units are required to conduct Law of War and other mandatory briefings annually. No training was specifically directed in the OIF training guidance on differences in categories of detainees.

- After 4 May: Units are required to be trained and proficient in their mission essential tasks. FORSCOM OIF/OEF training guidance was changed to incorporate specific training for all individuals on the Law of War, the Geneva and Hague Conventions, and reporting violations of the Law of War. Leaders are trained on supervising the handling of enemy personnel and equipment at the squad level and enforcing compliance with the Geneva and Hague Conventions.

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SUBJ/TRAINING GUIDANCE FOR UNITS PERFORMING INTERNMENT/DETAINMENT OPERATIONS ISO OPERATION IRAQI FREEDOM//

RMKS/

1. PURPOSE. THIS MESSAGE PROVIDES TRAINING GUIDANCE FOR ALL UNITS PERFORMING INTERNMENT AND DETAINMENT OPERATIONS IN SUPPORT OF OPERATION IRAQI FREEDOM.

2. THEATER SPECIFIC INDIVIDUAL TRAINING. SEE FORSCOM OIF TRAINING GUIDANCE CHANGE 3.

3. THEATER SPECIFIC LEADER TRAINING. SEE FORSCOM OIF TRAINING GUIDANCE CHANGE 3.

4. GENERAL COLLECTIVE COMPETENCIES. UNITS SHOULD BE TRAINED TO A "P" IN COMPETENCIES THAT ARE GENERAL IN NATURE AND INHERENT IN A UNITS NORMAL DUTIES AND RESPONSIBILITIES. THESE INCLUDE:

4.A. THEATER SPECIFIC INTERNMENT AND DETAINEE OPERATIONS COLLECTIVE TASKS.

- 4.A.1. INTRODUCTION TO DETAINEE OPERATIONS (OIF DETAINEE DEFINITIONS)
- 4.A.2. COMMUNICATE WITH DETAINEES (MUSLIM CULTURAL AWARENESS)
- 4.A.3. GENEVA CONVENTIONS (HUMANE TREATMENT OF DETAINEES)
- 4.A.4. STRESS MANAGEMENT
- 4.A.5. HIV/UNIVERSAL PRECAUTIONS WITHIN DETAINEE OPERATIONS
- 4.A.6. USE OF FORCE FOR DETAINEE AND INTERROGATION OPERATIONS DROE/IROE)
- 4.A.7. DETAINEE FRISK, UNDRRESS, CELL AND AREA SEARCH PROCEDURES
- 4.A.8. RESTRAINT PROCEDURES FOR DETAINEES
- 4.A.9. PERSONAL SAFETY AWARENESS
- 4.A.10. REACT TO A PHYSICAL ATTACK USING UNARMED SELF DEFENSE TECHNIQUES
- 4.A.11. FORCED CELL MOVE (FCM) PROCEDURES
- 4.A.12. RESPOND TO A BOMB THREAT AND/OR A BOMB WITHIN DETAINEE OPERATIONS
- 4.A.13. EMERGENCY ACTIONS FOR FIRE, ESCAPES AND DISORDERS WITHIN DETAINEE FACILITIES
- 4.A.14. CELL BLOCK OPERATIONS WITHIN A DETAINEE CAMP
- 4.A.15. ACCOUNTABILITY PROCEDURES
- 4.A.16. PERFORM SECURITY AND CONTROL ACTIVITIES WITHIN DETAINEE OPERATIONS
- 4.A.17. SPECIAL HOUSING UNIT (SHU) / SEGREGATION OPERATIONS
- 4.A.18. MAIN GATE/SALLY PORT OPERATIONS
- 4.A.19. VISITATION PROCEDURES
- 4.A.20. BIOMETRIC AUTOMATED TOOLSET SYSTEM (BATS) AND NATIONAL DETAINEE REPORTING SYSTEM (NDRS)
- 4.A.21. CAPABILITIES AND LIMITATIONS OF THE INTERROGATION
- 4.A.22. SUPPORT RELATIONSHIPS BETWEEN MILITARY POLICE AND MILITARY INTELLIGENCE IN DETAINEE OEPERATIONS
- 4.A.23. HUMANE TREATMENT OF DETAINEES
- 4.A.24. INTERNATIONAL AGREEMENTS AND REGULATIONS RELATING TO DETAINEES
- 4.A.25. INTEGRATION OF PROCEDURES FOR EVACUATION, CONTROL, AND ADMINISTRATION OF DETAINEES
- 4.A.26. ESCORT PROCEDURES WITHIN DETAINEE OPERATIONS
- 4.A.27. NON-LETHAL WEAPONS CAPABILITIES DURING DISORDERS/DISTURBANCES WITHIN DETAINEE OPERATIONS

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4.B. TRAINING SUPPORT: THE US ARMY MP SCHOOL AT FORT LEONARD WOOD IS PREPARING A TRAINING SUPPORT PACKAGE THAT WILL BE USED BY ALL TRAINERS FOR PRE-DEPLOYMENT TRAINING.

5. FOR MORE INFORMATION CONTACT FORSCOM G3 TRAINING, LTC [REDACTED] DSN 367 [REDACTED], OR CPT [REDACTED] DSN [REDACTED]

From: [redacted] LTC(P)
Sent: Tuesday, August 24, 2004 2:53 PM
To: [redacted] Jr. MAJ - G1; [redacted] LTC
Cc: [redacted] - LTC
Subject: RE: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

Follow Up Flag: Follow up
Flag Status: Flagged

OK - [redacted] - ask USARC for details.

-----Original Message-----

From: [redacted] Jr. MAJ - G1
Sent: Tuesday, August 24, 2004 2:48 PM
To: [redacted] LTC; [redacted] LTC(P)
Subject: FW: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

Gentlemen,

Here is all the info we sent in the past on the 372 MP CO, the last time we did this Trng had the lead and we assisted (PMO/MPOI). As LTC [redacted] states below, don't have any info on the 12 pax (Det 4) peice they talk about, and would have to ask USARC what this is, only problem I'll have on that is the person I would need to speak to is up in DA at the panel meeting today and tommorrow.

Ma [redacted]

-----Original Message-----

From: [redacted] LTC
Sent: Tuesday, August 24, 2004 6:32 PM
To: [redacted] Jr. MAJ - G1
Subject: FW: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

372nd information below ... unknown about the 12 .. but would wait for the tasker to ask USARC

-----Original Message-----

From: [redacted] LTC
Sent: Friday, May 28, 2004 1:07 PM
To: [redacted] COL
Cc: [redacted] COL; [redacted] LTC
Subject: FW: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

Sir,

MG Burns requested that you review the response prior to him sending it to DA.

Below are the original questions

Subject: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying Units.

1. The SecDef has established an Independent Panel to review DoD Detention Operations, headed by the Hon. James Schesinger. Army G-3, in conjunction with the other staff sections, will support the DoD Independent panel in responding to requests for information.
2. VCSA wants to get information on what the training requirements were from the CONUSA and supporting TSB for RC Units during the period that detainee abuse occurred.

a. Overview of what deploying units were required to train on?

- (1) What tasks were conducted pre-mobilization?
- (2) What tasks were conducted at mobilization?
- (3) What were post mobilization tasks conducted (broadly)?
- (4) What shortcomings were noted, and corrective actions taken?

b. What guidance did CONUSAs and Training Support Brigades operate from at the time of mobilization?

c. Was training and validation of units at mobilization stations consistent?

d. Did units receive theater specific mission training requirements?

e. Did Military Police units receive Internment/Resettlement training?

Have sent the appointment memo from Sec Rumsfeld on NIPR as well.

Suspense to DA is today. Don't think MG Burns will send without your review.

Thanks,

LTC [REDACTED]

-----Original Message-----

From: [REDACTED] COL
Sent: Friday, May 28, 2004 12:25 PM
To: Burns, Jr. Julian H. MG DCS G-3/5/7
Cc: [REDACTED] LTC, [REDACTED] LTC, [REDACTED] LTC
Subject: FW: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

Sir,

Forwarded is our input to the Schlesinger tasking:

talked w/ DAMO-TR POC (LTC [REDACTED]) this morning ... they're looking for the broad description of post-mob training and activities and specifics on the 3 units discussed before

Per your guidance, we've attached the 1A info papers on those units.

information we requested from 1A on specific MI units (325th and 323d) is incomplete ... 1A continues to work ... DA does not expect today

TRADOC and DA staff are working the cross walk of doctrine to Army Regs ... DAMO-TR will forward to later us for our reference

Recommend we forward attached files to DAMO-TR today ... forward MI unit data when complete.

-----Original Message-----

From: [REDACTED] LTC
Sent: Friday, May 28, 2004 4:08 PM
To: [REDACTED] COL
Subject: Schlesinger Panel: Analysis of training requirements from CONUSAs and TSBs for deploying units - FORSCOM response

<< File: Detainee Investigation.doc >>
<< File: CONUSA.doc >>
<< File: 800th MP BDE info paper.doc >>
<< File: 320th MP FINAL.doc >>
<< File: 372 MP info paper.doc >>

Sir,

Attached is the FORSCOM response, the 3 white papers for the MP companies provided early by First Army and a ten-liner that talks about the panel start date and the nature of the responses.

LTC [REDACTED]
NIPR: [REDACTED]@forscom.army.mil
SIPR: [REDACTED]@force1.army.smil.mil
DSN 367 [REDACTED] Comm 404-464 [REDACTED]

474 ID
DIVAN 15-6
75 pages

Admiral Law Control Sheet

ID	Date received	Action	Name/(Unit)
162	24 SEP 2003	CDRs Inquiry	SPC [REDACTED] /SSG [REDACTED]
Summary	Attorney	Status	
TF GUNNER DETAINEE	CPT Derossi	COMPLETED	
Date Completed	Investigating Officer		
24 SEP 03	COL [REDACTED]		

File Copy Made

Print Form

Received by/date

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DEPARTMENT OF THE ARMY
HEADQUARTERS TASK FORCE IRONHORSE
TIKRIT, IRAQ

AFYB-ADC-S

12 September 2003

MEMORANDUM FOR: MG RAYMOND T. ODIERNO, Commander, 4th Infantry Division
(Mechanized), Tikrit, Iraq

SUBJECT: Commander's Report of Commander's inquiry

I. GENERAL

A. Pursuant to memorandum dated 15 July 03, Subject: Appointment of Investigating Officer, I conducted an informal Commander's Inquiry of Task Force Iron Gunner detainee operations. Although the appointing memorandum directed a general inquiry into Iron Gunner "operations," a review of the attached statements prompting the inquiry clearly indicated a concentration on detainee operations. The subsequent inquiry focus on three specific areas:

- Task Force Iron Gunner procedures for identifying Iraqi national's for detention.
- Tactics, techniques, and procedures used when detaining Iraqi Nationals during raids and other operations.
- Procedures used to transport, in process, and interrogate detainees.

In addition, a number of other, specific concerns raised in the attached statements were also explored as outlined below. The original packet was submitted to the TF Ironhorse Staff Judge Advocate office for legal review in early August and was returned with recommended areas for additional inquiry on or about 20 August 2003. During the intervening time one witness whom SJA had recommended be asked an additional question had departed theater on emergency leave. Submission of the revised report was initially held until the scheduled return of the individual during the first week in September. Subsequently been

B. On 4 July 2003 [redacted] a team member assigned to Psyops TTP 1683, forwarded through his command a list of concerns with the effectiveness of detainee operations within Task Force Gunner (Exhibit B). At the same time he approached [redacted] of the 37th CI TH, asking him to provide his observations also. [redacted] without further consultation with [redacted], forwarded his statement (Exhibit C). The statements assert:

- That [redacted] had an "unorthodox method of deciding who was a bad guy and needed to be detained" and that decisions on who was suspect in the Task Force Gunner's AO are routinely based on [redacted] personal feelings instead of active or passive intelligence. [redacted]

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- That Task Force Gunner continually detains Iraqis on little more than a whim, e.g. for nothing more than having \$100 in their possession. Many times the Task Force kept that money and never returned it [REDACTED]
- That few of the raids and detentions executed by Task Force Gunner have resulted in the capture of any anti-coalition members or the seizure of any weapons. Hundred of detained Iraqi Nationals are eventually released for lack of evidence of any wrongdoing. [REDACTED]
- That during interrogation at Task Force Jail, many detainees were not being informed of why they were there nor was the interrogation team privy to this information. Only 20 of 650 detainees interrogated have had any real intelligence value. [REDACTED]
- That [REDACTED] has made it clear that shooting and killing an Iraqi National for running on Task Force members is acceptable and even required. [REDACTED]
- That on or about 11 JUN 03 following clearance of a house, a Bradley Fighting Vehicle opened fire causing the house to burst into flames in front of the "weeping and distraught families". [REDACTED]
- That in a separate incident a father of a 12-year-old boy killed in operations was forced to wait days to recover the body and was "made to dig it up himself." [REDACTED]
- That members of Task Force Gunner, especially the S-5, are running their own intelligence show; that the Task Force was acting on this information without corroborating this information through the proper intelligence channels. [REDACTED]
- That on one occasion [REDACTED] was told to reveal a source of intelligence, classified information, to a detainee by the S-2. [REDACTED]

2. FACTS

A. The target and purpose for raids and other operations within Task Force Gunner are determined through a staffing process which culminates with a daily 1930 planning meeting involving the TF staff, subordinate commanders or their representatives, and the command group. Issues regarding types of individuals to be detained are not generally discussed as part of the planning meeting although specific detainee targets may be designated if suspected to be at the site. The opportunity for further clarification of detainee guidance is available during subsequent mission back briefs and rehearsals. [REDACTED] was present as an observer for some of these meetings early on but has participated recently due to other assigned duties. (Exhibits A, B, C, D, H)

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B. TF Gunner has not promulgated written guidance or an SOP regarding the types of individuals to be detained. TF personnel rely upon an evolving understanding of individuals to detain who are or are suspected of falling into theater designated A-D categories for additional questioning. During missions, on-site commanders may/do request additional guidance from Gunner 6 when they feel clarification is required. Early on in the campaign as the TF sought former regime members funding attacks on coalition forces, large amounts of cash were considered an important indicator for questioning. Subsequently, as this threat subsided and the conversion rate for DINARS was more fully understood the frequency incident of apprehension associated solely for carrying large amounts of cash has largely been eliminated. In addition, TF Gunner routinely detains a significant number of locals infiltrating Gunner FOB for the purpose of scavenging and looting the abandon Iraqi military stores located there. The requirement to detain and interrogate these individuals to determine their real intent and category further exacerbates the impression that TF Gunner is detaining folks with "no real intelligence value." (Exhibits A, B, H, Q, V, W, T, U)

C. There is no evidence that individuals are detained at the "whim or personal feelings" of [REDACTED]. Early on in the campaign, [REDACTED] did accompany the initial set of raids and did personally designate certain individuals for detainment. According to the only witness to accompany [REDACTED] on those raids, his interpreter [REDACTED] decision to detain an individual was based upon his professional assessment that the individual might pose a threat to the force. There is no evidence to corroborate that [REDACTED] assertion that [REDACTED] choose to detain individuals that did not wave back at him. [REDACTED] no longer routinely accompanies operations and is, therefore, not present to personally direct individual detentions. The decision as to who will be detained is made by the commander on the scene. [REDACTED] only becomes involved when consulted by the on-scene commander, normally by radio. Both [REDACTED] indicate that their statements relied upon second hand accounts rather than personal observation of [REDACTED] role in determining who was detained. (Exhibit A, C, K, Q, R, S, T, U)

D. The inquiry revealed that some Coalition Capture Forms accompanying detainees to Gunner Jail (estimates provided place the number at less than 30 of hundreds) have been annotated in the reason for detention block "by direction of [REDACTED] or words to that effect. This annotation was apparently added in some cases when [REDACTED] had been consulted by on-site commanders to discuss detention of individuals apprehended at the scenes. These annotations coupled with second hand accounts seem to be the source of much of the assertion of [REDACTED] direct and personal involvement. (Exhibits C, J, F)

E. The inquiry revealed a continuing problem with the timeliness and accuracy of coalition capture forms detailing the circumstances and reason why the people were being detained. In a significant percentage of cases, the capturing units fail to properly fill out the form to include the detailed circumstances surrounding detention of the individual. Frequently the capturing unit fails to complete the form at all, leaving the task to a designated transfer unit that moves detained personnel to the Gunner Jail. In addition, post operation after the action reports required by the TF within four hours of termination are frequently tardy. As a result, interrogators often lack the knowledge of why the person is being detained and are unable to

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focus their interrogation to derive the greatest possible intelligence benefit. This has contributed to the opinion held by some interrogators that individual's lacks intelligence value and have been detained for no specific, discernable reason. (Exhibits J, F)

F. TF Gunner readily admits that issues did exist with accountability of detainee property as detention operations were being established in May 03. This was recognized by the command and procedures instituted to safeguard property to include cash. All personnel questions to include ██████ agree that procedures enacted in the last two months to safeguard and ensure return of personal property to detainees have been effective. In addition, TF Gunner is actively involved in assisting Iraqi claims for recovery of loss money and personal effects. (Exhibit J, I)

G. Regarding the Bradley firing incident cited by ██████. The operation cited was mounted following an exchange of fire between coalition forces and Iraqis on 10 JUN 03 at that site. Upon review of the firing exchange, the TF executed a raid on the property the following evening called Operation Knight Rider II. The raid began with a broadcast PSYOPS directive to residents to exit the house for questioning. Adult males present were detained for further questioning. A bunker was observed on the roof the night prior and it was decided by ██████ and ██████ that in this operation the bunker would be destroyed using 25mm cannon and coaxial machine gun fire from accompanying BFVs given force protection considerations. A small fire began and subsequently died, resulting in some damage to a portion of the house. The site was then cleared revealing a weapon cache including mortars, artillery projectiles, rocket motors, and other items. Actions taken during the operation are seem consistent with command guidance concerning handling of non-combatants, the use of non-lethal actions to minimize loss of life and stand off fires to protect troop safety. The fire and subsequent damage to the residence was incidental to the action and there is no evidence that the Bradley engagement was punitive or taken in retribution. (Exhibit A, Q, R)

H. Regarding the incident cited in both statements concerning recovery of remains by the father of an Iraqi boy killed as a part of operations. The remains of 4 unidentified Iraqis killed during a raid were brought to FOB Gunner when no civilian site for drop off could be identified. Lacking storage capability, the command decided for humanitarian reasons and out of concern for Islamic burial customs to have the remains interred that evening at the FOB. Interment was conducted under the supervision of the DIVARTY Chaplain, a mortuary affairs officer, and a lay Muslim cleric (US Army 2LT). Two days following the burial, a group of purported family members approached the command and requested recovery of the remains. At that time, it was noted that some members of the group were wanted for questioning and were detained. The father of the boy was questioned as part of that process, released and asked to return the following day. Subsequently the father returned with other relatives and, consistent with security requirements, was admitted to the burial site for recovery of remains. Engineering equipment detailed to support recovery broke down necessitating manual excavation of the burial site. By reports family members requested to recover the remains without additional US assistance. US personnel provided site security and water to the family members. On scene observers note that US forces maintained the proper decorum appropriate for the situation and that the father was conciliatory in his comments. Both ██████ and ██████ admitted they were not present at the scene and largely came to their conclusions based on second-hand accounts. (Exhibits A, E, N)

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I. Early during operations, TF Gunner employed a variety of means to gather intelligence. These included using CA and S5 operations to develop informants and intelligence. Information generated by these means was normally integrated with other sources as a part of a systematic "red, amber, green" approach of cross-referencing and confirming intelligence prior to determine whether or not operations should be launched. TF Gunner routinely uses its PSYOPS and CI capabilities to corroborate intelligence or to assess public responses to operations. On occasion, however, based on the fleeting value of intelligence, operations were launched without full corroboration and sometimes failed to net detainees of intelligence value. The command agrees that early operations were sometimes launched based on limited, S5 generated intelligence but that is not the norm. (Exhibits C, S)

J. Regarding ██████ assertion that he was told to reveal a source of intelligence information (the name of an informant) to a civilian detainee by the S2. ██████, the assistant ██████ states that early in the operation she inquired of ██████ if such a release would be allowable. Although it is unclear what generated the question, ██████ assertion that the matter was dropped when ██████ stated that he should and would not release such classified information appears to be true. ██████ confirmed that the matter was dropped at ██████ insistence. (Exhibits G, H, J)

K. No one interviewed specifically corroborated ██████ allegation that ██████ had "made it very clear on every occasion that shooting and killing an Iraqi national for running on task force members is acceptable and even required." All parties interviewed expressed doubt that ██████ had specifically made that statement. Clearly, discussions were held concerning actions to be taken regarding personnel fleeing from US forces as part of mission briefings, rehearsals, and general discussions concerning the application of the ROE. It is possible that ██████ may have stated or eluded to the acceptability of engaging fleeing Iraqis under specific selected conditions without the intent to communicate the requirement to shoot fleeing Iraqis or to direct engagement as part of the SOP within the task force. ██████ addressed this allegation in his statement specifically noting that "there are no standing orders in Task Force Gunner to shoot an Iraqi running away, but according to ROE if the person has just performed a hostile act then TF members are to engage. All acts are according to ROE. Running away from US forces do not necessarily constitute a reason to use deadly force." (Exhibits S, T, U, V, W, X)

3. FINDINGS

A. ██████ assertion that only 20 of 650 detainees have had intelligence value is an opinion not based on fact. A total of 82 detainees have been forwarded from TF Gunner to TF Iron Horse to date for additional intelligence exploitation. Likewise, it ignores the broader range of detainees being apprehended by TF Gunner that must be interrogated before their intelligence value can be decided. Similarly, ██████ assertion that few Task Force Gunner raids and detentions have resulted in the significant capture of personnel or equipment is opinion not fact based on second hand stories and impressions.

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B. With regards to the Bradley firing incident on 11 JUN 03, actions of the command were in accordance with accepted procedures and appropriate force protection measures. The fire that began at the home was incidental to the action. There is no evidence that the firing was used as a punitive measure or act of retribution.

C. With regards to the recovery of the Iraqi remains, there is not evidence that US forces acted in any way other than affording the dignity and respect due the remains and adherence of Islamic custom in the handling of the remains and their recovery.

D. There is no evidence to support the allegation that [REDACTED] has issued instructions or implied the rules involving the use of deadly force outside of those prescribed with the current ROE or that he directed the blanket shooting and killing of Iraqis running from coalition forces. It is likely that discussions concerning the use of force were overheard by [REDACTED] and taken out of context or interpreted to be more directive than understood by other members of the chain of command. It must be noted that no members of the chain of command interviewed believed [REDACTED] had made or implied such a statement and that no one expressed doubt concerning the ROE in this area.

E. This inquiry finds that [REDACTED] assertion that TF Gunner's operation are viewed by the population as bad as the old regime is not supported by any of the facts. The operational requirement to conduct raids and other operations is likely to concern or alarm local citizens but is a military necessity during this phase of the operation. TF Gunner is aware, however, of this fact and routinely uses it in PSYOPS and other resources to address these concerns as part of a post operations follow-up.

F. The inquiry finds that early in TF Gunner operations, operations were initiated based upon a variety of sources to include the S5 informant and that these operations were launched on occasion without corroboration through normal intelligence channels. Some of these operations resulted in the apprehension and subsequent release of individuals with little intelligence value, the lack of corroboration significantly contributed to [REDACTED] stated concerns. These issues have largely been resolved, as S5 operations have been integrated into the general intelligence assessments of the S2.

G. Regarding [REDACTED] assertion that he was told to reveal classified information to a civilian detainee by the S2, it is likely to have been derived from his interpretation of the intent of the discussion held with [REDACTED] and [REDACTED] and not by a specific request to do so. Since that date, the issue has surfaced again.

H. With regards to the statement made by [REDACTED] it is uncertain to the timing and context of the discussion at TF Gunner. While it appears certain [REDACTED] did not issue instructions or direct soldier that shooting an Iraqi national was desirable. It is likely as a Commander discussing ROE and the use of deadly force in that context [REDACTED] may have assumed a level of mislead direction from the discussion by staff who were privy to certain information that [REDACTED] was not. The context [REDACTED] took the discussion in was not shared by [REDACTED] or his staff. Clearly the Commander and the staff understand the gravity of using deadly force and the ROE authorities granted them. The Commander and his

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staff understand the ROE and use it to protect themselves against those committing hostile acts or fleeing a scene having committed a hostile act. With regards to Iraqis being detained for not waving at [REDACTED] this assumption was not corroborated by any of the individuals being interviewed.

I. The inquiry has been unable to find anyone who would corroborate [REDACTED] statement made during his second interview that members of the unit were "understandably" reluctant to corroborate his statements to avoid trouble. No one questioned indicated any reluctance or sense of coercion in making their statements.

4. RECOMMENDATIONS

A. No additional inquiries or investigations be initiated in reference to the issues raised by [REDACTED] and [REDACTED]

B. That TF Gunner review and enforce procedures to insure that Coalition Capture Forms are being prepared in a complete and timely manner by the capturing unit. Specific emphasis needs to be placed on relating both the general situation surrounding the detentions and the specific circumstances involved with the individual in question. This information should be made available prior to initial screening at TF Gunner jail to support isolation of those most likely to have intelligence value and subsequently, to the interrogation team so to help focus their efforts. In addition, the command needs to enforce its established SOP to conduct a detailed AAR within 4 hours of the detention and to transmit important information developed to the interrogation team.

C. That Task Force Gunner continue to review procedures for handling of detainee personal property to insure that it is safeguarded and that procedures for claims operations are supported

D. That TF Gunner actively pursues alternatives to deal with civilian KIA to preclude future incidents. In the interim, the Division might explore options for providing reefers for local, short-term body storage.

[REDACTED]

b(4), b(5)

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b(6), b(3)

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001098



DEPARTMENT OF THE ARMY
HEADQUARTERS TASK FORCE IRONHORSE
TIKRIT, IRAQ

b(6), b(3)

REPLY TO
ATTENTION OF

AFYB-CS

15 July 2003

MEMORANDUM FOR: [REDACTED], 4th Infantry Division (Mechanized),
Tikrit, Iraq

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed to assist me in conducting a Commander's Inquiry into operations at Task Force Iron Gunner. Additionally, you are to identify any systemic problems that the command can address and correct, if necessary.

2. All witness statements will be sworn and recorded on a DA Form 2823 if possible and you will obtain Privacy Act Statements from all witnesses who complete a written statement. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of his or her rights under Article 31, UCMJ, or the Fifth Amendment as appropriate. Use the DA Form 3881 to advise soldiers of his or her rights.

3. Legal advice and assistance must be obtained from the Office of the Staff Judge Advocate before you take any action on this matter. Consult with your legal advisor prior to your investigation.

4. Your report, together with all evidence marked as exhibits, will be submitted to me in memorandum format no later than 72 hours from receipt of this memorandum. Submit any requests for delay to me either orally or in writing.

FOR THE COMMANDER:

[REDACTED SIGNATURE]

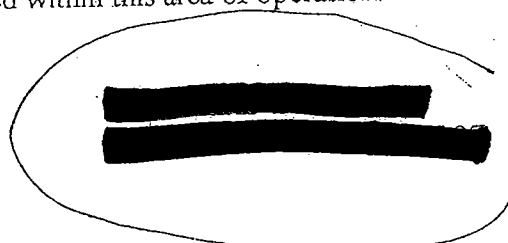
TASK FORCE GUNNER

b(7)(c), o(6),
b(3)

I have now been assigned to Task Force Gunner for three months. I have witnessed several violations of the Geneva Convention and Rules of Engagement established for this theater. I will address these from a Counterintelligence standpoint as that is my profession. The following are some examples:

- 1) Task Force Gunner continually detains local civilians on nothing more than a whim. At first, detainees were brought in for nothing more than having the equivalent of \$100 on their possession, as there are no functional banks, many people are forced to travel with their life savings. Many times this task force kept that money and never returned it (ROE states, personal property will only be taken with a receipt and all detainees and their property will be treated with respect). Civilians are being detained and treated as Enemy Prisoners of War (EPW)(even though the President of the United States declared over hostilities in May,), EPW's are those taken in armed conflict, not a civilian detained at a checkpoint. During interrogations at Gunner jail, many detainees were not informed as to why they were being detained, nor was the interrogation team privy to this information. The criterion for detention constantly changes and civilians are being kept at Gunner jail, with no way of informing their families as to their whereabouts. Of the over 650 detainees interrogated, only 20 have proven to be of any real intelligence value.
- 2) On a raid conducted approximately one month ago by 2/20 Field Artillery, a 12-year-old boy was killed, along with two adult males. This occurred due to the vehicle allegedly firing at the 2/20 convoy, though the report failed to mention any weapons being recovered. The bodies were promptly buried on Taji military complex, and when the family inquired as to their whereabouts, they were detained temporarily, and told to come back on the following day to claim the bodies. The father returned the next day, and had to dig the bodies of his sons up. Whether the deceased were guilty of shooting at a convoy or not, is not relevant, having a father dig up his dead son is very immoral and cruel.
- 3) Members of Task Force Gunner, especially the S-5, are running their own intelligence sources. This information is not being reported to the G-2 for analysis and raids and other operations are being conducted without validating the source of information or the information itself. Task Force Gunner is conducting an active intelligence source network, without any kind of G-2 approval.
- 4) On one occasion, I was told to reveal a source of intelligence information to a civilian detainee by the S-2, I refused. I was not about to reveal classified information to a local national.

These are the only events I have first hand knowledge of, though I am certain more questionable activities have occurred within this area of operation.



001100

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20030726
3. TIME: 1546
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: DIVARTY, TAJI, IRAQ

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

Detainees are identified as associated with three types of operations: deliberately planned raids based on two independent sources, immediate (2-4 hours) reaction to time sensitive intelligence, or as part of a patrol "action on contact" situation. Deliberate operations are planned, rehearsed and executed based on multiple information/intelligence sources. Given a reliable HUMINT source I may will authorize an operation based solely on one informants data. For example, Operation Payback conducted in June was an operation based on informant information, TUAV input, SIGINT hits and multiple reconnaissance missions. Additionally, the informant was willing to be part of the raid and agreed to be incarcerated with the detainees to cover his involvement in the operation. Immediate or time sensitive operations are usually driven by intelligence received by higher headquarters. Several TF20 operations were supported in this manner. Our armed counter-reconnaissance patrols typically conduct the third type of operation by reacting to contact and/or developing the situation when the enemy either attacks or is observed preparing for an attack. Additionally, our QRF will react to situations both inside and outside the Taji Military Complex (TMC). These situations range from stopping gun market activity, to securing a LZ for MEDEVAC to conducting a cordon and search of a farmhouse deemed to be a target. In all three types of operations detainees are habitually taken to the Gunner Jail for questioning and evaluation by our Counter-Intelligence Team.

Commanders on the ground make the call on who should be detained and questioned. After questioning, I alone make the decision to release a detainee. I don't have a fixed or written policy or SOP for who is to be detained. Typically all non-compliant forces, individuals acting suspiciously and personnel violating weapons policies are detained. This is not an all encompassing list as the commander on the ground have to make the subjective call. We do not limit our detainee population to males. On occasion I will authorize the detention of women if I believe they have intelligence value. We have in the past notified TF Ironhorse of this activity. During all operations if I am not on the ground during the operation I am within radio contact of the commander conducting the operation. In April, May and early June, during the initial phase of the operation, I participated in most of our raids and did on occasion direct that certain individuals be detained. Detention of an individual was always linked to the situation as I or the ground commander saw it. Some detainees were only suspects but were linked to the incident site. If after questioning the individual was deemed by the CI team to be clear of wrong doing I would consider the individual's release after further review of the circumstances. A detainee may not have intelligence value but may be a criminal. In this case the detainee is processed through the local police. I am confident that all units are acting within the ROE and that there are no rogue actors in TF Gunner. When detainees are brought to TF Gunner, they are met at the gate by a detainee transport team. This allows the capturing unit to focus on mission continuation. It is the capturing unit's responsibility to fill out a complete data sheet on each detainee. Early in the campaign this was not the case, however, we have taken action to refine this procedure. Last week I heard a report some detainees were "roughed up" by the detainee transport team. All detainees are to be treated with respect, but I have personally told all our soldiers not to be hesitant to use force when warranted. I went down to observe transfer operations and saw nothing out of the ordinary. I usually try to go to the Gunner Jail about 3 times a week if the volume of the detainees is up. When the volume is low I visit about once a week. A member of the command group typically visits the jail on a daily basis.

Deliberate offensive operations are based on the targeting results of our nightly 1930 hrs plans huddle. Most often targets are developed from informant information and verified by a secondary source and/or reconnaissance. The bulk of the decision making in an operation lies with the commander on site. I am consulted by the commander if the situation needs clarification. It is difficult without local law enforcement to sometimes tell the thugs from those with further intelligence value so we sort them out into four categories once detained and questioned.

Concerning the two specific situations mentioned by TF Gunner soldiers prompting this investigation: (1). Operation Night Rider involved our Armed-Counter Reconnaissance Patrol developing a situation after observing local nationals acting suspiciously while pushing a motorcycle. We had intelligence from TF Ironhorse that motorcycles were being used to support RPG attacks on coalition forces. Upon arrival at a court yard where the motorcycle had entered our patrol came under attack by RPG and small arms fire. A firefight ensued and several Iraqis were killed and the motorcycle destroyed. The patrol

10. EXHIBIT: A
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 2 PAGES

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

001101

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

withdrew and, after an intelligence review a deliberate raid was planned and conducted the next night. After our PSYOPS team used a loudspeaker to tell residents to come out of the complex a number of men, women and children exited. A bunker was identified on the top of the building and consistent with the ROE/TTP, the on-site commander gave instructions for the Bradleys to engage and destroy it. The house was then cleared by the team and a weapons cache including small arms (rifles, pistols), rockets and other contraband were found. I monitored the commander's decision to engage the bunker and concurred with his decision consistent with the situation and force protection considerations. I understand a fire did start but was contained and ultimately extinguished. (2) The second operation (Operation Payback) involved the exhuming of enemy KIAs by family members. During Operation Payback the C2 node of the operation came under fire from a passing vehicle. The unit returned fire which resulted in four enemy KIA and two US soldiers being WIA. The KIAs were killed near a soccer field where children might play and there was evidence of dogs in the area that could effect the KIAs remains. After discussing the situation with the commander I directed him to bring the bodies to TF Gunner for a proper burial. The Divarty [redacted] was contacted as well as a Lay Muslim cleric to properly bury the bodies IAW Muslim religious custom. The bodies had no identification at the time we received them. The bodies were washed and buried toward Mecca as is the Muslim custom in a six foot grave. Several days after the operation relatives of the KIAs arrived at the TMC to claim the bodies. Several of the family members were detained as they were deemed to be accomplices in attacks on coalition forces. The father of the youngest KIA was included with the detainees. After questioning, the father was released and subsequently told to comeback the next day to receive the KIA. Upon his return, he and a small group were escorted to the burial site. They appreciated our efforts to make sure that the bodies had received a proper Muslim burial. We used engineer equipment to help exhume the bodies. The family members requested to recover the bodies themselves without US help. Every effort was made to ensure the remains were properly handled regardless of the circumstances surrounding their death.///End of Statement///

NOTHING FOLLOWS [redacted]

AFFIDAVIT

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

[redacted signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 2003 at FOB Gunner

ORGANIZATION OR ADDRESS

[redacted signature]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted name]
(Typed Name of Person Administering Oath)
Art 36(a), Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001102

On our initial attachment to Task Force Iron Gunner, it was brought to our attention by some of the soldiers (interpreters that worked with the [REDACTED] personally) that [REDACTED] had an unorthodox method of deciding who was a 'bad guy' and needed to be detained; he would wave at them and if they did not wave back, he had them arrested. It is unclear as to whether this is an isolated incident or a regular occurrence. It is to be noted that decisions on who is suspect in Task Force Gunner's AO is routinely based on personal feelings that [REDACTED] has, if an incident occurs in a certain area by some dwellings, anyone in those dwellings is then targeted. In example, Coalition forces were fired upon from a location on Highway 1. The [REDACTED] had a raid executed on the dwelling closest to the incident, (actual planning and intelligence gathering on this mission is unknown) in which this TPT was included to broadcast a surrender appeal. On the broadcast of the surrender appeal, the residents of the house (approximately 19 women and children and 3 men) immediately surrendered to us. When the residents were clear, a Bradley fighting vehicle then opened fire on the house for approximately 1 minute, at which point the house burst into flames right in front of the weeping and distraught families. To this team's knowledge, none of the detainees from this raid proved to be criminals of any sort, or have any knowledge of anti-coalition forces.

In actuality, few of the raids and detentions executed by Task Force Iron Gunner have resulted in the capture of any anti-coalition members or the seizure of illegal weapons. It has, however, resulted in the detention of hundreds of Iraqi nationals who are eventually released for lack of evidence of any wrongdoing. These raids are again based often on [REDACTED] 'feelings' instead of the active or passive gathering of information, in effect; the actual Intel seems to be an afterthought. This observation is from the attendance of the plans meetings held every evening where this team has witnessed the colonel initiate these events.

In another raid executed approximately 1 1/2 months ago by Task Force Gunner that this TPT was not a part of, 4 nationals, including a 12 year old boy were shot and killed. The K.I.A. were brought back to Taji Airfield and buried there. When the father of the 12-year old boy came to the airfield to claim his son's body, he was put off for a day while they tried to figure out what should be done. At one point they even considered detaining the boy's father to see if he had any intelligence value. When he was finally allowed in to claim his son's body, he was made to dig it up himself because 'our soldiers don't do that.' Members of Task Force Gunner stood around and watched while he dug. (This account is from the CA, CI, and Task Force Gunner's S-2 relating of the facts and monitoring of radio traffic concerning the incident.)

The [REDACTED] has also made it very clear on every occasion that shooting and killing an Iraqi national for running on task force members is acceptable and even required.

When this team first assessed the village of Tarmiah, the initial reception was that of fear and trepidation; the citizens did not wave but gazed and shied away from the convoy. When this TPT approached some the shop owners and town elders with PSYOP product with a friendly demeanor, citizens wanting our product and asking questions swarmed us. The reoccurring theme in our conversations (through an interpreter [REDACTED] was that we (Coalition Forces in that area) were as bad as the old regime, we kicked down their doors, took their weapons from homes and businesses, arrested them for no reason, and killed those who got in the way. It should be noted that at this time the village of Tarmiah was in Task Force Gunner's AO, and had been the scene of their raids.

[REDACTED]

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20030720
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS: 4TH INFANTRY DIVISION, TAJI, IRAQ

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

I am [redacted] of TF2-20 FA. We are the primary maneuver force for TF Gunner. I do not believe there to be a written policy letter for detaining Iraqi Nationals at this time. We detain persons for having fire arms, persons threatening U.S. troops, or persons involved in crimes ie: looting or rape. We no longer detain a person for having a large amount of money unless we obtain permission from higher on specific occasions. The criteria put out to identify a person for detaining comes from the Plans meeting at 1930 or is expressed during commanders updates from Iron Gunner 6 [redacted]. It is also clarified through command channels with personnel on the ground. We must have positive identification of a person who has fired upon us to return fire. During the raids that I conduct I report back to Gunner 6 every 15 minutes if situation requires it. I capture units have the Coalition Capture form (CPA) and the DA 4137 filled out. Gunner 6 doesn't come with us. I was not physically present for operation Knight Rider, but I gave guidance over the net. ///End of statement///

[Handwritten signature and redacted name]

10. EXHIBIT: B
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF [redacted] PAGES

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

001104

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6); b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED SIGNATURE]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB Gunner

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

[REDACTED AUTHORITY]
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT PAGE OF PAGES

001106

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 20030720	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] INFANTRY DIVISION, TAJI, IRAQ			

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

I am the [REDACTED] and have been with TF Gunner operations since May. One of my responsibilities as the [REDACTED] is to assist the S-2 OIC when analyzing intelligence that comes in. I then assist the S-2 OIC in putting together package folders to present to [REDACTED] in the nightly Plans meeting which occurs at 1930. Around 1600 I meet with the S-2, CA, Psyops, and CI to share and access the information obtained from that day. The staff gives our operational recommendation to [REDACTED] in the Plans meeting. We talk about about who we might target as part of the raids. [REDACTED] does not give specific guidance, regarding detainees, it's situationally dependent. The staff provides a recommendation, then COL [REDACTED] gives his guidance regarding the raid- either execute or no execute until further intel is received. To my knowledge there is no specific policy on the apprehension of Iraqi Nationals. [REDACTED] is not directly involved in the detaining of Iraqi Nationals. The commander on the scene is given control of the situation. [REDACTED] is only directly involved when the commander on the scene radios him and asks for his guidance.

The operation during which the Bradley fired on the house bunker was called Operation Knight Rider. My personal knowledge of operation Knight Rider is based on what I heard on the radio. I have a packet for you on the operation. [REDACTED] commanded by [REDACTED] requested permission to destroy a bunker on top of a house after all the civilians had cleared the house. 2-20 Field Artillery runs the majority of our maneuver operations. //End of Statement//

Nothing Follows [REDACTED]

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

001107

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 2003 at FOB GUNNER

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Act 136(a), Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT	PAGE OF PAGES
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001109

b(6), b(3)

SWORN STATEMENT

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

LOCATION DIVARTY TOC, TAJI, IRAQ	DATE 26 Jul 03	TIME 1227 hr	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED], TAJI, IRAQ			

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

I have been assigned as the [REDACTED] since the beginning of the deployment. At the beginning I wasn't here at DIVARTY headquarters. I was at the DTAC. [REDACTED] was here. I moved down here a few weeks ago. As the [REDACTED] I collect intelligence from S-5, CI, CA, and G-2. We hold a huddle around 1700 daily to compare information obtained throughout the day. I then try to validate the information given to us from human sources if time permits by using another informant. The S-3 and I put together a packet using ground and aerial recons to present to [REDACTED] at the 1930. Plans meeting. I give my opinion during the meeting, but it is ultimately [REDACTED] call on which mission is to take place. [REDACTED] does not usually go out on missions. He has been out only two times when things have happened. What role does [REDACTED] play with detainees? I know he is the only one that can release them.

Out of about 600 detainees we have held, about 20-25% have intelligence value for the mission. The reason for not taking petty criminals to civilian jail is because they don't have the capacity to hold them over night. The jails are ill equipped. They have no food or running water. The interpreters aren't always able to be on raids to clarify situations so suspicious personnel are brought in for an initial screening.

I don't remember anything about asking [REDACTED] to reveal the name of an informant. You need to ask [REDACTED] who was here then.

To my knowledge we have never detained people for just having money. If they were held having less than \$100 they had weapons too. The person apprehended with \$34,000 was screened on site and thought to be suspicious and detained. /// End of statement///

nothing follows

EXHIBIT D	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

001110

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

STATEMENT (Continued)

[Faint, mostly illegible text from the statement section]

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of July, 2003 at F.B. Gunner

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

At 136(a) Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(1), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 290307200	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] 4TH INFANTRY DIVISION, TAJI, IRAQ			

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

I participated in the preparation for burial, burial, and the exhumation of the 4 bodies that were buried on Task Force Gunner complex. On day one the KIAs were brought back to the complex. There was no identification for the bodies. With advice from the Lay Muslim cleric the bodies were washed in preparation for a proper Muslim burial. The graves were dug and the bodies were placed in body bags in 6 foot graves facing mecca after the prayer rituals were said. The families came that next day to claim the body killed during the raid. They were told to come back the next day so the coordinations could be made. One member was detained for questioning and the rest were told to come back the next day. On the second morning the family came to claim the body of one of the KIAs. Four family members and one interpreter were allowed to be led into the camp blind folded to the burial site. Per request of the family they were allowed to remove one body. That same evening the family for the other 3 KIAs came to claim their bodies. They were detained for questioning and upon release they were told to come back the next morning. They returned on the 4th day and were told only 4 people could enter to dig up the bodies. They too were blind folded and led to the burial site. The engineering equipment was broke so they had to dig up the bodies by hand. They were given shovels to dig, water to drink, and a place to rest while they took breaks. U.S. soldiers were there to secure the area. I stayed with the soldiers mostly to ensure the stability of the soldiers emotions. After they dug the bodies up another body bag was provided as well as some Muslims death shrouds that [REDACTED] the interpreter, had found. The family used ropes to hoist up the bodies from the graves. The bodies were then taken to the front gate and taken away by the vehicles the families had brought. None of the U.S. soldiers were disrespectful.///End of statement///

Nothing Follows [REDACTED]

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB-Gunner

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Art 136 (a), Judge Advocate

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(5)

SWORN STATEMENT

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

LOCATION DIVARTY TOC, TAJI, IRAQ	DATE 20030720	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS

ORGANIZATION OR ADDRESS
4TH INFANTRY DIVISON, TAJI, IRAQ

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 I am in charge of the transportation team that transports detainees from one of the Divarty gates to the jail. The transportation team for the protection of Task Force Gunner by limiting the amount of area shown to a detainee. We are notified over the net of when and where the detainees will arrive. A team is dispatched and they go to the specified gate to pick up the detainees from the capture unit. The detainees are already blindfolded and cuffed. At the time of pick up the capture unit is supposed to have the proper paperwork, Coalition Capture form and a DA 3147, already completely filled out. If the paperwork is not filled out then the capture unit is supposed to return with the details capture within 4 hours. About 75% of the time the Coalition Capture form is properly filled out by the capture unit. When the Coalition Capture form is not filled out by the capture unit the form is filled out at the jail during the interrogation process. The detainees possessions come from the capture unit already seperated from the person. If the proper paperwork, DA 4137, is not already filled out then the form is also filled out at Gunner Jail. The transportation unit then takes it to the jail with the detainees where it is logged in. Weapons that are confiscated are kept seperately. I know of one person who is a repeat offender who has been at the jail 3 times.///End of statement///

Nothing Follows

[REDACTED]

EXHIBIT F	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

001116

b(6), b(3)

STATEMENT (Continued)

[Faint, mostly illegible text from the statement section]

AFFIDAVIT

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

[redacted signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July 2003 at Rob Conner

ORGANIZATION OR ADDRESS

[redacted]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art. 136(a), Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001117

0(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20030726
3. TIME: 1240
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS: DIVARTY ASSISTANT S-2, 4TH INFANTRY DIVISION, TAJI, IRAQ

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

I assist in making target folders for [redacted] from the intelligence that is gathered throughout the day. The personnel who are detained during the raids are determined by the commander who is present at the raids. The unit bringing in the detainees are supposed to fill out the appropriate forms, Coalition Provisional Authority form and DA 4137, at the time of drop off, but due to mission requirements or constraints that doesn't always happen. Sometimes it has taken anywhere from 24 hours to 48 hours after the detainees have been dropped off to our unit to receive the appropriate forms from the capturing unit. Any unit can bring in a detainee, but [redacted] is the only one authorized to release the detainees. Regarding [redacted] assertion that someone in the S2 shop asked him to reveal a source of intelligence information to a civilian detainee, I remember it being mentioned one time in a meeting. The question was asked if we could tell the detainee who the informant was. After that meeting [redacted] and I discussed it in my shop, others were present, but I can not recall who was there besides myself, [redacted] and [redacted]. [redacted] recommendation was that we should not do it. I agreed with his recommendation. I did not tell him to do it. Together we decided that we shouldn't. To the best of my knowledge that act was never executed. It has not been mentioned to me again until now. ///End of statement///

Nothing Follows [redacted]

10. EXHIBIT: G
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF ___ PAGES

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001119

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED SIGNATURE]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB Gunner

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

Art 136 (a), Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 2003 07 26
3. TIME: 1240
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: 4TH INFANTRY DIVISION, TAJI, IRAQ

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

I have been assigned to DIVARTY for over a year and have been in this job as the [redacted] since we began the deployment.
How do we determine who to target during our raids? There is no policy on the apprehension of Iraqi civilians. Based on our intelligence sources, we will make a determination of what to follow up. PSYOPS and CA teams give us passive intel and then CI confirms it. Only three or four times have we gotten good intelligence that results in action from the detainees. The intelligence that I receive I review with Psyops, CI, and S-5 in a meeting between 1700-1800. The S-2 and S-3 then get together to pre-brief before the nightly 1930 planning meeting with Gunner 6, [redacted]. We get guidance at our nightly plans meeting for Priority Intelligence Report for all teams. If there is a specific target we are going after, [redacted] will note it at the meeting. There is no written SOP for who we look to detain. I think there should be. It should all come out during the operational AAR.

When persons are detained their personal property is placed in a ziplock bag and tracked on a DA 4137, seizure record. The Coalition Capture Form is also filled out when they get to the jail. Only COL [redacted] is authorize to release a detainee.

[redacted] asked during one Plans meeting if it was possible to give out the name of an informant to a detainee. I didn't know the answer so I went to speak with [redacted] from the Counter Intelligence, and [redacted] told me absolutely not to do it. Afterward [redacted] ask why we had not done it yet, [redacted] then explain that the regulation stated it was not allowed. To my knowledge this was the end of that specific topic. ///End of statement///

NOTHING FOLLOWS [redacted]

10. EXHIBIT: H
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF _____ PAGES

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

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STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

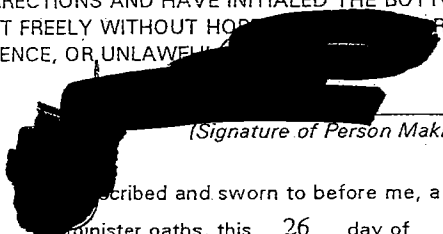
b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

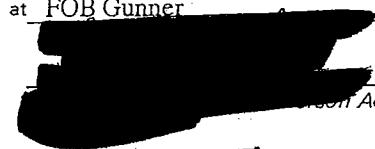


(Signature of Person Making Statement)

WITNESSES:

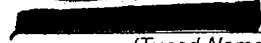
described and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB Gunner

ORGANIZATION OR ADDRESS



(Person Administering Oath)

ORGANIZATION OR ADDRESS



(Typed Name of Person Administering Oath)

Art 136 (a), Judge Advocate

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 20030726	3. TIME 1200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	

8. ORGANIZATION OR ADDRESS
[REDACTED] 4TH INFANTRY DIVISION, TAJI, IRAQ

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

I have been assigned to TF Gunner as part of the CI Tactical HUMINT Team supporting detainee interrogations and overt intelligence collection. We work with an interrogator [REDACTED] a DOD contractor. I have been with the TF since April. I wrote a statement about 2 weeks ago concerning the situation as I saw it at the request of [REDACTED]. I think he came to me out a sense of professional respect among NCOs. I don't work with [REDACTED] normally. I may see him on a mission occasionally. All of the events in my statement have been submitted to G-2, CI [REDACTED] previously.

I stated that the TF continually detains locals on a whim based upon my review of the Coalition Capture Form information we receive as we begin interrogations. Some have no statement of why an individual was detained. Literally some forms had written on them was "Gunner 6 said to detain the individual." Of more than 600 detainee forms I have seen, I'd estimate I have seen that annotation about 20 times. I have no personal knowledge as to whether Gunner 6/COL Stramara actually said to detain the person. I only know what is on the form. None of the 20 individuals where that annotation was the case did the individuals have intelligence value. The Coalition Capture Form (CCF) is a form with information pertaining to the suspect's capture and is meant to help the interrogators when questioning the suspects. The CCF is to be filled out by the capture unit, but is not always filled out before they bring the suspects to the transportation unit. Subsequently the jail ends up filling the form out. Without the form properly filled out detailing the events surrounding the capture of an individual, it is difficult for the interrogators to question the individuals effectively. Out of 600 Iraqi personnel processed at the jail only about 35% have any intel value. That percentage is about the same as it was in Kosovo. It seems about right.

In the beginning there were some problems with the property accountability procedures for handling detainee personnel effects. It has gotten a lot better and doesn't seem to be a problem now.

The S-2 specifically tried to get me to share confidential information to a suspect. As the [REDACTED] I am responsible for deciding the security classification of an informant and his information and to reveal that to an uncleared Iraqi detainee was wrong. I wouldn't do it. It hasn't come up again.

Big problem we have is S5 information being used to trigger raids and actions were not vetted with G2/CI resulting in raids that net detainees where only 1% have intelligence value. The team chief participates in the planning meeting when not out on a mission. As a counter intelligence agent I have had 20 years of experience working from the J-2 level on down. Its my overall assessment is that the procedure is not being established and therefore cannot be followed.///End of statement///

NOTHING FOLLOWS [REDACTED]

10. EXHIBIT J	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB Gunner

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136 (a), Judge Advocate

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION DIVARTY TOC 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
C BTRY, 2-20 FA, 4TH INFANTRY DIVISION, TAJI, IRAQ

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

I was called to Taji around 1 May to help Divarty as an [redacted] because of my language skill. I did everything in the beginning, the raids, the gate, and various other places I was needed. I worked with any unit needing my assistance to include [redacted]. My title is Division Artillery Commander [redacted] so whenever [redacted] went out I was with him. I was never with [redacted] when detainees were taken. On one occasion a soldier was shot, I was with COL [redacted] when we began questioning some Iraqi Nationals at the scene. While I was questioning him [redacted] thought he was lying and so did I. After that [redacted] told us to take him to the ground and question him further. Upon finding no incriminating evidence we released him on the spot. I don't believe COL [redacted] has detained anyone for no reason. He is an aggressive commander, because he cares about the safety of the soldiers. [redacted] thinks that detaining and questioning four suspicious people from a house instead of just detaining and questioning two from that house to help stop them from shooting at us then he will do it and I agree.///End of Statement///

No Tillah follows

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 3 PAGES

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

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

b(6), b(7)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB Gunner

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

Art 136 (a), Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

001129

6(6), 6(3)
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 20080720	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] Psyops 1683			

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

I have been with the Task Force Iron Gunner since early May. On 4 July 03 I prepared a statement about my concerns with some things about detainee operations in the Task Force and forwarded it to [REDACTED] of the PSYOPS team. I have read the statement provided to me as Exhibit B and confirm that it is my statement.

The issue of [REDACTED] "unorthodox method" of picking detainees was reported to me by two interpreters who had worked/riden with him [REDACTED] and [REDACTED]. They reported that he would sometimes pick detainees depending on whether they waved to him or not. I have no more information from the interpreters to validate if this was a one time or regular occurrence. I have not seen that myself. I don't personally know if [REDACTED] or anyone else in the command uses this type of criteria. I have not travelled with [REDACTED] on missions and don't know when he goes out. I do have personal knowledge of [REDACTED] using his feelings about a situation to direct action. I used to attend the 1930 daily planning meeting as an observer and during one, after the S2/S5 brief about a village [REDACTED] would say he had a bad feeling about it and directed a raid or other action. The staff actions at the 1930 meeting don't really form a hard recommendation for action so things are left up to [REDACTED] "feelings." I question [REDACTED] "bad feeling" judgement about these cases because the result is we usually end up releasing the detainees and it has a negative impact on the people. I haven't attended a meeting for the last two weeks because I have other duties. In answer to your question I am not aware of the TF "Green, Amber, and Red" criteria for intelligence validation for missions.

Concerning the incident when the Iraqi father had to dig up his son's remains I was not present but heard about it from others and heard some things on the radio. I don't know anything about how they were killed or what specifically happened when the family did come to reclaim the body but I know it didn't seem right. Likewise I am not aware why the Bradleys had to fire at the house after the people came out.

My overall feeling of the treatment of the civilian population is negative. I go out to the civilian community about 3 times a week to communicate with the Iraqi population to get an overall assessment of how the people see us. Through interpretation the Iraqi people ask us why we are so unfair to them. We need to focus our operations more sharply, based on hard intelligence, to avoid apprehension of innocents and the worsening of how we are perceived by the population. ///End of statement///

NOTHING FOLLOWS [REDACTED]

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

001131

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 2003 at FOB Gunner

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)
Art. (3)(a) Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 2003 07 26
3. TIME: 14:40
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: 4TH INFANTRY DIVISION, TAJI, IRAQ

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I have worked at the Division Plummer Work site as interpreter support. I worked at the Gunner Jail, [redacted] EOD, 2-20 FAB, and units that needed me at that current time. In the beginning there were only two interpreters to start with. I worked on raids with Psyops and [redacted] and we visited many places around here. I never worked or saw [redacted] personally on raids although we both were there. I was there on the first raid Divarty ever did, it was a day raid. I have talked to Iraqi Nationals that we had detained on many raids. I was not sure on what role he [redacted] played on determining who was to be detained. If we had found weapons at the Iraqi Nationals homes then they would be detained and brought in for questioning. During the first few weeks we had a lot of Nationals who were detained for entering the post to gather wood. I haven't worked in the jail for approximately 60 days, but I have heard that they have had some very good intel lately. ///End of statement///

Nothing to follow [redacted]

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

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 2003 at F&B Gunner

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Person Administering Oath)

(Typed Name of Person Administering Oath)
Art 136(a) Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

001135

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20030726
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: DA CIVILIAN

8. ORGANIZATION OR ADDRESS

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

I do not work directly for [redacted] I work with [redacted] most of the time. I was present when the father came to pick up the bodies of the 3 Iraqi KIA that were buried on Task Force Gunner complex. The family was brought to the burial place on the back of the truck blind folded. The family was given shovels to dig up the bodies because the engineering equipment was not working. There were more than 15 soldiers around the Iraqi family digging and none offered to help. The father told me, " Look at these soldiers, they are sad. Tell them I am not sad, they did not come half way around the world to kill my children. It was God's will." Sometimes the detained Iraqi Nationals do not know why they are being detained and neither do I. Of the people that have been detained about 4 or 5 have intelligence value. I believe the unit was pushing to get targets and they were reacting to bad intelligence sources. When the detainees are release sometimes it takes up to 1 week for them to get their personal property. [redacted] is the claims officer.///End of statement///

Nothing follows [redacted]

10. EXHIBIT: N
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 2 PAGES

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

D(6), H(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED SIGNATURE]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 03 at FOB Gunner

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

Art 136 (a), Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001137

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 20030720	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS DOD CIVILIAN	
8. ORGANIZATION OR ADDRESS [REDACTED] 4TH INFANTRY DIVISION, TAJI, IRAQ			
9.			

_____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I have been working with Task Force Gunner since about 1 JUN 03. I primarily work at the Gunner Jail with [REDACTED], and [REDACTED]. I also help translate at the gate and help with the screening of a contractor.

In my experience, detainees are being told why they aren't being detained. Only once was a detainee not told that I know of. This happened to a detainee who was being interrogated about the kidnapping of the two American soldiers. He wasn't told why because we were trying to find out how he knew.

We ask all detainees why they were captured. Often the young ones will admit. Most don't say anything. We then tell them.

Detainee personal property does sometimes get lost. Sometimes several people will get brought in and all of their belongings put in one bag. When one of them gets released, he gets the bag with everyone's belongings. This still happens today. There is a process to file a claim to get money for the things somebody loses while being detained. It takes a long time, sometimes people have to come back many times. For example, we had a group of people detained at one time and we found several million Dinar. We released 4 of the 5 people but held the vehicle driver and all of the money. One man has come back time and time again to get what he says is his money. Everyone says that the money belongs to the man but they haven't returned it to him.

I think that 80% of people we bring in are "at the wrong place at the wrong time". The 80% usually stay for ten to fourteen days. These people were at the site when the incident occurred but in the end were released because they have no intelligence value. The other 20% of the detainees at the Gunner Jail stay more than 35 days.

Nothing Follows

10. EXHIBIT <input type="radio"/>	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 2003 at FOB Gunner.

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
Art 13(a) Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

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PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION DIVARTY TOC, TAJI, IRAQ	2. DATE (YYYYMMDD) 20030818	3. TIME 131247Z	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS [REDACTED] TAJI, IRAQ			

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

- 1.) Did you give any reporting guidance concerning specific things that had to be reported or cleared through you before actions were taken during operation Knight Rider II? If so what?
 - a.) [REDACTED] and I cross-talk throughout every operation (during planning, preparation and execution.). We habitually discuss operational concerns on the TF Gunner command net. Every operation is different.
- 2.) What reporting procedures were used during operation Knight Rider regarding the use of crew serve or heavy weapons?
 - a.) Use of current ROE. No specific reporting requirements were issued for this operation or any other operation in the TF Gunner AOR regarding the use of crew served or heavy weapons. Situational awareness is maintained by monitoring the command net and receipt of frequent SITREPs during the operation.
- 3.) Did you specifically direct or approve firing of a M2 Bradley chain gun or coax machine gun against the house, bunker or related structures during operation Knight Rider?
 - a.) The attack on the bunker was discussed during the mission rehearsal. I did monitor the commanders decision to engage the bunker during the operation and concurred with his decision.
- 4.) Who specifically authorized or ordered the M2 Bradley to fire at the bunker identified on top of the house?
 - a.) Ultimately I did as I monitored the decision on the command net.
- 5.) Have you ever ordered anyone detained because they did not wave at you or in response to your greeting or wave?
 - a.) No.
- 6.) What specific criteria have you used in determining who should be detained?
 - a.) Detainee criteria are based on three typical situations: 1). Targets based on informant intelligence. 2). Noncompliant forces or individuals. 3). Individuals identified on site by informants as noncompliant or hostile forces. Regarding women and children, if the commander on the ground has reason to believe women and/or children have intelligence value then he would ask me for permission to detain and question the individuals. TFIH would be informed of this activity, per Division FRAGO.

10. EXHIBIT Q	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

001140

9. STATEMENT (Continued)

7.) To your knowledge, has the Task Force ever taken the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"

a.) If they attack a TF soldier they are to be engaged. There are no standing orders in TF Gunner to shoot an Iraqi running away, but according to ROE if the person has just performed a hostile act then TF members are to engage. All acts are according to ROE. Running away from US Forces does not necessarily constitute a reason to use deadly force.

8.) What do you understand the ROE regarding the use of deadly force against individuals not directly engaging US Forces?

a.) If a soldier feels threatened or his fellow soldiers are threatened then he/she has every right to defend themselves.

9.) Is there anything else you would like to add?

a.) No.

NOTHING FOLLOWS

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of August, 2003 at FOB Gunner

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ART 136(a) Judge Advocate

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 18 Aug 03
3. TIME: 181000 hrs Aug 03
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: TAJI, IRAQ

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

Questions for LTC West:

- 1.) How long have you been conducting operations with Task Force Gunner?
a.) I have been operating here since arriving approximately 27 April.
2.) What are your principal responsibilities?
a.) [redacted] In charge of internal and external security for Taji specifically at the ACP east and west, Gunner Gate, armed counter recon patrol and QRF.
3.) What are the procedures used by DIVARTY to identify Iraqi nationals for detention?
a.) Several criteria, someone who has an illegal weapon at checkpoint, on a raid in a house someone who has more weapons than permitted, persons suspected to support anti-military activity as reported through intel sources, and someone who has engaged U.S. troops i.e. IED, shooting at soldiers, RPG.
4.) Has [redacted] ever arbitrarily detained someone?
a.) Whenever I recommend guidance on a mission, he has supported me. I will say no, he has not arbitrarily detained someone.
5.) Has [redacted] ever directed someone detained because they failed to wave to him? Task Force Gunner ever had people detained for not waving back?
a.) No
6.) Have you ever heard [redacted] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a.) I have never heard that quote. If someone comes on this installation with a weapon we are to engage them.
7.) What do you understand to be the ROE for the use of deadly force against individuals who are not directly engaging US Forces? Against property or structures?
a.) If an individual comes on FOB Gunner, and if they pose a threat to soldiers, equipment, or the FOB then they can be engaged. If we see people looting we give verbal warning, then warning shot and detain if possible. Outside the gate persons having arms and fleeing a scene with a weapon. It is a graduated response, first a verbal warning, second a warning shot, and third detain as situation allows.

10. EXHIBIT: R
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF _____ PAGES

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

001142

9. STATEMENT (Continued)

8.) With regards to Operation Knight Rider II:

a) Why was the decision made to open fire with the Bradley?

-With regard to Operation Knight Rider I armed counter recon patrol they noticed to motorcycle being pushed in courtyard, they reported in and went to investigate. The were engaged with RPG and returned with co-axial fire. They employed dismounts to clear compound. Two Iraqis fired at dismounts striking one on the U.S. troops in the head. The Iraqis were engaged and killed. Dismounts withdrew, observed there was a fighting position on top of the house and therefore my planning was to destroy the fighting position. It was briefed to higher the next day. I personally briefed [redacted] This was a house where the engagement was initiated by the Iraqis and was deemed hostile. I decided beforehand that a Bradley would be used to destroy the bunker since we didn't not know the caliber of weapon that was in the bunker.

b) Did the on-site commander confer with [redacted] or yourself regarding this decision? If so, what specific instructions or guidance was given?

- As we went through the Operation I had already recieved approval to destroy the bunker and I conveyed to my on site commander to engage and destroy the bunker. This is outlined in exhibit T.

c) Were or are there reporting procedures established by Task Force Gunner for situations like this?

- No, it is mission dependent and is part of our mission analysis.

d) Did [redacted] establish any specific reporting procedures for use during Operation Knight Rider related to specific things that had to be reported before actions taken?

- No. As per the concept of the operation, we reported my nomral 15 min ute SITREP. There was no CCIR that he gave me before we went out other than the normal standard.

Nothing follows

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of August, 2003 at FOB Gunner

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

ART 136(a), Judge Advocate

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

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

1. LOCATION DIVARTY TOC, TAJI, IRAQ 2. DATE (YYYYMMDD) 7003 0818 3. TIME 1130 4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS TAJI, IRAQ

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

- 1.) How long have you been conducting operations with Task Force Gunner?
a.) April 5 to July 15 I was the S5 for Divarty.
2.) What were your pincipal responsibilities?
a.) I was responsible for cilival military operations, Interfacing with the local Iraqis. The CA team had parallel responsibilities with me, but we worked in different areas of the TF Gunner AO. CI and Psyops went out with me, on occasion, but they didn't work for me.
3.) How does the Task Force identify Iraqi natioals for detention?
a.) There is no published criteria that I am aware of for detention of Iraqis. If they attack coalition forces and were captured they were detained. I was with [redacted] when they detained several Iraqis for committing an armed robbery/casrjacking. We detained the three criminals who committed the crime.
4.) Have you ever seen an Iraqi national detained arbitrarily by [redacted]
a.) I have not been on a patrol with [redacted] so I'm not qualified to assess those detained by [redacted]
5.) Have you ever witnessed an individual detained for failing to wave?
a.) No.
6.) What procedures are used by DIVARTY to identify Iraqi nationals for detention?
a.) I am not aware of any published procedures.
7.) What was your role as the [redacted] when comes to intelligence gathering and its use in operations? How is it shared with the S2 and CI?
a.) As I went out to do my civil military operations, I began to notice that locals would give me intelligence that could be useful for the Task Force. My standard routine was to give any intelligence to the S2. My role evolved from an informal one to a somewhat formal one in collecting intelligence. I was still going out to do my civil military operations, but [redacted] also directed me to collect intel and information on possible targets. I think that the Task Force is limited with how many people can go out and collect intel, and that when civilians see the CI team, they know right away that they are collecting. Msany times during the evening staff planning meeting, I would elaborate on the specifics of targetting and collection I performed in Al Asriya. I never acted on the intelligence. I only reported it and provided it for operations to detain suspected terrorists.
8.) Have you ever heard [redacted] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a.) I have never heard [redacted] give this statement. But I can see how some remarks heard might get twisted into this

10. EXHIBIT S 11. INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 2 PAGES

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

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

001144

STATEMENT OF

[REDACTED]

TAKEN AT b(6), b(3)
CAJI INAR

DATED 2003 08 18

9. STATEMENT (Continued)

8.) Have you ever heard [REDACTED] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"

a.) I have never heard [REDACTED] give this statement. But I can see how some remarks heard might get twisted into this perception. My perception of the guidance given, is that if there is a hostile exchange and TF members had to run down the Iraqis then coalition forces could use force to kill fleeing armed Iraqis.

Nothing follows
[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 07. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of August, 2003 at Fob Gunner

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ART 136(a) Judge Advocate

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 2003 08 18
3. TIME: 0844 hrs
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: OIC, TAJI, IRAQ

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

- 1.) Did you see or have any knowledge of COL [redacted] detaining someone because the individual failed to waive at him?
a.) No
2.) Are you aware of any specific or written guidance that [redacted] may have given on who should be detained?
a.) Yes, those who fired at us on raids. If they didn't die then they were detained. The guidances given was verbal outside of the categorizes of detainees.
3.) What methods did [redacted] use to choose detainees?
a.) He was usually not there on the raids. As raids were conducted we brought detainees in and then they were interrogated. He did not decide who would be detained. He would receive CI interrogation reports and the resulting categorization of the detainee usually within 24 hours. This would decide time in jail, transfer or release proceduresb.
4.) Have you ever heard [redacted] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a.) No
5.) What procedures are used by Divarty to identify Iraqi nationals for detention?
a.) It is not a random act. If the Iraqi is armed or part of a combat mission, also we use sources to identify the Iraqi.
6.) Have you discussed detention procedures or operations with Task Force Iron G2, CI?
a.) I personally have never spoken with the G2 [redacted] on the detention procedures at TF Gunner Detention Facility. My CI team has almost daily contact with [redacted] at Division.
7.) Is there anything else you would like to add?
a.) No

Nothing Follows [redacted]

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 3 PAGES

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

9. STATEMENT (Continued)

b(6), b(3)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of August, 2003 at FOB Gunner

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136(a), Judge Advocate

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

001148

SWORN STATEMENT

b(6), b(3)

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

PRIVACY ACT STATEMENT

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

1. LOCATION DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD) 2003 08 18
3. TIME 1010
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
9.

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

- 1.) Did you see or have any knowledge of [redacted] detaining someone because the individual failed to waive at him?
a.) No
2.) Are you aware of any specific or written guidance that [redacted] may have given on who should be detained?
a.) There is a Task Force Gunner frago #21 that came out. It entailed persons with weapons on person or in vehicle, when were first came we detained individuals with large amounts of money. The frago also gave guidance on transporting detainees. This frago came out in May and a revision is being worked on and is not approved yet, verbal changes have been made since the original frago that came out. Recently the amount of money we detain individuals for is based on the amount of money is the going rate for killing a U.S. soldier.
3.) What methods did [redacted] use to choose detainees?
a.) Persons who conducted missions against U.S. soldiers, persons prohibiting soliders to accomplish their mission, and armed Iraqis. The methods used were based on the Divarty frago that came out.
4.) Have you ever heard [redacted] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a.) No
5.) What procedures are used by Divarty to identify Iraqi nationals for detention?
a.) Iraqis with illegal weapons, tinted windows, driving motorcycles only at night, Iraqis violating the temporaty weapons card, Iraqis conducting terrorist activities against U.S. troops, identified by direct contact or by informants.
6.) Have you discussed detention procedures or operations with Task Force Iron G2, CI?
a.) We asked questions when we first got here, but me personally I don't recall speaking to them personally.
7.) Is there anything else you would like to add?
a.) I may have called at one time or another up to Division to ask a question, but I really don't remember at this time.

Nothing [redacted]

10. EXHIBIT U
11. INITIALS OF PERSON MAKING STATEMENT [redacted]
PAGE 1 OF 2 PAGES

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

001149

STATEMENT OF _____

TAKEN AT _____

b(6), b(3) DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of August, 2003 at FOB Gunner

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136(a), Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001150

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 03 08 18
3. TIME: 1010
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: TAJI, IRAQ

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

- 1.) Did you see or have any knowledge of COL [redacted] detaining someone because the individual failed to waive at him?
a.) No
2.) Are you aware of any specific or written guidance that COL [redacted] may have given on who should be detained?
a.) Based on the intel gathered if a specific target then we detained them. Anyone who came on the compound we detained them, also anyone who broke the law. There was a Division frago that came out concerning detainees and that was about it.
3.) What methods did COL [redacted] use to choose detainees?
a.) We detained Iraqis based on info from informants or if we saw Iraqis breaking the law we detained them.
4.) Have you ever heard COL [redacted] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a.) No
5.) What procedures are used by Divarty to identify Iraqi nationals for detention?
a.) Not a specific thing, anything out of the ordinary. Iraqis shooting at us or persons looting, and specific targets determined from intel gathered. Those are the Iraqis we go after.
6.) Have you discussed detention procedures or operations with Task Force Iron G2, CI?
a.) Not directly. We send them our detainees and that is about it.
7.) Is there anything else you would like to add?
a.) We have called CID several times and that is about it.

Nothing Follows

10. EXHIBIT: V
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 2 PAGES

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

001151

STATEMENT OF _____ TAKEN AT b(6), b(3) DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] on to before me, a person authorized by law to administer oaths, this 18 day of August, 2003 at FOB Gunner

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ART 136(a), Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

001152

SWORN STATEMENT

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

b(6), b(3)

PRIVACY ACT STATEMENT

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

1. LOCATION: DIVARTY TOC, TAJI, IRAQ
2. DATE (YYYYMMDD): 20030818
3. TIME: 0900
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: DIVARTY, TAJI, IRAQ

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

- 1.) Did you see or have any knowledge of [REDACTED] detaining someone because the individual failed to waive at him?
a) I haven't been on a raid in two months, but I've never seen that happen. He always has a just cause or reason., usually through informants. We follow up with what they say. Sometimes it is true, sometimes it is not, but usually it is. I've heard this rumor but have not personally seen it.
2.) Are you aware of any specific or written guidance that [REDACTED] may have given concerning who should be detained?
a) I'm not aware of any of that. Everything is just hearsay. What he has us do we do.
3.) What methods did [REDACTED] use to choose detainees?
a) Sometimes when they had weapons. Sometimes they didn't. Sometimes we detained people just because they were in the wrong place at the wrong time during an incident and we detained everyone on site. I'm not really given the reasons for detaining an Iraqi national, I just do as I'm told.
4.) Have you ever heard [REDACTED] take the position that "shooting and killing an Iraqi national for running on Task Force members is acceptable and even required?"
a) He is very gun-ho. Whatever he does outside this post has made us all much safer. He might take that position, but whatever he does to defend us here it is worth it. But no, I have not specifically put out this guidance in those words.
5.) Is there anything else you would like to add?
a) He talks to everyone soldier-wise every once in a while, but you never forget what he says. He says that if any Iraqi national looks at you the wrong way or makes you feel threatened in any way, then you have the right to take action and he will always back you up.

NOTHING FOLLOWS

10. EXHIBIT: W
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 2 PAGES

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

001153

STATEMENT OF _____

TAKEN AT _____

b(6), b(3)
DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED]
Signature of Person Making Statement

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of AUGUST, 2003 at FOB Gunner

ORGANIZATION OR ADDRESS

[REDACTED]
Signature of Person Administering Oath

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136(a), Judge Advocate

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

b(6), b(3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION FOB Gunner	2. DATE (YYYYMMDD) 2003/08/19	3. TIME 1330	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]
8. ORGANIZATION OR ADDRESS PSYOP Company			

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

1. In your first statement you said "The Colonel has also made it very clear on every occasion that shooting and killing and Iraqi national for running on Task Force Members is acceptable and even required." Did you personally hear COL [REDACTED] make that statement?

A- Maybe not a direct quote, but things to that effect, yes. Almost a direct quote.

2. What were the circumstances under which you heard this statement?

A- One of the circumstances was at a ROC Drill, I can't remember which operation. The context was in the situation that if a large group of Iraqi nationals were gathered in the street, you should shoot your way through it, because if anyone was out at that hour in the morning, it was for no good. Some of the statements were made at the 1930 plans meetings.

3. When and where was the statement made?

A- Approximately 2 1/2 months ago, I can't remember the operation. The ROC drill where he said it was outside of the 2-20 TOC here at Taji airfield.

4. Who else would have heard this statement?

A- Members of the DIVARTY staff at the time. I can provide corroboration if necessary, but I would rather not name names until I talk to those individuals.

5. Anything else you would like to add?

A- There is understandably a great reluctance, especially in the staff, to corroborate these statements. Some have made it a point to tell me after the initial inquiry that they did not want to cause themselves any trouble, that they would rather just do their time here and go home. It should also be noted that a large number of personnel who have knowledge of these events have left this task force.

6. Are you prepared to provide any names for corroboration at this time?

A- No, not unless it is necessary.

NOTHING FOLLOWS [REDACTED]

10. EXHIBIT X	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

001155

b(6), b(3)

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

[REDACTED SIGNATURE]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of August, 2003 at F.O.B. Gunner

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
Art 136 (a), Judge Advocate
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES 001156

b(6), b(3)

SWORN STATEMENT

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

LOCATION DMAIN, TIKRIT, IRAQ	DATE 12 AUG 03	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	
ORGANIZATION OR ADDRESS [REDACTED] 4TH INFANTRY DIVISION, TIKRIT, IRAQ			

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

I fall under the [REDACTED] battalion and have been assigned to the 4th Infantry division as the [REDACTED] since the beginning of this campaign. Around 15 May I had a visit with [REDACTED] a member of the THT in Gunner. She raised some concerns about children being detainee during raids when everyone at a site was being detained. The concerns raised were at the beginning of the operation and are no longer a problem anymore. Within the last 20 days communication between the Divarty THT and I have increased to 1 phone call every other day or email depending on connectivity which is important for me to provide functional oversight of the teams. I have read the concerns SSC [REDACTED] has made in his statement. The statement was given to me by [REDACTED] from CYOPS after I saw it I took it to [REDACTED] the [REDACTED] and we both walked it down to [REDACTED] the [REDACTED]. I gave her a copy of the statement and kept the original. I did not talk to [REDACTED] specifically about his statement although I did inform his Company commander and First Sergeant. I let them read the statement and told them that I had forwarded it to SJA. I do not have any first hand knowledge of the concerns brought forth from [REDACTED] statement. I do not know if TF Gunner was keeping money that was being apprehended by solders, that issue was never reported to me by the team at TF Gunner. I know that there were problems with money coming up missing in the first 30-60 days from the Division, but the situation has greatly improved since. I have had other reports from across the Division of soldiers taking money for personal use, but all of this is second hand knowledge and nothing has been substantiated. Addressing the situation of detainees not knowing why they are being held, detainees that happen to be in the area of suspicious acivity are detained to determine their criminal intent. The THT team is supposed to try to determine their intel value and was sometimes not aware of the criminal activity involved surrounding a persons detainment. This was the case for the first 70 days and has since improved. The problem with detainees not knowing why they are being detained is not an issue any longer. Regarding the S-5 running their own show is more of a lack of time to act fast in situations to save lives and therefore intel cannot be verified and reverified. This is across the Division and is not case specific to TF Gunner. I was not aware of the situation when [REDACTED] says he was to reveal classified information to a detainee. I would not personally reveal a source to a detainee.

EXHIBIT Y	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF [REDACTED] PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

001157

b(6), b(3)

STATEMENT (Continued)

NOT

[REDACTED]

[REDACTED]

USED

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES



b(6), b(3)

Headquarters 2nd Battalion, 20th Field Artillery Regiment
4th Infantry Division (Mechanized)
Ft Hood, Texas 76544-5200



16 June 2003

MEMORANDUM FOR COMMANDER, 4TH INFANTRY DIVISION ARTILLERY, TAJI AIRFIELD, IRAQ.

SUBJECT: Task Force Payback After Action Review

1. Purpose. To identify issues both positive and negative for the Task Force Payback Mission conducted 15 June 03. This memorandum identifies issues for improvement for increased success in future operations.
2. Applicability: The comments are focused on the actions taken during Actions on the Objective.

3. Point of contact for this action is [REDACTED]

2 Encls

1. AAR for TF Payback II Mission
2. TF Payback Cartoon Sketch

001159



b(6), b(3)



Headquarters 2nd Battalion, 20th Field Artillery Regiment
4th Infantry Division (Mechanized)
Ft Hood, Texas 76544-5200

[REDACTED]

09 June 2003

MEMORANDUM FOR COMMANDER, 4TH INFANTRY DIVISION ARTILLERY, TAJI AIRFIELD, IRAQ.

SUBJECT: Task Force Payback After Action Review

1. Purpose. To identify issues both positive and negative for the Task Force Payback Mission conducted 08 June 03. This memorandum identifies issues for improvement for increased success in future operations.
2. Applicability: The comments are focused on the actions taken from planning of the mission to the execution.

3. Point of contact for this action is [REDACTED]

2 Encls

1. AAR for TF Payback Mission
2. Captured Weapons Inventory
3. TF Payback Cartoon Sketch

[REDACTED]

901160

Captured Weapons, Ammunition and Equipment

<u>ITEMS</u>	<u>QUANTITY</u>
25MM APDS-T/M791 ROUNDS	3
AK-47 ASSAULT RIFLE	3
BAYONETS	3
REVOLVERS/2 BARRELS/1 DRUM	3
RPG-7	3
AK-47 MAGAZINES WITH 30 RDS EACH	5
7MM RPG ROUNDS	99
RPG CHARGES	72
60MM MORTAR ROUNDS	283
M60P1 ANTI TANK GRENADES	16
120MM MORTAR	1
HAND GRENADES (F-1 FRAGMENTATION)	40
9MM PISTOL	1
M60 AT HEAT ROUNDS	68
SIGHTING DEVICES	2
12.72 MM ROUNDS	36,200
LONG CHARGES FOR RPG	10
7.62 BLANK RDS	900
NBC MASK	1
PISTOL BELTS	3
IRAQI DINARS	D104,555
BRIEFCASE WITH PAPERS	1
GYM BAG	1

001161

b(6), b(3)

[REDACTED]

5. Victims were cleansed in accordance with traditional Muslim culture and buried with the head facing southwest toward Mecca. Each site was marked with a 24" stake at the head of each victim.

4. The POC for this memorandum is the undersigned at [REDACTED]

Encl.

- 1. KIA pictures
- 2. MEMO FOR RECORD

[REDACTED]

[REDACTED]

MEMORANDUM FOR RECORD

8 JUNE 03

SUBJECT: Burial of Local Nationals

1. On this day, I [REDACTED] 5th BN 3D FA, participated in the burial of four local nationals. Around 0900 this morning [REDACTED] requested through the First Round TOC that I assist in paying the proper respects to four Iraqi Nationals that were deceased as a result of their participation in an unprovoked attack on an American convoy around 0220 in the morning. The chain of command of 2-20 FA and [REDACTED] wanted to ensure that within the constraints of mission requirements and the sensitivities between American Forces and the local population, burial rites were adhered to as closely as possible.
2. Not wanting to delay burial until the deceased's families could be found, which could be days, and respecting the Islamic practice of burial prior to sundown of the day death occurred, I was informed the deceased would be buried on TAJI. [REDACTED] and I went out to the chosen site, where the engineers had dug out four graves aligned as closely as possible towards Mecca in Saudi Arabia (in TAJI this is generally in a South - South Westerly direction). The 2-20 FA Mortuary Affairs Team arrived with the bodies and conducted their mission in a respectful and professional manner. Once they were finished, I proceeded to cleanse the bodies as best I could under given mission constraints. I washed down the bodies as best I could from head to toe right to left, preparing them as best I could to be in a state of ritual purity prior to burial. Upon completion of the cleansing I read the Fatiha (Opening Verse of the Quran) and read some supplications relevant to burial. Last, we laid the bodies to rest in the graves with the heads facing Mecca and I said some further supplications and the engineers covered the graves.
3. POC for this memorandum is the undersigned.

/original signed/

[REDACTED]

001163 1117

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by (Major General David Petracus) Commander, 101st Airborne Division (Air Assault)
 (Appointing authority)

on 20 December 2003 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at DREAR, Mosul, Airfield

on 19 December 2003 (Date) (Place) _____ at _____ 0930 (Time)

(If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at _____ 1700 (Time) on _____ 30 December 2003 (Date)

and completed findings and recommendations at _____ 1700 (Time) on _____ 31 December 2003 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO	N/A
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?			
	b. Copy of notice to respondent, if any? (See item 9, below)			
	c. Other correspondence with respondent or counsel, if any?	X		
	d. All other written communications to or from the appointing authority?			
	e. Privacy Act Statements (Certificate, if statement provided orally)?			
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			
	g. Information as to sessions of a formal board not included on page 1 of this report?	X		
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
 2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

001164 1118

		YES	NO	N/A
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?		X	
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?		X	
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?		X	
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?		X	
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?		X	
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?		X	
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

001165

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

b(6), b(3)

The (investigating officer) (board), having carefully considered the evidence, finds:

This is a summary of the findings. For the complete detailed of findings, see enclosed.

1. [REDACTED] was injured at approximately 0545 hours on 11 December 2003 while he was being detained in the 2nd BCT brigade holding area. He sustained a fractured mandible, or broken lower jaw.
2. Mr. [REDACTED] injury was the result of intentional acts by coalition forces. He claims that he was struck by a US soldier and the US personnel involved claim that he fell, most likely the result of exhaustion from performing exercises. There is no direct evidence that anyone saw the injury take place. [REDACTED] was closest to [REDACTED] when the incident occurred. He claimed in his first statement he was helping Mr. [REDACTED] get up when he lost his balance and fell. In later statements [REDACTED] recanted this earlier statement and testified that he did not see Mr. [REDACTED] fall. The greater weight of the evidence suggests that [REDACTED] claim is the most plausible. There is no direct evidence to the contrary.

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

In view of the above findings, the (investigating officer) (board) recommends:

See enclosed

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SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

b(6), b(3)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VI below, indicate the reason in the space where his signature should appear.)

EX 6, 3
03216

[Redacted Signature]

(Recorder)

(Member)

(Member)

(Investigating Officer) (President) CPT

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

EX 6
03216

(*DA*)
DAVID H. PETRAEUS
MG, USA
Commanding
JAN 10 2003

001167

b(1), b(3)

FACTS:

1. Detainee [REDACTED] was either struck or fell at about 110530DEC03, and broke his jaw.
2. The BHA was under the supervision of [REDACTED] at this time.
3. There were soldiers from 1/502, 3/327, 2/44, and 311 MI at the BUA at this time, serving as either guards or in other MI roles.
4. The detainees were being systematically and intentionally mistreated (heavy metal music, bullhorn, hit with water bottles, forced to perform repetitive physical exercises until they could not stand, having cold water thrown on them, deprived of sleep, and roughly grabbed off the floor when they could no longer stand).
5. The detainees had sand bags on their heads with "IED" written on them, the infantry soldiers stated they felt this was done to make them angry at the detainees, and it had exactly this effect.
6. The IO could not determine if [REDACTED] was hit or simply fell to the ground.
7. The IO could not determine who might have struck [REDACTED] if he was struck.
8. The 3d & 4th Geneva Conventions were violated in regard to the treatment afforded to these detainees.
9. The IO made no recommendation as to potential disciplinary action.
10. All deficiencies at the Strike BHA have been corrected.

RECOMMENDATION: That [REDACTED] be issued a GOMOR.

SYNOPSIS OF WITNESS STATEMENTS:

[REDACTED] 1/502: We "always harassed the hell out of the detainees." They always told us to "smoke the detainees, but to not physically harm them."

I saw the Chief throw them down, put his knee in his neck and back and grind them into the floor. He would use a bull-horn and yell at them in Arabic and play heavy metal music extremely loud, they got so scared they would urinate on themselves. He was very aggressive and rough with the detainees

We were told to only feed them crackers & water (may have been because of late hour)

[REDACTED] 1/502: They were setting it up to make the infantry guys angry by writing IED on the sand bags over their heads.

[REDACTED] (of Guard Detail) 3/327: We would force them to stay awake, by banging on metal doors, playing loud music, screaming at them all night - those were our instructions. We were told to not strike them.

[REDACTED] & [REDACTED] 3/327: Our instructions were to keep them awake, smoke them, yell at them, but to not hurt them.

Ex 6, 3
C3.2.1.6

Ex 6, 3
C3.2.1.6

Ex 6, 3
C3.2.1.6

Ex 6, 3
C3.2.1.6

Ex 6, 3
C3.2.1.6

b(6), b(7)

Ex 13
C3.2.1.6

[REDACTED] 2/44: We "hazed" the detainees - we had a lot fall and hurt themselves

Ex 13
C3.2.1.6

[REDACTED] 1/502: [REDACTED] had IED on the sandbag over his head, the guards were all over him, screaming at him things like "you like to use IED's motherfucker), and smoking him extra. They were smoking him really hard when I heard him cry in pain (he could have been hit or fell).

Ex 13
C3.2.1.6

[REDACTED] 3/327: A lot of detainees had IED written on their bags. I was near [REDACTED] when he fell and I helped him up. Interpreters (ICDC) blew cigarette smoke up their sand bag hoods. They also poured water on them to get them up, after the were exhausted from being smoked.

Ex 13
C3.2.1.6

[REDACTED] 3/327: "We were yelling in a bullhorn at the detainees, making them do PT, things like flutter kicks, ups and downs, stuff like that." We knew we were supposed to do these things because MI was already doing this stuff when we got there. He did not say it was part of the SOP. He stated, "we were briefed to keep them awake, do not let them talk, and to not hurt them." I had seen "detainees collapse before because of the intensive physical training."

b(6)

SWORN STATEMENT

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

LOCATION 21st Combat Support Hospital	DATE 4 Jan 04	TIME 2000	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER Iraqi Citizen	GRADE/STATUS	
ORGANIZATION OR ADDRESS			

E16
3.2.1.6

Q: [REDACTED] A: [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Tell me, did you give a statement about what happened?
 A: Yes, to a Dr. I don't know what his name was, but he was a Mosul Dr. who was in Baghdad.
 Q: Tell me what happened.
 A: I was studying in the morning because I am a student. It was around 0500. It was a Wednesday. There was a knock at my door so I answered it. American Soldiers came in and took me outside and arrested me. They told me they were there for my father. They also arrested my brother and my father. I complained because ~~my~~ father is old and ~~my~~ brother is sick. My brother has many physical problems. My mother was crying.
 Q: What happened after the arrest?
 A: They put me in a truck, covered my face w/my shirt, took me somewhere and took pictures and then took me to another place.
 Q: How long from where they took pictures to where he got out?
 A: 15 minutes.
 Q: Anyone else in the truck with you?
 A: Soldiers, my father, my brother, an interpreter, and that is all.
 Q: When they took you to the place after the pictures, what was that like?
 A: It was a room where I heard people shouting and crying.
 Q: How long were you in that room?
 A: 2 days.
 Q: Did they tell you why you were arrested?
 A: ~~NO~~ NO, they said they came for my father.
 Q: When did your father become a LT in the Fedayeen?
 A: He is not a CPT, ~~at first yes~~, he was a LT but he is not now.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED ____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

001170

b(6)

b(6)

STATEMENT (Continued) Statement of [redacted] Taken at 21st CSH on 4 Jan 04

Q: How long?
 A: He became a member of the army about 5 yrs ago but he is not a member now. He just stays at home.

Q: How old is your father?
 A: He was born in 1954 or 1959, I forget.

Q: How old are you?
 A: 20.

Q: Still in high school?
 A: Yes. I failed 3 yrs because I had to work. We are a poor family.

Q: Since the arrest, have you had contact with your father or brother?
 A: No.

Q: How did your jaw get broken?
 A: A soldier hit me.

Q: How do you know that if you had a bag over your head?
 A: Not sure if it was a soldier but someone hit me.

Q: Then what?
 A: The soldiers, one soldier, took the bag off my head, gave me water and told me to say I had fallen.

Q: What did he look like?
 A: He was white, had a mustache, was handsome, young, had short hair, blonde, was about as high as me (5' 7" ish), not slender.

Q: Did you throw up or anything when they took the bag off your head?
 A: No, just blood.

AFFIDAVIT

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

WITNESSES:

 ORGANIZATION OR ADDRESS

 ORGANIZATION OR ADDRESS

 (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19 _____ at _____

 (Signature of Person Administering Oath)

 (Typed Name of Person Administering Oath)

 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b(6)

[redacted]

b(6)

b(6), b(3)

STATEMENT (Continued) Statement of [redacted] Taken at 21st CSH on 4 Jan 04

Q: Tell me what was happening in the room before your jaw broke?

A: At night they were throwing water on us and making us stand and squat. From the night to the next day, from wed. to Thursday, they were beating us. I was hit on Thursday. Then they gave me water but I couldn't really drink any. They then took me to a place for an X-ray. we walked there. Then they brought me back, I sat for a while and told me I was going to Baghdad for surgery. I came here (21st CSH) and took another X-Ray, then a helicopter took me to Baghdad.

Q: What was happening one hour before you got hit?

A: They were hitting me.

Q: Where?

A: Stomach, neck, back.

Q: With what?

A: With hands and boots.

Q: Were people talking to you in Arabic?

A: Yes

Q: What did he/they say?

A: One man said that I was crying. He asked me why I was crying like a woman.

Q: Before going to the room for your jaw, had you been taken there before?

A: No. It was the first time.

Q: Anything else?

A: I forgive the soldiers who hit me. That is all.

AFFIDAVIT

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

[Signature] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of January, 2004 at 21st CSH, Mosul Iraq

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3.2.1.6

b(6) b(3)

[redacted]

[redacted] Ex 6

ORGANIZATION OR ADDRESS

[Signature] (Signature of Person Administering Oath)

[redacted] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

SJA

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted]



DEPARTMENT OF THE ARMY
HEADQUARTERS, COALITION FORCES NORTHERN IRAQ
MOSUL, IRAQ APO AE 09325

REPLY TO
ATTENTION OF

AFZB-JA

15 January 2004

MEMORANDUM FOR

ADC(O), 101st ABN DIV (AASLT) Mosul, Iraq
Staff Judge Advocate, 101st ABN DIV (AASLT) Mosul, Iraq
Commander, 311th MI BN, 101st ABN DIV (AASLT) Mosul, Iraq

SUBJECT: Recommendation concerning [REDACTED]

b(6), b(3)

16 JAN 04
I read thru this and agree w/ your assessment. Please add this to our copy of the 15-6 R01. That our COPT should go back to FFCHY w/ [REDACTED]

EX 6
3.2.1.6, 3

1. Recommendation. I recommend that no punitive action be taken with respect to [REDACTED] Commander, B Company, 311th MI BN, 101st ABN DIV (AASLT) as a result of the injury to detainee [REDACTED] that occurred on or about 10 December 2003 in the 2BCT detainee holding area.

EX 6

EX 6
3.2.1.6, 3

2. Background. On the evening of 13 Jan 04 I was appointed by the SJA by direction of the ADC(O) to interview [REDACTED] concerning the incident that occurred on or about 10 Dec 03 resulting in injury to a detainee at the 2BCT holding area. On 14 Jan 04 I advised [REDACTED] of his rights, interviewed him for approximately 3 hours and obtained a sworn statement from him. The rights waiver and sworn statement are attached to this memorandum as enclosures one and two. This memorandum is not a summary of the contents of the sworn statement.

EX 6
3.2.1.6, 3

3. The primary purpose of the interview with [REDACTED] was to determine if he failed to exercise the appropriate level of supervision and leadership with respect to the operations of the 2BCT holding area. I conclude that he did. More could have been done, as is the case with any Commander in any position, but [REDACTED] actions satisfied the minimum standards for supervision and leadership given the circumstances in this instance.

EX 6
3.2.1.6, 3

4. The AR 15-6 investigating officer, [REDACTED], concluded that [REDACTED] jaw was broken by an intentional act, but was unable to determine the actual injury-causing event. [REDACTED] jaw was broken either as a result of a fall or from a blow administered likely by [REDACTED]

EX 6
3.2.1.6, 3

5. [REDACTED] states that he checked on the 2BCT holding area 3-4 times per week and, on average, all of these checks but one per week would be unannounced. He states that he requested that 2BCT provide blankets, heaters, an entrance gate, latrines, running water and a shower and offered to provide a copy of the briefing he gave to Strike 5 and 3 making these requests. He states that when he requested heaters as the cooler weather moved in he was told by either Strike

b(6), b(3)

AFZB-JA

SUBJECT: Recommendation concerning [REDACTED]

Ex 6
3.2.1.6, 3

5 or 3 "fuck 'em, they can freeze." [REDACTED] and his soldiers paid for the lighting, wiring, and some other items out of his and their personal funds to attempt to make the holding area meet what they believed to be minimum standards. Since he was attached to 2nd BCT, [REDACTED] believed he was required to go to 2BCT for fiscal and logistical support. He had prior experience as a field ordering officer. This briefing was provided after 9 Nov 03 when the BHA moved from a temporary facility to one in which the detainees would be kept overnight and for longer periods.

Ex 6
3.2.1.6

6. [REDACTED] states that he never saw detainees with bags on their heads that had certain offenses listed on them and that he never saw any soldier strike a detainee with any object except, on one occasion, a soldier tapped a detainee on the top of the head with an empty water bottle and told him to "look at me" but the manner in which this was done was not inappropriate. Further, he believed that his ISG prepared a guard briefing and ensured that all guards were always briefed concerning their obligations and rules relating to the detainees before they were allowed to be a guard. This briefing included a statement that they were not allowed to strike a detainee and that their job was to PT the detainees and keep them moving. This is reflected in most of the statements in the report of investigation. [REDACTED] believed that the detainees were fed three times per day and that they were allowed to sleep between approximately 2300 and 0700 each evening (if interrogated during this time period he stated the detainees would be allowed to rest during the day).

Ex 6
3.2.1.6

7. It is worth noting that [REDACTED] unit was responsible for a number of missions including GSS support to top gun, talon, BSA LLVI, Ears over Mosul, THT19, running source operations, ACT drafting, link diagrams and analysis at Strike Main, two prophets and seven prophet hammers as well as normal supply and administrative operations of a fifty-two soldier company with additional interpreter support. This is not to mention [REDACTED] reading every interrogation report on every detainee processed. Further, it is against doctrine to have interrogators or MI units to operate a BHA, this is an MP function. MI officers and enlisted receive no such training and the first time [REDACTED] had ever even read the Geneva Conventions applicable to prisoners was when he read the interrogation manual on his own initiative.

Ex 6
3.2.1.6

8. This is not to say that [REDACTED] is relieved of his obligation to supervise those soldiers in his charge. He is not. However, if what [REDACTED] states is accurate, the Division and certainly the Brigade (until, notably, just after this incident) utterly failed to provide either logistical or personnel support to operate a proper Brigade Holding Area. Military intelligence assets were used in a fashion they were never trained to do, did not understand, and with neither the logistical or personnel support to perform this rather important mission. This combined with the increased aggressiveness (note seizures based on sole source reporting began in Nov 03) on the part of the Division following a number of CF casualties in November resulted, not surprisingly, in the incident under investigation.

Ex 6
3.2.1.6

b(6), b(3)

AFZB-JA

SUBJECT: Recommendation concerning [REDACTED]

9. Under the circumstances, the actions of [REDACTED] with respect to the matter under investigation do not warrant punitive or adverse administrative action against him.

10. POC is the undersigned at 581-0710. Ex 6

[REDACTED]

2 Encls

1. DA-3881

2. DA-2823

Ex 6

03.2.1.6

Ex 6
23.2.1.6

b(6), b(3)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION DMAIN PALACE MOSUL IRAQ		2. DATE 14 JAN 04	3. TIME 1715	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]		8. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	[REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 101st ABN DIV AASLT and wanted to question me about the following offense(s) of which I am suspected: derelection of duty and, generally, supervisory responsibility for detainee abuse

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

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

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

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

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

b(6), b(2)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

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

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION DMAIN Palace, Mosul, Iraq	2. DATE (YYYYMMDD) 2004/01/14	3. TIME 1715	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS A 0-31 AD	
8. ORGANIZATION OR ADDRESS [REDACTED] BN 101ST ABN DIV AASLT			

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

What is your full name: [REDACTED]

What is your duty position and present unit of assignment: [REDACTED] Held since 1 Dec 03

How old are you: 30 yrs. Took command in Aug 03. Yes.

Are you married; do you have children: Yes; No.

How many years have you been in the military: 7 1/2 yrs.

Describe your civilian education: B.S. in Pol. Science from Florida State Univ.

Describe your military education and include all schools you have been to: ABN, AASLT, MIOBC, MIO CPT's Career Course, CAS 3 Maint. Officer Course, Force Pro Level II.

Tell me what duty positions you have held in the military: Asst S-2, [REDACTED]

How long have you been deployed here to Iraq: Since Feb 03

When else have you been deployed; if you have been deployed before OIF1 describe your duties/responsibilities then: Afghanistan - BN S-2 for SF BN; Kosovo - ACE BTL CPT; Bosnia - Asst S-2, estimated total

Tell me about your current duty position: Direct support MI company to 2BCT. Here I'm mos deployed = 16- have 52 persons that work for me plus 7 CAT 2 Linguists. Deployed.

What are your top responsibilities (top 3, top 5, however you see it) as a Commander: Here - "getting all my guys home safely."

Have those always been the same; if not, how have they changed and when: here - No, 2BCT

What responsibility do you have with respect to the Brigade Holding Areas since 18 DEC 03: money has been invested in the facility, but since 9-11 it became a 24 ops facility as it is now.

What personnel assigned to you are assigned to the 2BCT holding area: [REDACTED] Sr HUMINT Tech, [REDACTED] VCOCIC 9

Describe the jobs of those personnel assigned to you that worked in the Brigade Holding Areas: [REDACTED] 978, and until 1 week ago [REDACTED] 978, [REDACTED] 978, [REDACTED] 978

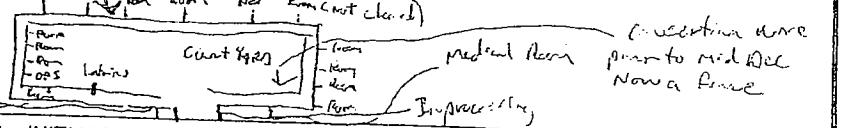
What training do each of those personnel receive: Sr Humint Tech - in charge of cage and Senior interrogator, supervises all personnel. They've moved to Strike MIA. Additionally 2 CAT 2 Linguists work there under my supervision.

When does that occur: level of [REDACTED]

What supervision do you provide with respect to each of those positions: 1st line for [REDACTED], second or higher for all others.

Describe the layout of the 2BCT holding area: [REDACTED]

Is it the same now that it was then: Do you speak Arabic? No.



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

001177

EX 6
3.2.1.6
JTW

Highlights of duties

b(6), b(3)

[Redacted]

- Sr. Humint Tech + OIC
- in charge of case
- Sr. interrogator
- supervised all MI personnel
- suggested \neq TIP for interrogations
- coordinated for all logistics and support to include transport

Note - 97Bs who are counterintelligence were used as interrogators b/c the Division is short of interrogators. But none do inteno. by himself unless he has shown he can do but they ~~all~~ interrogators sometimes interpret for them to allow switching of interrogator. Sometimes the 97Bs need the CAT II linguists after briefing the WO1 on how the interrogat will be conducted.

- writes SIRs and edits and reviews the interrogator reports
- 97Bs - are used as interrogators now.
- The NCOIC who is off 97B does no interrogations handles logistics under direction of [Redacted] or

EX 6
3.2.1.6

- [Redacted] - 97B did day-shift Database mgt and this means detainee inprocessing
- [Redacted] did Document Exploitation. This is where he was a CAT 2 linguist (~~also~~ tagged all property and wpns, render and ammo secure) to review all documents since he sp no Arabic nor reads it.
- The interrogators - [Redacted] + [Redacted] both speak Arabic - assist inprocessing, conduct interrogat and assist in DOCEx, produce and assist in managing the data

Note 2 96R worked in the ZBCT HA from 11 Nov to 15 DEC and their main function was to help [Redacted] account for property.

EX 6
3.2.1.6

[Redacted] - helps in interrogations, inprocessing and outprocessing, driving and logistics. Interpreters - interpret for snafus, ~~not~~ for 97Bs used as inteno. and interrogators when detainee claims they can't understand.

EX 6
3.2.1.6
also red with case
s - serviced general
ed detainees that were moving out of the case, trained the infantry guys and explained to them the process

b(6), b(3)

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

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 14 JAN 04

9. STATEMENT (Continued)

Why or why not do you think the improvements were made ~ 17-18 DEC 03 - Because of the guy getting his jaw broken and because of [redacted] recommendation.

Tell me more about the limits of physical discomfort used as part of the interrogation process. During an interrogation the use [are not placed in discomfort.

What role does physical discomfort play in obtaining information from a detainee/interrogee while at the holding area or not during interrogation? "If make them tired and when you're tired you slip up."

How does that work -> If you have something to hide and you're tired it is easier to be caught.

Is it fair to say that administering punishment and rewards to detainees who are being interrogated is part of the process used in the 2BCT holding area to obtain information from them. Overall an interrogator would not direct a guard to

PT a guy who was being a pain in the ass more than other interogees, but it may have rarely occurred. Give me examples of both punishment and rewards that can be provided detainees in an effort to obtain information from them.

Cigarette vs. no cigarette; Reward - not put in general population there fine no PT, no guards. Are there hard and fast rules about how far you can go either way with punishment or rewards.

Who set the limits on the amount of PT that the guards make the detainees do? Why "I'd say it would be chief b/c he was out there more than I was."

What are they What PT guidance did you tell the guards - "use stand up / sit down. Tell me about the SOP? 9-11 NOV Chief made an SOP all the guards signed.

Describe them Did the guards change? Yes all guards were briefed 2x by my 1SG and I think all, including the ones for Reinforce Games signed off.

If a little discomfort is useful in obtaining information, why not apply more discomfort even to the point of what we'd call torture?

Tell me why or why not - Is it ever okay to strike detainees with water bottles # "To strike, no." What about to threaten to strike them w/ a water bottle? I don't think so, but don't know for sure. Not know if a

When and how far can you go: physical threat with water bottle is permitted, but not think so.

Is it ever okay to scream at them with a bullhorn or loudspeaker? Sure, with 70 people in a cage how are they going to hear you. So scare the detainees or communicate? Both.

When and describe how far you can go - What about sleep deprivation. Sleep deprivation is keeping someone up more than 24 hours straight. 3 this not used because they're allowed to sleep 6 over 24 hours. What if they're

How long can you force someone awake in an effort to obtain information - detained at 2300? Once in case they're on a set schedule. The sleep time

What about food deprivation - Not used, 3 meals a day since full time in Nov 03. begin at 2300 and ends at 0700 but I need to look it up give or take an hr

What about physical exercise - So if a guy says I not eat 2 days? He must have refused food provided to him. If you wake them up during that time they get sleep during the day.

What about combinations of the above - Could you put an unloaded weapon to an interogees head and threaten to kill him if he doesn't provide information - Theatering someone w/ a pistol - is that allowed to obtain information.

Is that in any way against the rules - yes Even if unloaded - yes "correct"

If so, which rules -> The rules of human nature. Unwritten rules of detention facilities.

Why "Just not something you do." Ever read the Geneva Conventions or the Tort of You do not point a weapon at somebody unless you're a prisoner - Excerpts in the interrogation manual

What is your personal opinion about the limits on physical pain that can be imposed on an interrogee during the interrogation process Not useful. Think it is proven that torture is not work.

Do you reduce the amounts of discomfort administered for each technique if you use the above discomfort methods in combinations.

If so, why -

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 5 PAGES

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out in front of ~~if~~ them. What distinguishes the water bottle exercise from a stress position? ~~Could be considered~~ stress positions, but not what was used at ~~SEI~~ ~~SEI~~ ~~SEI~~ ~~SEI~~ SEI

- You mentioned stress positions. What is that and how is it used? ←
- They are not used, but it is placing a person in a position that causes them ~~to~~ physical discomfort.
- Is that used by any of your personnel on detainees from the time they arrive at the BHA until they leave? No. They are made to do PT. If you consider that stressful, okay, but stress positions are not used unless you consider the position they're placed in to be searched to be a stress position.
- How is PT used? It is used ~~to~~ when detainees are in the Main Holding Room/General Population by the Guards. This ended when the guy got his jaw broken. I told everyone "no more PT."
- Who had told the guards to make the detainees to perform PT when in general population? "Myself and Chief."
- This was pre-18 Dec? Correct. Roughly that time.
- What was the purpose of doing PT? To make them concentrate on things other than their story, to make it uncomfortable for them. We wanted to take advantage of the shock of capture. To continue their nervousness we did not want it to be a nice, peaceful place. The detainees will want to get out of the environment they're in and the unwillingness to talk to us is reduced.
- The purpose of the PT is to prevent them from relaxing.
- Are you trained to use PT on interogee pre interogation ~~is~~ in any way you've received from the military? No but when I was a Lieutenant I went thru 1st ~~and~~ IDs SEER school and that is what they did.
- ~~Does~~ ^{Has the} MI officer training you've rec'd ~~teach~~ ^{taught} you anything about interogations? No.
- First interogation I ever saw was around July 2003.

was I was in my own initiative or were you taught it? Never taught it. Read it in the past week or so.

SEI