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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 [REDACTED] TAKEN AT BUDC C9157, FT. BRAGG, NC 28310 DATED 17 MAR 1608

STATEMENT (Continued)

Q: HAD THE DIF EVER BEEN INSPECTED BY AN AGENCY EXTERNAL TO THE DIVISION?
A: THE IG FROM CJTF-7 CAME DOWN. THEY INSPECTED THE WHOLE FACILITY. I NEVER GOT THE RESULTS, BUT WHEN THE INSPECTOR LEFT HE WAS VERY HAPPY WITH THE FACILITY.

Q: DO YOU KNOW IF ANY OTHER PICTURES EXIST, OR HOW WIDELY THIS PICTURE MAY HAVE BEEN DISSEMINATED?
A: SIR, THIS IS THE ONLY PICTURE I KNOW OF, BUT I FOUND OUT FROM A CAGI CIVILIAN. I KNOW THAT THE 855TH STILL HAS IT AS THEY SENT IT TO [REDACTED] IT'S VERY IRONIC BECAUSE THE MP LIEUTENANT HAD NOTICES POSTED EVERYWHERE NOT TO HAVE PICTURES TAKEN INSIDE THE FACILITY EXCEPT TO SHOW ANY INJURIES. NEW ARRIVALS MAY HAVE HAD AND FOR GENERAL IDENTIFICATION PURPOSES.

Q: WERE ACTIONS SIMILAR TO THOSE SHOWN IN THE PHOTO EVER USED TO STRESS DETAINEES OR TO PREPARE THEM FOR INTERROGATION? PMC.
A: THE STRESS POSITION THAT THEY WERE IN WAS AN AUTHORIZED STRESS POSITION AND WAS SOMETIMES USED. WHAT [REDACTED] WAS DOING WAS NOT AUTHORIZED. IT WAS NOT A COMMON PRACTICE TO USE THAT STRESS POSITION.

Q: DO YOU KNOW WHO THE DETAINEES IN THE PICTURE ARE?
A: NO, I CANNOT SEE WHAT THEIR DETAINEE NUMBER WAS. WE PROCESSED AROUND 3000 DETAINEES. WE ONLY USED THAT STRESS POSITION ON NO MORE THAN TEN. WE USED IT ON THE ONES WHO WERE THE MOST UNCOOPERATIVE. THEY ALL CAME FROM THE SAME OBJECTIVE.

Q: WERE ANY DIF PERSONNEL EVER DISCIPLINED FOR UNPROFESSIONAL CONDUCT?
A: NO, SIR. THEY NEVER SHOWED UNPROFESSIONAL CONDUCT. IF THEY HAD, IT WOULD HAVE BEEN ADDRESSED RIGHT AWAY.

Q: DO YOU HAVE ANYTHING YOU WISH TO ADD?
A: I WISH [REDACTED] WOULD HAVE TOLD ME ABOUT THIS AS SOON AS HE BECAME AWARE. THEN WE COULD HAVE ADDRESSED THIS RIGHT AWAY. I FEEL THAT FOR EVERYTHING THAT WE HAVE ACCOMPLISHED, THIS SOLDIER MADE ONE MISTAKE AND RUINED THE REPUTATION OF THE DIF. SHE WAS A GOOD INTERROGATOR, BUT HER LAPSE IN JUDGEMENT MAKES IT CLEAR THAT SHE IS NOT READY TO BE [REDACTED].

Q: DO YOU HAVE ANYTHING ELSE YOU WISH TO ADD?
A: NO, SIR.

END OF STATEMENT

NAME OF PERSON MAKING STATEMENT

DA FORM 2823, DEC 1998

PAGE 2 OF 3 PAGES

LAW ENFORCEMENT SENSITIVE

EXHIBIT 9

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0384-04-CID 023 67275

STATEMENT OF [REDACTED] TAKEN AT Bldg C 157 Ft. Bragg, NC 28310 DATED 17 MAY 04 1600

9. STATEMENT (Continued)

NOT USED

AFFIDAVIT

WHICH [REDACTED] 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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17TH day of MAY, 2004 at Bldg C 157 Ft Bragg, NC 28310

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

AR 15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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0384-04-CID 023 67275

INFORMATION REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3013

PRINCIPLE PURPOSE: The information is being solicited as part of an informal investigation conducted in accordance with Army Regulation 15-6. Information is being collected by the Investigating Officer to obtain facts and make recommendations to assist the commander in determining what action to take, if any, regarding the matter being investigated.

ROUTINE USES: Any information you provide may be disclosed to members of the Department of Defense who have a need for the information in the performance of their duties. In addition, the information may be disclosed to agencies or persons outside the DOD who have a need to know the information or to others legally permitted to have the information.

DISCLOSURE: Disclosure is voluntary. There will be no adverse effects on you for failing to provide the requested information; however, any information not disclosed which pertains to the matter under investigation will not be available to the commander for his or her consideration.

17 MAY 04

Date

[Redacted Signature]

Signature

[Redacted Printed Name]

Printed Name

[Redacted SSN]

SSN

6716-6

EXHIBIT 9

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82ABN-3BDE

0384-04-CID 023 67275

From: [redacted]
Sent: [redacted]
Subject: RE: Contact Information

[redacted] here. I'm the Marine Corps HUMINT [redacted] at the DIF. I'd like to provide some information to your [redacted] below. I will also ask all my Marines to provide input as [redacted] some background.

[redacted] had heard of this photograph, but unfortunately did not see it. I [redacted] and there were several folders of pictures located on the CACI [redacted] computers, [redacted] were of MPs and the facility. I instructed [redacted] to [redacted] personal folders and personal picture folders from the computers, [redacted] did. The computer systems we work on are classified and I was [redacted] photos of an unclass nature were located on a classified system, [redacted] about to be connected to the SIPRNET. I just conducted another [redacted] of [redacted] the drives on the computer and no pictures or personal photographs [redacted]

Is this description of the photo match with the one that was found [redacted] CACI computer and of which [redacted] had been informed? I heard [redacted] photograph, but not in the detail that you describe. What I heard [redacted] were photos of Army MPs with Detainees and yes there was a broom [redacted] but the broom stick was not touching the detainee.

Is the photo, or any other similar photos, still on the CACI [redacted] computers at the interrogation facility? No. I had all [redacted] photos wiped from the computers. I believe [redacted] was the [redacted] who removed all these photos. This action was taken back in [redacted] when I was briefed that personal photos were on the CACI [redacted] computers.

Have copies of this photo or any similar photos been further [redacted] distributed? If so, to whom? To the best of my knowledge, all MPs [redacted] and here during that time have copies of these photographs on [redacted] personal computers or CDs.

Do the CACI personnel know of any evidence of improper conduct on [redacted] the part of 313th MI BN interrogators or MPs at the DIF? I'm not aware of [redacted] on the part of 313th MI Bn Interrogators or the MPs.

EXHIBIT 9

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ENFORCEMENT

Sir,
Hope this helps.

[Redacted]

-----Original Message-----
From: 82ABN-3BDE [mailto:[Redacted]]
Sent: Wednesday, June 02, 2004 2:25 PM
To: [Redacted]
Subject: RE: Contact Information

Gentlemen,

I can't get through on the phone. Here's the gist. As we were conducting operations in MAR 04, [Redacted] who had been the [Redacted] for our [Redacted] (CACI) down in Kuwait. [Redacted] informed [Redacted] that a photograph showing questionable conduct on the part of several personnel at the DIF had been loaded onto the CACI computer. This started a chain of events which has thus far culminated in my AR investigation as directed by our Commanding General.

The photo was timestamped 12/21/2003. It depicted three fully clothed detainees who were zip-tied to a wall with their hands above their heads. The detainees backs are towards three soldiers. One female wearing a black fleece over-garment and the other two male soldiers standing next to her. The female is holding a broomstick pointing it at the detainee's buttocks area. The photo appears to be a posed shot in a very questionable attempt at humor. There does not appear to be any physical contact between the broomstick and the detainee, but it is difficult to state that definitively.

Specifically have been charged with finding out to what extent this photo or similar photos, may have been disseminated; and whether there is any evidence of abuse, mistreatment, humiliation or other such actions towards detainees at the DIF by members of the 313th MI.

- 1. Specifically would like to confirm the following from the CACI folks:
 - a. Does this description of the photo match with the one that was found on the CACI computer and of which [Redacted] had been informed?
 - b. Is the photo, or any other similar photos, still on the CACI computer or other computers at the interrogation facility?
 - c. Have any copies of this photo or any similar photos been further disseminated? If so, to whom?

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Do the CACI personnel know of any evidence of improper conduct on the part of 313th MI BN interrogators or MPs at the DIF?

If you can assist me in querrying the CACI folks, I would greatly appreciate it. If any of them would prefer to contact me directly at this e-mail address, that is certainly acceptable.

Obviously, I would prefer to keep this information as close-hold as possible while this investigation, and a concurrent one being conducted are on-going. I know that calling DSN from over there can be problematic, but if you want to give it a shot to ask me any questions,

DSN is: [REDACTED]

Thanks,

[REDACTED]

Original Message

From: [REDACTED]
To: [REDACTED]
Date: Wednesday, June 02, 2004 3:12 PM

[REDACTED]

Subject: RE: Contact Information

the officer in charge of the military and civilian interrogators.

He has 2 e-mail accounts: you've selected the one I've cc'd him using the best e-mail account. We will assist you in any way possible. Feel free to use me as the POC for 1st Marine Regiment.

phone is: [REDACTED]

[REDACTED]

Original Message

From: [REDACTED]
To: [REDACTED]
Date: Wednesday, June 02, 2004 6:35 AM

[REDACTED]

Subject: RE: contact information

lemen,

I'm having significant issues getting my message to send. It has been red back several times. Here is the the text from my last message:

I am requesting some assistance from you guys. The 82d Airborne Division Commanding General has appointed me an Investigating Officer IAW AR

Specifically, I have been tasked to look into allgations of possible conduct on the part of interrogators and MPs at the Division Interrogation Facility around the DEC 03 timeframe. I need to talk to

EXHIBIT 9

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Some of the CACI contracted interrogators at the Interrogation Facility whom I believe are still there. Their conduct is not the focus of my investigation, but I believe that they may have information that will be helpful. In fact, [redacted] the overall [redacted] and [redacted] the one who first brought the issue to our attention. I just need to clarify some information and conduct a quick follow-up with him, as well as one of the others who were there when we left [redacted]. If I could have SIPR/NIPR e-mail addresses, that would be great. I tried calling [redacted] but could not get through. My DSN number back here at Fort Bragg is [redacted].

Thanks for your help.

Original Message

[redacted]
 [redacted]
 Thursday, May 27, 2004 4:09 PM
 [redacted]
 [redacted]
 Subject: RE: Contact Information

[redacted] to the DIF. The OIC for the interrogators is [redacted]. I suggest you [redacted] requests for info to me, [redacted].

Original Message

[redacted]
 [redacted]
 Thursday, May 27, 2004 6:51 AM
 [redacted]
 Subject: RE: Contact Information

Persons who work the Detention facility are [redacted] for the SJA [redacted] who is the Div control for detainee ops. These personnel need to talk to. They are in the To line.

Original Message

[redacted]
 [redacted]
 Thursday, May 27, 2004 3:51 PM
 [redacted]
 Subject: RE: Contact Information

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EXHIBIT 9

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0384-04-CID 023 67275

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 BODG 09157 FT. BRAGG NC 28310	2. DATE (YYYYMMDD) 20040517	3. TIME 1305	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS D Co, 313th MI BN / 82d AIRBORNE DIV			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

THAT DURING THIS INTERVIEW, [REDACTED] WILL BE ASKING QUESTIONS TO WHICH I WILL BE PROVIDING ANSWERS WHICH ARE TRUTHFUL TO THE BEST OF MY KNOWLEDGE.

Q: WHAT WERE YOUR RESPONSIBILITIES AT THE DIVISION INTERROGATION FACILITY LOCATED AT FOB ST. MERE, IRAQ?

A: I WAS AT FOB ST. MERE FROM MID-NOVEMBER TO EARLY MARCH 2004. I WAS ONE OF 4-5 INTERROGATORS THERE. I WAS RESPONSIBLE FOR CONDUCTING INTERROGATIONS, WRITING REPORTS AND EDITING ALL THE REPORTS IN THE FACILITY.

Q: WHAT WERE YOUR RESPONSIBILITIES FOR STRESSING DETAINEES OR OTHERWISE PREPARING THEM FOR INTERROGATION?

A: I DID NOT HAVE ANY SPECIFIC RESPONSIBILITIES TO STRESS DETAINEES. NO ONE DID. THAT IS NOT THE WAY WE OPERATED THERE. WE WOULD DEAL WITH DETAINEES IN A CASE BY CASE BASIS. DEPENDING ON THE SITUATION AND THE APPROACH I WAS USING, I SOMETIMES USED AUTHORIZED STRESS POSITIONS SUCH AS POSITIONING THE DETAINEE WITH HIS HANDS SECURED ABOVE HIS HEAD, PLACING HIM ON HIS KNEES, SANDBAGGING HIS HEAD IF HE WAS TALKING TO OTHERS, ETC.

Q: WERE YOUR ACTIONS IN THE PHOTOGRAPH IN QUESTION RELATED TO YOUR DUTIES AS AN INTERROGATOR?

A: NO, SIR. [REDACTED]
Q: WHAT WAS THE PURPOSE OF YOUR ACTIONS?
A: SIR, HONESTLY IT WAS A STUPID MISTAKE. IT WAS JUST A PHOTOGRAPH, I DIDN'T TOUCH THE MAN WITH THE BROOMSTICK. IT WAS AROUND CHRISTMAS AND THERE WASN'T MUCH TO DO SO WE WERE JUST JOCKING AROUND. THE DETAINEE COULDN'T SEE WHAT WE WERE DOING.

Q: HOW DID THE PHOTO COME INTO YOUR POSSESSION?

A: [REDACTED] PULLED ME ASIDE IN KUWAIT AND ASKED IF I HAD EVER ABUSE A DETAINEE. HE SAID THAT THEY HAD A PHOTOGRAPH OF ME WITH A BROOM. I KNEW THAT THIS WAS THE ONLY THING IT COULD BE. SO I CONTACTED MY TWO MP FRIENDS IN THE PHOTO AND HAD THEM SEND ME THE PICTURE ON MY E-MAIL. I THINK IT WAS [REDACTED], BUT IT MIGHT HAVE BEEN [REDACTED]. I STILL HAVE THE PHOTO ON MY E-MAIL. THE ONLY PERSON I GAVE THE PICTURE TO WAS [REDACTED]

11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
G *STATEMENT TAKEN AT _____ DATED _____	

BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

EXHIBIT U
AR 15-6 Investigation
DCCP/DIF Operations
13 MAY 04

DA FORM 2823, DEC 1998

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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 [REDACTED]

TAKEN AT BDC 09157 FT. BRAGG, AL2870 DATED 19 MAY 04 1305

STATEMENT (Continued)

Q: DO YOU BELIEVE THE ACTIONS DEPICTED IN THE PHOTO, OR THE ACTION OF TAKING THE PHOTO WERE CONTRARY TO REGULATIONS, POLICIES OR OFFICIAL GUIDANCE THAT YOU RECEIVED?
A: YES, SIR. TAKING A PICTURE OF A DETAINEE FROM WHAT I'VE HEARD, IS UNAUTHORIZED. HOWEVER MY ACTIONS WERE SIMULATED. I DIDN'T TOUCH THAT MAN WITH THE BROOMSTICK.

Q: DO YOU KNOW OF ANY OTHER SIMILAR PHOTOS OR INSTANCES OF THIS NATURE TAKEN PLACE AT THE DIF?
A: NO, SIR

Q: WHAT TRAINING HAVE YOU RECEIVED WHICH OUTLINED THE PROPER TREATMENT OF DETAINEES?
A: I WENT THRU THE BASIC INTERROGATION COURSE AT FORT HUACHUCA.
Q: ANYTHING WHILE YOU WERE IN IRAQ?
A: NO, SIR

Q: WERE GUIDELINES FOR THE PROPER TREATMENT OF DETAINEES POSTED IN THE DIF?
A: I DO BELIEVE SO, SIR. I'M NOT POSITIVE, BUT I'M PRETTY SURE THERE WERE. THERE WERE DEFINITE RULES FOR THE MPs, I CAN GUARANTEE THAT. AS FOR AS FOR THE INTERROGATORS WE SPOKE ABOUT WHEN I ARRIVED. WE KNEW THE LIMITS.

Q: HAD YOU EVER INTERROGATED ANYONE, OPERATIONALLY, PRIOR TO ARRIVING IN IRAQ?
A: WHILE STATIONED IN [REDACTED], I HAD WORKED W DEBRIEFING DEFECTORS AND U.S. MILITARY PERSONNEL.
Q: WAS ANYONE ELSE IN THE DIF OTHER THAN [REDACTED] AWARE OF THIS PHOTOGRAPH?
A: TO BE HONEST, I COULDN'T TELL YOU. THERE MAY HAVE BEEN OTHERS WHO MAY HAVE SEEN US OR SEEN THE PHOTOGRAPH.

Q: DO YOU THINK YOUR ACTIONS CONSTITUTED ABUSE OR HUMILIATING CONDUCT?
A: NO, SIR.

Q: IS THERE ANYTHING ELSE YOU WISH TO ADD?
A: NO, SIR.

END OF STATEMENT

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NAME OF PERSON MAKING STATEMENT [REDACTED]

DA FORM 2823, DEC 1998

PAGE 2 OF 3 PAGES 102

ENFORCEMENT SENSITIVE INFORMATION

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STATEMENT OF [REDACTED]

TAKEN AT BUDC 09157 FT BRAGG, NC 28310 DATED 17 MAY 04 1305

9. STATEMENT (Continued)

NOT USED

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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of MAY, 2004 at BUDC 09157 FT BRAGG, NC 28310

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

AR 15-6
(Authority To Administer Oaths)

WITNESSES:
[REDACTED]

ORGANIZATION OR ADDRESS
DC 313th MI BN

ORGANIZATION OR ADDRESS

TITLES OF PERSON MAKING STATEMENT
[REDACTED]

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 BDE C9157, FT. BRAGG, NC 28310	2. DATE 17 MAY 04	3. TIME 1300	4. FILE NO.
5. SURNAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS D CO, 313TH MI BN / 82D AIRBORNE DIV FT. BRAGG, NC 28310		
7. GRADE/STATUS [REDACTED]			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 82d Airborne Division and wanted to question me about the following offense(s) of which I am suspected/accused: FAILURE TO OBEY AN ORDER OR REGULATION; MALTREATMENT OF A PRISONER. Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

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)

1. NAME (Type or Print) [REDACTED]	3. SIGNATURE OF INTERVIEWEE [REDACTED]
2. ORGANIZATION OR ADDRESS AND PHONE D Co 313th MI BN	4. SIGNATURE OF SUSPECT/ACCUSED [REDACTED]
NAME (Type or Print) [REDACTED]	5. TYPED NAME OF INVESTIGATOR [REDACTED]
ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 3 BDE, 82D ABD FT. BRAGG, NC 28310

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE

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

FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

LAW ENFORCEMENT SENSITIVE

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INFORMATION REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3013

PRINCIPLE PURPOSE: The information is being solicited as part of an informal investigation conducted in accordance with Army Regulation 15-6. Information is being collected by the Investigating Officer to obtain facts and make recommendations to assist the commander in determining what action to take, if any, regarding the matter being investigated.

ROUTINE USES: Any information you provide may be disclosed to members of the Department of Defense who have a need for the information in the performance of their duties. In addition, the information may be disclosed to agencies or persons outside the DOD who have a need to know the information or to others legally permitted to have the information.

DISCLOSURE: Disclosure is voluntary. There will be no adverse effects on you for failing to provide the requested information; however, any information not disclosed which pertains to the matter under investigation will not be available to the commander for his or her consideration.

17 May 04
Date

[Redacted Signature]

Signature

[Redacted Printed Name]

Printed Name

[Redacted SSN]

SSN

ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 9

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SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

AUTHORITY:

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

1. LOCATION

BEDG C9157 FT. BRAGG, NC 28310

2. DATE (YYYYMMDD)

2004 05 20

3. TIME

1405

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. ORGANIZATION OR ADDRESS

D CO, 313TH MI BN / 82D AIRBORNE DIVISION, FT. BRAGG, NC 28310

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
THAT DURING THIS INTERVIEW [REDACTED] WILL BE ASKING QUESTIONS TO WHICH I WILL
BE PROVIDING ANSWERS THAT ARE TRUTHFUL TO THE BEST OF MY KNOWLEDGE.

Q: CAN YOU IDENTIFY THE SOLDIERS PICTURED WITH YOU IN THE PHOTO IN QUESTION TAKEN
ON 12/21/2003?
A: THE SOLDIER ON THE LEFT IS [REDACTED] AND THE OTHER IS [REDACTED]

Q: DO YOU KNOW WHO THE DETAINEES IN THE PHOTO ARE?
A: NO, SIR.

Q: DO YOU RECALL THE CIRCUMSTANCES UNDER WHICH THEY WERE DETAINED?
A: NO, SIR. I DON'T REMEMBER ANYTHING ABOUT THESE DETAINEES IN PARTICULAR.

Q: HOW COMMON WAS IT TO PUT DETAINEES IN THIS PARTICULAR STRESS POSITION, OR SIMILAR
POSITIONS?
A: THE POSITION WAS USED OCCASSIONALLY. IT WOULD DEPEND UPON THE BEHAVIOR OF THE DETAINEES
AND THE INTEL VALUE. AT TIMES WE MIGHT HAVE SEVERAL IN STRESS POSITIONS. THEN
WE MIGHT GO BY WITHOUT US USING ANY STRESS POSITIONS ON ANYONE. IT ALSO DEPENDS ON HOW
MUCH TIME WAS AVAILABLE TO INTERROGATE. AT THE TIME THIS PHOTO WAS TAKEN WE WERE IN SORT OF A COLL
AND HAD MORE TIME TO WORK ON THESE DETAINEES TO GET THE INTEL.

Q: DO YOU RECALL WHY THESE PARTICULAR DETAINEES WE HOODED AND PUT IN THE STRESS POSITION?
A: NO, SIR. I DON'T EVEN KNOW WHO THEIR PARTICULAR INTERROGATOR WAS.

Q: WERE THEY PUT IN THIS POSITION FOR THE PURPOSE OF TAKING THIS PHOTO?
A: NO, SIR.

Q: DO YOU RECALL THE DIF UNDERGOING AN IG INSPECTION IN JANUARY 2004?
A: I WASN'T REALLY INVOLVED IN THOSE KIND OF INSPECTIONS. WE OFTEN HAD HIGH RANKING OFFICERS
GOING THROUGH THE DIF.

Q: DO YOU KNOW IF THIS PHOTO, OR ANY SIMILAR PHOTOS, WERE DOWNLOADED ONTO ANY DIF COMPUTERS?
A: I CAN'T BE 100% POSITIVE, BUT I DON'T BELIEVE THEY WERE. I CAN
WERE THE DETAINEES AWARE THAT THEY WERE BEING PHOTOGRAPHED AT THE
TIME OF THIS PHOTO BEING TAKEN?

Q: NO, SIR.

EXHIBIT V

AR 15-6 Investigation
DCCP/DIF Operations
13 MAY 04

11. INITIALS OF PERSON MAKING STATEMENT

3 STATEMENT TAKEN AT DATED PAGE 1 OF 2 PAGES

BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

ORM 2823, DEC 1998

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

DA FORM 2823, JUL 72, IS OBSOLETE

EXHIBIT V

005492

STATEMENT OF [REDACTED]

TAKEN AT BOX 69157, FT. BRASS, NC 28310

DATED 20 MAY 04 1405

9. STATEMENT (Continued)

Q: DO YOU HAVE ANYTHING YOU WISH TO ADD?
A: NO, SIR.

END OF STATEMENT

63+68
63+65

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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...

WITNESSES:

63+62

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of MAY, 2004 at BOX 69157 FT BRASS, NC 28310

[REDACTED]
Signature of Person Administering Oath

[REDACTED]
Typed Name of Person Administering Oath

AR 15-6
[Authority To Administer Oaths]

FT BRASS, NC 28310
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

NAMES OF PERSON MAKING STATEMENT

63+66

6(3) + (6)
0384-0-CID 023 67275

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 BDDG C9157 FT. BRAGG, NC 28310		2. DATE 20 MAY 04	3. TIME 1400	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]		8. ORGANIZATION OR ADDRESS D CO, 313TH MI BN / 82D AIRBORNE DIV FT. BRAGG, NC 28310		
6. [REDACTED]		7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 82D AIRBORNE DIVISION and wanted to question me about the following offense(s) of which I am suspected/accused: FAILURE TO OBEY AN ORDER OR REGULATION; MALTREATMENT OF A PRISONER/DETAINEE

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.
- If 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.

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

COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the 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)

1. NAME (Last, First, MI) [REDACTED]	3. SIGNATURE OF INTERVIEWER [REDACTED]
2. ORGANIZATION OR ADDRESS AND PHONE FT. BRAGG, NC 28310 (910) 432-1100/2704	4. SIGNATURE OF INVESTIGATOR [REDACTED]
5. NAME (Type or Print) [REDACTED]	6. TYPED NAME OF INVESTIGATOR [REDACTED]
7. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	8. ORGANIZATION OF INVESTIGATOR 3 BDE / 82D AIRBORNE DIVISION FT. BRAGG, NC 28310

Section C. Non-waiver

I do not want to give up my rights
I want a lawyer

I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

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

DA FORM 2823, NOV 89

EDITION OF NOV 84 IS OBSOLETE

EXHIBIT

000494

SWORN STATEMENT

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

EDUCATION 1335 N 52nd St, Phoenix, AZ 85008	DATE 5/23/04	TIME 1000	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS 55MP Company / AZ ARNG			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Questions for 82nd Airborne Division AR 15-6 Investigation dtd 13 May 2004.

As [REDACTED] AR 15-6 Investigating Officer, 82ABN.

Q: What were your duties at the Division Interrogation Facility (DIF) at FOB St. Mere in Fallujah, Iraq
A: In process, search, house, maintain and outprocess EPW detainees

Q: Were you trained on and familiar with the policies for the treatment of detainees and of taking photographs in the DIF?
Were these policies posted?
A: Yes. These policies were in a clipboard next to our breakroom at the facility

Q: Have you ever seen this photograph before [show photo]?
A: Yes

Q: Why was this photo taken?
A: As a joke, just to be a humorous pose

Q: Do you know who took this photo? If yes, who was the photographer?
A: No

Q: Do you recognize the soldiers and/or detainees in this photo? If so, who are they?
A: Yes [REDACTED]

Q: What computers was this photo downloaded on to?
A: Insure

Q: To whom was this photo disseminated? Who has copies of it (digital or hard copy)?
A: Myself. The digital copy of this photo was destroyed before I left the country

Q: Were the prisoners in the photo zipped tied to the bars in the photo, if so who authorized it?
A: Yes. The order was given by whoever was interrogating that day.

Q: Was the broom in the photo used to hit, smack or sodomize detainees?
A: Never were the detainees hit, smacked, sodomized or anything else. They were treated how they were supposed to be treated

Q: Where did you get the photograph from and how did it end up on your thumb drive? Do you have any copies of this or other photos of this nature, if not, was the photo or photos destroyed?
A: This one and only photo I got from my thumb drive. I dont know whos thumb drive it was, I dont know if anyone else has a picture. I know I destroyed my digital copy of this picture. This is the only picture of this nature that I know of

EXHIBIT W AR 15-6 Investigation CCP/DIF Operations MAY 04	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

b(3) + (6) - L All

0384-04-CID 023 67275

STATEMENT (Continued)

STATEMENT OF [REDACTED] TAKEN AT 1045 DATED 5/22/04 CONTINUED.

Q: Were you ever told to destroy or erase copies of this photograph?
A: No

Q: Do you know the circumstances under which these detainees were detained and why they were hooded and placed in the "stress position" displayed in the photograph?
A: No. The NCOIC or OIC of Military Intelligence had detainees put in this position due to interrogation and/or punishment purposes. If a detainee made an aggressive or hostile action toward an MP or MI personnel, the detainee would be punished.

Q: How often were "stress positions" utilized in the DIF and who was the approving authority for their use?
A: Not very often. This was the very last punishment that was inflicted on detainees who refused to follow directions for their safety and ours.

Q: Were these detainees placed in this position for the purpose of taking this photograph?
A: No

Q: Do the actions in this photo violate any of the procedures that were considered acceptable in the DIF?
A: No. This was just a humorous pose. Nothing more.

Q: Were any similar photos showing MPs and/or interrogators with detainees ever taken? If so, how were they disseminated?
A: Not that I am aware.

Q: Do you know of any instances in which DIF personnel may have abused or humiliated detainees or that MPs / interrogators may displayed misconduct or otherwise treated detainees in an inhumane manner?
A: This didn't happen. Rules were put in place so detainees were not mistreated. Everyone abided by the rules.

Q: Were any DIF personnel ever disciplined or counseled for improper treatment of detainees?
A: Verbally counseled for a minor mistaken incident. [REDACTED] heard a detainee groan and assumed he was being mistreated by [REDACTED] verbally counseled [REDACTED] but later the details were cleared up that the said detainee did have a broken leg and did groan when was instructed to sit down in the back of a 5 ton for transport. There is no mistreatment.

AFFIDAVIT

[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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of May, 2004 at 1335 W 52ND ST PHOENIX AZ 85008

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

EXHIBIT 9

110

008496
00800

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

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
[REDACTED]	5/23/04	1000	
	5. ORGANIZATION OF ADDRESS		
	855MP Company		
	AZ ARNG		
6. GRADE/STATUS	[REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A - Rights

Investigator whose name appears below told me that he/she is with the United States Army 860MP Company / AZ ARNG and wanted to question me about the following offense(s) of which I am suspected/accused: **SUSPECTED - Failure to Obey Order or Regulation / Maltreatment of a Prisoner or Detainee.**

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.

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 to talk privately with a lawyer before answering further, even if I sign the waiver below.

COMMENTS (Continue on reverse side)

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

WITNESSES (if available)	3. SIGNATURE OF INTERVIEWEE
[REDACTED]	[REDACTED]
4. SIGNATURE OF INVESTIGATOR	
[REDACTED]	
5. TYPED NAME OF INVESTIGATOR	
[REDACTED]	
6. ORGANIZATION OF INVESTIGATOR	
	860MP / AZ ARNG

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

b(3) H(6)

0384-04-CID 023 67273



DEPARTMENT OF THE ARMY
Headquarters, 82d Airborne Division
Fort Bragg, North Carolina 28310

REPLY TO
ATTENTION OF:

AEVC-CG (15-6)

h376-2

13 MAY 2004

MEMORANDUM FOR [redacted] Headquarters and Headquarters
Company, 82d Airborne Division

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances surrounding the enclosed photograph dated 21 December 2003. The photograph, taken at the Division Interrogation Facility (DIF) at FOB St. Mere, Iraq, depicts [redacted], D Company, 313th MI Battalion, members of the 855th MP Company (Arizona National Guard), and detainees. Preliminary evidence in the form of a Commander's Inquiry conducted by [redacted] is enclosed. Direct coordination with the 855th MP Company is authorized.

h376-5

h376-2

2. From the evidence, you will make appropriate findings and recommendations. Your findings will, at a minimum, address the following:

a. Whether other photographs of a similar nature exist.

b. Whether there is evidence to indicate the possibility of abuse, inhumane treatment, or other misconduct with respect to detainees by [redacted], other members of the 82d Airborne Division, or members of the 855th MP Company (Arizona National Guard) at the DIF during the timeframe when the photograph was taken.

h376-5

3. Your investigation will be conducted using the informal procedures under AR 15-6. All witnesses will be sworn and each witness will be provided a Privacy Act statement. If in the course of your investigation you come to suspect that any individual may have committed a criminal offense, you must advise them of their rights under Article 31, Uniform Code of Military Justice, or the Fifth Amendment, as appropriate, using DA Form 3881. You may obtain assistance with these legal matters and your investigation from [redacted] Office of the Staff Judge Advocate, [redacted]

h376-2

4. Submit your findings and recommendations on DA Form 1574, along with all supporting documentation, within ten days for legal review and submission to me. Contact [redacted] should you need additional time to complete your investigation.

009500

00112

Encis as

Charles H. Swannack, Jr.
CHARLES H. SWANNACK, JR.
MG, USA
Commanding

EXHIBIT 9

008498

b(7) + (6)

0384-04-CID 023 67475

INFORMATION REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3013

PRINCIPLE PURPOSE: The information is being solicited as part of an informal investigation conducted in accordance with Army Regulation-15-6. Information is being collected by the Investigating Officer to obtain facts and make recommendations to assist the commander in determining what action to take, if any, regarding the matter being investigated.

ROUTINE USES: Any information you provide may be disclosed to members of the Department of Defense who have a need for the information in the performance of their duties. In addition, the information may be disclosed to agencies or persons outside the DOD who have a need to know the information or to others legally permitted to have the information.

DISCLOSURE: Disclosure is voluntary. There will be no adverse effects on you for failing to provide the requested information; however, any information not disclosed which pertains to the matter under investigation will not be available to the commander for his or her consideration.

23 MAY 2004

Date

[Redacted Signature]

Signature

[Redacted Name]

Printed Name

[Redacted SSN]

SSN

352

~~009507~~

113

SWORN STATEMENT

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

0384 04-CID-033 87273

PRIVACY ACT STATEMENT

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1983 (SSN). To provide commanders and law enforcement officials with means by which information may be accurately identified. Your social-security number is used as an additional/alternate means of identification to facilitate filing and retrieval. Disclosure of your social security number is voluntary.

AUTHORITY:

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

LOCATION:

1. NAME (LAST, FIRST, MIDDLE NAME) [REDACTED]		2. DATE (YYYYMMDD) 2004/05/27	3. TIME 1120 hrs	4. FILE NUMBER
5. ORGANIZATION OR ADDRESS 855th Military Police Company Phoenix Arizona		6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The DCCP / DIF established standards for normal operations. [REDACTED] SOP was created by [REDACTED]. Processing, the first draft was completed o/a 26 OCT 03. It was reviewed and accepted by the Division PMO and the 3BCT command. As lessons were learned in the daily operations of the collection point, it became necessary to periodically update the SOP. At least two additional updates were distributed o/a 15 NOV 03, and o/a 27 JAN 04. The SOP was generated using Army Regulation 190-8, and Field Manuals 19-40, 19-1, 3-19-4, and 27-10, along with published guidance from the 18th MP BDE, the 2nd ABN DIV, and CJTR-7 concerning EPW operations.

The actions taken by his chain of command to ensure his soldiers understood and complied with those established standards. After initially publishing the SOP, all MP personnel who were assigned to the DCCP were required to read, understand, and discuss the SOP, during their next shift. The leaders (E-6+) were individually counseled by [REDACTED]. Nightly we had company level HUB's in which feedback was received from the DCCP OIC/NCOIC on cage operations and also more detailed guidance as disseminated to them, of which they were required to brief shift NCOIC's who were required to brief shift personnel on any dates or changes. Senior leadership within the company to include [REDACTED] periodically and regularly inspected operations within the DCCP unannounced in order to determine if policy was being maintained. Additionally the SOP led for any person who observes or who suspects abuse by either Capturing personnel, MP's on guard, or MI interrogators. I report it immediately to myself and I made it a wake-up CCIR. The SOP was also posted near the MP Breakroom, and the paragraph that dealt with EPW treatment and handling procedures was posted in several prominent locations within the DCCP.

Your assessment of the level of understanding which [REDACTED] had regarding the unit SOP. All three soldiers knew the unit DCCP SOP, and proved their understanding by being able to perform to standard all the tasks SOP outlines for their daily operations. I believe all three of my soldiers involved in the incident in question were aware that behavior was unacceptable and did not conform to policies and guidelines set by this chain of command.

- CASE A: MFR DCCP SOP 26 OCT 03
- CASE B: MFR FRAGO TO DCCP SOP 29 NOV 03
- CASE C: MFR EPW DISCIPLINE 02 JAN 04
- CASE D: MFR FRAGO TO DCCP SOP 27 JAN 04

NOTHING FOLLOWS

HIBIT X
15-6 Investigation
CP/DIF Operations
MAY 04

11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF	2	PAGES
T OF	TAKEN AT	DATED		

INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

23 DEC 1998

AW ENFORCEMENT SENSITIVE

DA FORM 2823, JUL 72, IS OBSOLETE

FYHIRIT 9

009508
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6(3) + (6) - 2 A4

STATEMENT OF

[REDACTED]

TAKEN AT

1120 hrs

DATED

26 MAY 04

9. STATEMENT (Continued)

NOTHING FOLLOWS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

AFFIDAVIT

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE. 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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of MAY 2004 at SENIOR Army Advisor's Office

[REDACTED NAME]

(Typed Name of Person Administering Oath)

TITUS 10 FEDERAL OFFICER (Authority To Administer Oaths)

LOCATION OR ADDRESS

LOCATION OR ADDRESS

PERSON MAKING STATEMENT

147027, DEC 1998

LAW ENFORCEMENT SENSITIVE

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008501

b(6) - 2)

0384-04-CID 023 67275

DEPARTMENT OF THE ARMY
855 MILITARY POLICE COMPANY
FOB ST. MERE, IRAQ
APO, AE. 09384

26 OCTOBER 03

MEMORANDUM FOR RECORD

SUBJECT: 82ND Airborne Division (ABN) Central Collection Point Standard Operating Procedures

1. References.

- a. FM 19-40, Enemy Prisoners of War, Civilian Internees and Detainees, 27 February 76
- b. FM 19-1, Military Police Support to Multinational & Interagency Operations, 26 February 97
- c. AR 190-8, Enemy Prisoner of War, Retained Personnel, Civilian Internees, and other Detainees, 1 October 97
- d. FM 3-19-4, Military Police Leader's Handbook, 4 March 2002

2. General.

- a. Unless otherwise stated, whenever the masculine gender is used, both men and women are included.

3. Purpose.

- a. This SOP establishes responsibilities and defines procedures for the execution of assigned Military Police (MP) at the Division Central Collection Point (DCCP) by the 855 Military Police Company in support of the 82nd Airborne Division. It provides detailed guidance for the processing, care, and confinement of enemy prisoner of war (EPW) being held at the DCCP.

4. Scope.

- a. This SOP applies to all personnel assigned or attached to the 855 Military Police Company during the conduct of EPW operations.

5. Changes.

- a. This SOP is a living document and will be updated periodically to reflect changes in doctrine, equipment, and software. Recommendations for changes or improvements to this SOP should be forwarded to: Commander, 855 MP Company, ATTN: DCCP OIC, APO AE 09384 Telephone [REDACTED]

~~009510~~

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008502

EXHIBIT 9

ENFORCEMENT CENTER

6. Mission.

- a. The 855 MP Company will operate and have overall responsibility of the 82nd ABN DCCP located at [REDACTED] immediately and until properly relieved by another MP unit.
- b. The intent of the DCCP is to evacuate detainees no later than 72 hours after the point of classification made by MI personnel. Detainees will be evacuated or released at that point unless they have not been interviewed or have been interviewed and it has been decided that the detainee has intelligence value that must be exploited at that location before transfer. MP personnel will rely on a memorandum from the DIF OIC to determine prisoner classification and extensions of the 72-hour guide.

7. Task Organization.

- a. The DCCP consists of a DCCP OIC (1), NCOIC (1), Shift NCOIC (3), and junior enlisted personnel (24). These elements provide Internment Facility Management, administrative and logistical support, and execute assigned EPW handling missions.
- b. The DCCP OIC designates the main effort. He sufficiently weighs the main effort for each shift (i.e., MP personnel, equipment, EPW handling) to ensure adequate coverage of resources and continuous operations.
- c. The NCOIC also designates supporting efforts that will aid in the accomplishment of each EPW shift.
- d. Attachments.

- I. Engineers. The DCCP OIC normally has already assigned engineers a priority of work. He is responsible for coordinating with all engineers operating in the DCCP to ensure the commander's priorities are being adhered to. He must also ensure that engineer assets are not wasted and he must also provide guidance within the DCCP. The DCCP OIC or NCOIC may be required to provide labor support and or security to assist the engineers.
- II. Military Intelligence. The DIF OIC or NCOIC of the MI Teams will assign the priority of work for the MI Teams. The DCCP OIC will not dictate the employment or further suballocate or task organize any supporting MI elements. He is responsible for coordinating with all MI personnel operating in the DCCP to ensure the commander's priorities are being adhered to. The DCCP OIC or NCOIC may be required to provide security support to assist the MI Teams.
- III. Medical. The 82nd ABN Forward Surgical Team (FST) will provide medical support to the DCCP. Only qualified medical staff will determine if an EPW needs urgent care based on the following guidelines: life, limb, or eyesight. The DCCP OIC or NCOIC is responsible for evacuating EPWs to the FST. The DCCP OIC or NCOIC may be required to provide security support to assist medical personnel in the handling of EPWs.
- IV. Interpreters/Linguists. A CAT I interpreter will be available for the purpose of interpreting vocal commands to EPWs. In addition, a CAT II interpreter is available from MI personnel, if needed. Furthermore, some MI personnel are trained linguists.

000503

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8. Operations.

- a. The DCCP will operate on a 24/7 timeline.
- b. Each shift will operate on an 8-hour schedule. MP personnel can be recalled up to 4 hours before or after an 8-hour shift. The hours for each shift are as follows:
 - Day Shift 0600-1400
 - Swing Shift 1400-2200
 - Night Shift 2200-0600
- c. The Shift NCOIC will determine the need for the recall. This will be based mainly on personnel strength and mission requirements.

9. Uniform.

- a. All MP personnel are required to bring all equipment needed to perform his assigned task. This includes, but is not limited to, assigned weapon (M16, M249, or M9), Kevlar, Flak Vest, and Promask.
- b. While the weather will mainly dictate the uniform, the following are guidelines:
 - I. BDU Top can be removed in extreme heat. T-shirt must be serviceable.
 - II. Sweaters can be used in place of the BDU Top in cold weather.
 - III. Boonie hat or patrol cap are optional.
- c. MP personnel assigned to tower duty will have their Kevlar on at all times, unless removing it to scratch their head or to give a few minutes of comfort.
- d. Combat lifesavers (CLS) will bring their CLS bags with them in case of an emergency.
- e. The platoon medic (DOC) will bring whatever equipment necessary needed to provide adequate and efficient medical care to all detainees.

10. Local Contractors.

- a. All local contractors conducting business within the DCCP will be escorted at all times. This will prevent their exposure to any detainees housed in the DCCP. NEVER will a contractor have any contact with a detainee.
- b. The following contractors are only permitted on the grounds of the DCCP:
 - I. Generator mechanics that service the 150KW and the generator/light sets.
 - II. Personnel that service all port-a-johns.
 - III. Personnel that pick-up the trash.
- c. These local contractors will come on a daily basis.

11. Entering the DCCP.

- a. Units dropping off EPWs to the DCCP will utilize the phone, located to the east of the front gate, to notify MP personnel of their arrival.
- b. Other military personnel needing authorization to enter the DCCP will go through the Company commander.
- c. Any personnel conducting business or visiting on official business will relinquish their weapon if contact with an EPW is requested.
- d. NO ONE is allowed to take photographs of the DCCP or any EPWs. MI personnel are the only military personnel allowed to take photographs of EPWs for the sole purpose of creating and maintaining an EPW interrogation file.
- e. Any one entering the DCCP is subject to search.

~~000512~~

118

109900

12. Exiting the DCCP.

- a. Units dropping off EPWs for processing will not exit or leave the DCCP until the Shift NCOIC has verified that all documentation on each EPW is accurate and satisfactorily completed.
- b. Any one exiting the DCCP is subject to search.

13. In-processing EPWs.

- a. Units dropping off EPWs to this facility are required to provide personnel for the adequate security of the EPWs during processing. The Shift NCOIC will determine where and for how long these personnel will be utilized.
- b. Only MP personnel will search and segregate incoming detainees.
- c. The following documentation - EPW Packet - is needed by the unit which is dropping off the EPW for processing:
 - I. DA Form 2745, EPW Tag
 - II. Coalition Provisional Authority (CPA) Forces Apprehension Form
 - III. Two - DA Form 2823, Sworn Statement
 - IV. DA Form 4137, Evidence/Property Custody Sheet (if needed)
 - V. DD Form 629, Receipt for Prisoner or Detained Person will be given if the unit dropping off prisoner (s) requests one.
- d. MP personnel will ensure all property received is documented on DA Form 4137 with an accurate description, as best as possible. In addition, all monies received will be counted by type (i.e. 250 Dinar notes, 1000 Dinar notes, 10000 Dinar notes, etc.).
- e. MI personnel will assist MP personnel with the categorization or classification of EPWs.
- f. An MP will escort all EPWs individually once the processing has begun. No other individuals will perform this task.
- g. The OIC or NCOIC of the unit dropping off detainees will be the only personnel allowed into the processing area. All other personnel should wait by their vehicles or in the designated smoking/break area.
- h. Before the EPW continues to the medical screening area, the MP assigned to escort him will ensure that the EPW has read and understands the rules of the camp.

14. Medically Screening EPWs.

- a. All EPWs will be subjected to a thorough medical screen prior to being detained.
- b. The DOC will be responsible that all prior injuries, ailments, and current medicines being taken are annotated on the following document:
 - I. Detainee Medical Screening Sheet
- c. In addition, statements made by the EPW, during the medical screen will be annotated.
- d. The DOC will determine if he needs additional support to carry out the mission.
- e. Any detainee needing urgent medical care will be evacuated to the 82nd FST with coordination for security and transport made prior to him being evacuated.
- f. Any physical signs of mistreatment must be reported to the DCCP OIC immediately.

~~003519~~ 119

FYHIRT 10

15. EPW Handling and Confinement.

- a. ALL EPWs are to be treated with dignity and respect. Do not mistreat detainees during searches, questioning, detention, or transport. Do not subject detainees to public humiliation. Mistreatment includes but is not limited to the following:
 - I. Hitting
 - II. Slapping
 - III. Kicking
 - IV. Butt-stroking
 - V. Spitting-on
 - VI. Using abusive language, or
 - VII. Causing mental anxiety (i.e. mock executions, the threatening of family members, etc.)
- b. Any and all personnel working or handling EPWs in the DCCP are subject to UCMJ.
- c. MP personnel will allow EPWs to utilize the latrine once during each shift or if requested.
- d. MP personnel will provide two meals per day to all EPWs.
- e. All EPWs will be provided a sleeping mat and a blanket.
- f. Showers will be provided if an EPW is confined to the DCCP for more than 5 days.
- g. EPWs are subject to "work details" within the DCCP for the sole purpose of maintaining operational status (i.e. cleanliness of cells and confinement areas).

16. Out-processing EPWs.

- a. The DIF OIC will determine which detainees out-process the DCCP with guidance from division. EPWs will either be released to Host Nation authorities (HA) or processed forward to the Corp Holding Area (CHA - Abu Ghurayb).
- b. Upon determination, a list will be given to the shift NCOIC so that transportation requirements are coordinated and EPWs are out-processed.
- c. All EPW packets will go forward to the CHA. This includes any evidence processed by the DCCP for each individual EPW.
- d. A DA Form 629 will be collected by the NCOIC responsible for the transport of the EPWs.

17. Operational Security.

- a. Cells will not exceed the 25-person capacity without the authorization of the company commander or higher.
- b. MP guards will ensure that order is maintained on the DCCP at all times.
- c. MP guards will ensure that cage counts are done on each shift, but not in a manner that creates a noticeable pattern for the detainees. The shift NCOIC will report the EPW count to the company TOC twice on his shift.
- d. MP personnel are authorized deadly force, in the event of self-defense, or if a prisoner attempts to penetrate the inner security wire of the DCCP.
- e. All MP personnel will follow the current ROE for the theater and follow the Five S's - shout, shove, silence, segregate, and shoot.
- f. If a prisoner attempts escape, a guard tower will shout "Halt" three times, before engaging his target. Warning shots are authorized.

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FXHIRIT 19

000506

The POCs are in the cc line. DSN number is [REDACTED] (this is the SWO number, but POCs are close enough to use it).

S/F.

[REDACTED]

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

From: [REDACTED]
Sent: Thursday, May 27, 2004 2:42 PM
To: [REDACTED]
Subject: Contact Information

[REDACTED]

[REDACTED] here. I was the [REDACTED] for the 82nd Airborne Division. I am currently conducting an investigation into some allegations of misconduct of some personnel at the 82nd Airborne Division Interrogation Facility while we were supporting OIF. I need to contact the CACI contractors or one of your reps at the Interrogation Facility (at FOB Tallujah, formerly FOB St. Mere). If you could please pass me a DSN number and SIPR contact info for anyone there, it would be a great help. Thanks.

[REDACTED]

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EXHIBIT 9

705500

82ABN-3BDE [REDACTED]

0384-04-010023 67275

From: [REDACTED]
Sent: Thursday, June 03, 2004 9:50 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Your Investigation
[REDACTED]

I received the emails regarding your investigation of the photograph in question. All of my information pertaining to the photograph in question is hearsay, as I never actually saw it. However, I can tell you what was told to me. I happened to run into [REDACTED] in Kuwait as he was returning from leave and I was on my way out of the country. He told me that he happened to see [REDACTED] Kuwait a couple of weeks earlier and dined with her in the chow hall. That is where he told her about the picture in question. When I asked him what picture he was referring to, he described it to me much as you did, although your description provides more detail. Unfortunately, [REDACTED] no longer works at this facility and I'm unaware of his current contact information. In reference to your specific questions:

1. Does this description of the photo match with the one that was found on the computer and of which [REDACTED] had been informed? Based on your description and that told to me by [REDACTED] I believe this is the same photograph.
2. Is the photo, or any other similar photos, still on the CACI computer or any other computers at the interrogation facility? When the Marines took over this facility, one of the initial tasks performed was system maintenance. Allegedly, this was when unofficial photographs were discovered on one particular computer. Unofficial photos should never have been there in the first place, so they were ordered removed by the HET 11 OIC. It was during this process that the photo in question was discovered. I was neither present at the discovery of these photos, nor am I aware what has happened to them since. I assume they were [REDACTED]
3. Have copies of this photo or any similar photos been further disseminated? If so, to whom? I have no information as to the dissemination of this or any other photograph.
4. Do the CACI personnel know of any evidence of improper conduct on the part of 313th MI BN interrogators or MPs at the DIF? I have no knowledge of any improper conduct.

Should you require any further information, feel free to contact me directly.

Regards,
[REDACTED]

~~009510~~

EXHIBIT 9

005508

LAW ENFORCEMENT SENSITIVE
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EXHIBIT S
AR 15-6 Investigation

122

82ABN-3BDE

0384 04-CID 023 6727

b(3) + (6) - 2 All

From: [redacted]
Sent: [redacted]
To: [redacted]
Subject: Response to [redacted] Questions

Thursday, June 10, 2004 5:02 AM

[redacted] the one who originally talked with [redacted] in Kuwait. My responses to your questions are written below.

1. Is this description of the photo match with the one that was found on the CACI computer and of which [redacted] had been informed? The description that you provided does indeed sound very similar to the photograph that we saw

2. Is the photo, or any other similar photos, still on the CACI computer or any other computers at the interrogation facility? To my knowledge all photos with Detainees in them have been deleted from all computers at the DIF.

Have copies of this photo or any similar photos been further disseminated? If so, to whom? The photos were deleted as soon as they were seen and were not/not disseminated to anyone.

Do the CACI personnel know of any evidence of improper conduct on the part of 313th MI BN interrogators or MPs at the DIF? The picture in question is the only questionable activity that I know of (or evidence of improper conduct). For the most part all the soldiers that I came in contact with on the 313th MI BN were professional and competent. I fully believe this was an isolated incident and was done without the knowledge of [redacted] or [redacted]. I do know for a fact that [redacted] would not take the actions taken/shown in the described photo.

[redacted] relocated and I am currently serving with the [redacted] in NE Baghdad. If I can be of more assistance please contact me at [redacted] email address.

~~009514~~

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EXHIBIT 9

Investigation
DIF Operations

LAW ENFORCEMENT SENSITIVE


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- g. Absolutely no visits will be allowed, at the DCCP, by detainees' family members, friends, or associates. All requests for visitation will be denied, and information on the CHA and their visitation policy will be given.
- h. MP guards will not speak with detainees except for the purpose of facilitating camp security or giving instructions. No casual or personal conversation will be authorized between guards and detainees.
- i. In the event an EPW breaches the perimeter block wall the company commander and the QRF for FOB St. Mere will be notified immediately. The BDOC is responsible for authorizing the QRF. In addition, the BDOC will notify all perimeter tower guards of the escape. The QRF becomes OPCON to the DCCP OIC for the sole purpose of capturing the escapee and resuming operational security.

18. Reports and Logs.

- a. The shift NCOIC will maintain all EPW logs utilized for the purpose of tracking EPWs and EPW documents.
- b. The following logs are to be maintained:
 - I. EPW Property Log
 - II. EPW Release Log
 - III. Cell Transfer Log
 - IV. EPW File Tracker
 - V. EPW Processing Log
 - VI. Daily Staff Journal
- c. The OIC or NCOIC is overall responsible for maintaining and furnishing the following documents on a daily basis:
 - I. Division Detainee Tracker
 - II. EPW Cell Manifest

19. POC for this SOP is 



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EXHIBIT 9

ENFORCEMENT SENSITIVE

DEPARTMENT OF THE ARMY
855 MILITARY POLICE COMPANY
FOB ST. MERE, IRAQ
APO, AE. 09384

29 NOVEMBER 03

MEMORANDUM FOR RECORD

SUBJECT: Additions to original 82ND Airborne DCCP SOP for all personnel

1. EPW latrines will be cleaned (wiped with a sponge and water w/pine oil) after each latrine break. In addition, a police call will be conducted around the cells, on the day and swing shifts. The floor of the latrine can be swept. One, two, or three detainees can make this happen. Furthermore, each cell will be swept daily and mopped on these days. Here is the schedule for the mopping of the cells:

- Sunday - dayshift
- Tuesday - afternoon shift
- Friday - nightshift

This will help in controlling the spread of disease the EPWs might carry.

2. The in-processing area will be swept and police called daily and on each shift. This can be accomplished by an EPW. A soldier will sweep the break area and the areas behind the counters on each shift.
3. EPW items that are not claimed by an EPW will go into a box for storage. Ensure that the EPW tag number and the name of the EPW is on the item. The EPW might come back to reclaim the item after a certain period. These items will be kept no more than 90 days. After this period, the item will go to charity.
4. The 5-gallon fuel cans will be filled by the afternoon shift. Fuel must be retrieved at the fuel point. Use of the white pick-up is authorized. **DO NOT** take the pick-up through the brigade area (PX, DFAC, BDE TOC, etc.); go around the West End to the fuel point. The tanker that delivers fuel to the generator does not carry enough fuel to top off all 21 generators on FOB St. Mere and any 5-gallon fuel cans, that might be located at each stop. The day shift will continue to fill the generator/light-sets once they are turned off.
5. The area around the cells will be cleaned by each shift. Each shift is leaving trash, mats, blankets, and bags from blankets lying around the cells. SFC Hansen and I have both noticed this. This is just plain laziness with no supervision.
6. **NO** radios, CD players, or computers are allowed up in the towers. These items are still being taken up there. Furthermore, soldiers are not wearing their kevlar, as previously stated.
7. Cigarette/cigar smoking is **ONLY AUTHORIZED** up front under the awning. Put the butts in the can. Each shift will empty out the butt can prior to leaving. **DO NOT** throw your butts on the ground!

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EXHIBIT 9

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8. The only uniforms authorized at the DCCP is as follows:

- Full DCU uniform (top and bottoms) or
- Full DCU uniform with black watch cap or
- DCU bottoms with black fleece top or
- DCU bottoms with brown sweater or black fleece top and/or black watch cap.

Any other deviation from what is stated is prohibited.

9. NCOICs make sure your shift is run according to these SOPs and the ones previously stated. There is no reason these things should not be happening. If the shift is too busy to make it happen, let the incoming NCOIC know why, so that it can happen. I've stated this before and so has [REDACTED]

10. POC for these additions is [REDACTED]

[REDACTED]

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EXHIBIT 9

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DEPARTMENT OF THE ARMY
855 MILITARY POLICE COMPANY
CAMP STRONGHOLD, FOB ST. MERE, IRAQ
APO, AE 09384

02 JANUARY 04

MEMORANDUM FOR RECORD

SUBJECT: The discipline of EPWs by military intelligence (MI) personnel

- 1) The following guidelines will be adhered to by all personnel, when MI personnel are conducting discipline techniques on EPWs for the sole purpose of intelligence gathering:
 - A) When MI personnel decide to conduct physical fitness (PT) on an EPW who will not talk or cooperate with the interrogation process, (1) MP and (1) interpreter will assist with the guarding of the EPW.
 - B) **AT NO TIME** will an MP give a command in order to assist MI with the discipline process. **ONLY** orders to move or for the purpose of protection to MP, MI, interpreter personnel will be given by MPs.
 - C) The discipline process that MI conducts **WILL NOT BE** a "spectator sport."
 - D) If no MPs are available to assist MI, a minimum of (2) MI personnel will be present at all times with the EPW.
 - E) The purpose of these guidelines will enhance the security of MP, MI, and interpreter personnel handling EPWs, as well as allow MI to effectively pursue needed intelligence.
- 2) Any questions to this SOP will be addressed to the undersigned at Camp Stronghold.



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EXHIBIT

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DEPARTMENT OF THE ARMY
855 MILITARY POLICE COMPANY
FOB ST. MERE, IRAQ
APO, AE. 09384

27 JANUARY 2004

MEMORANDUM FOR RECORD

SUBJECT: 82ND Airborne Division (ABN) Central Collection Point Standard Operating Procedures

1. References.

- a. FM 19-40, Enemy Prisoners of War, Civilian Internees and Detainees, 27 February 76
- c. FM 19-1, Military Police Support to Multinational & Interagency Operations, 26 February 97
- d. AR 190-8, Enemy Prisoner of War, Retained Personnel, Civilian Internees, and other Detainees, 1 October 97
- e. FM 3.19-4, Military Police Leader's Handbook, 4 March 2002
- f. FM 27-10, Law of Land Warfare

2. Purpose.

- a. This SOP establishes responsibilities and defines procedures for the execution of assigned Military Police (MP) at the Division Central Collection Point (DCCP) by the 855 Military Police Company in support of the 82nd Airborne Division. It provides detailed guidance for the processing, care, and confinement of enemy prisoners of war (EPW) being held at the DCCP. The terms EPW and detainee used throughout this document are synonymous.

3. Scope.

- a. This SOP applies to all personnel assigned or attached to the 855 Military Police Company during the conduct of EPW operations.

4. Changes.

- a. This SOP is a living document and will be updated periodically to reflect changes in doctrine, equipment, and software. Recommendations for changes or improvements to this SOP should be forwarded to: Commander, 855 MP Company, ATTN: DCCP OIC, APO AE 09384 Telephone DNVT [REDACTED]

5. Mission.

- a. The 855 MP Company will operate and have overall responsibility of the 82nd ABN DCCP located at [REDACTED] immediately and until properly relieved by another MP unit.

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EXHIBIT 9

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AW ENFORCEMENT SENSITIVE
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- b. The intent of the DCCP is to evacuate detainees no later than 72 hours after the point of classification made by MI personnel. Detainees will be evacuated or released at that point unless they have not been interviewed or have been interviewed and it has been decided that the detainee has intelligence value that must be exploited at that location before transfer. MP personnel will rely on a memorandum from the DIF OIC to determine prisoner classification and extensions of the 72-hour guide.
- c. Purpose: The primary goal of the Division Central Collection Point is to relieve the forward combat units from the logistical and personnel demands needed to detain EPW's. Secondary goals are to consolidate the division's detainees for the purpose of interrogation and intelligence gathering. Detainees' knowledge and information obtained at the battlefield need to be exploited at the earliest opportunity and information obtained disseminated down to combat commanders in order to increase their understanding of the situation.

6. Task Organization.

- a. The DCCP consists of a DCCP OIC (1), NCOIC (1), Shift NCOIC (3), and junior enlisted personnel (24). These elements provide Internment Facility Management, administrative and logistical support, and execute assigned EPW handling missions. The facility management will not go below a minimum of an 8 person "guard" force on duty at any one time.
- b. The DCCP OIC designates the main effort. He sufficiently weighs the main effort for each shift (i.e., MP personnel, equipment, EPW handling) to ensure adequate coverage of resources and continuous operations.
- c. The NCOIC also designates supporting efforts that will aid in the accomplishment of each EPW shift.

d. Attachments.

- 1) Engineers. The DCCP OIC normally has already assigned engineers a priority of work. He is responsible for coordinating with all engineers operating in the DCCP to ensure the commander's priorities are being adhered to. He must also ensure that engineer assets are not wasted and he must also provide guidance within the DCCP. The DCCP OIC or NCOIC may be required to provide labor support and or security to assist the engineers.
- 2) Military Intelligence. The DIF OIC or NCOIC of the MI Teams will assign the priority of work for the MI Teams. The DCCP OIC will not dictate the employment or further suballocate or task organize any supporting MI elements. He is responsible for coordinating with all MI personnel operating in the DCCP to ensure the commander's priorities are being adhered to. The DCCP OIC or NCOIC may be required to provide security support to assist the MI Teams.
- 3) Medical. The 82nd ABN Forward Surgical Team (FST) will provide medical support to the DCCP. Only qualified medical staff will determine if an EPW needs urgent care based on the following guidelines: life, limb, or eyesight. The DCCP OIC or NCOIC is responsible for evacuating EPWs to the FST. The DCCP OIC or NCOIC may be required to provide or coordinate security support to assist medical personnel in the handling-

of EPWs. Furthermore, Preventive Medicine will conduct two visits per month for the purpose of disease prevention.

- 4) Interpreters/Linguists. A CAT I interpreter will be available for the purpose of interpreting vocal commands to EPWs. In addition, a CAT II interpreter is available from MI personnel, if needed. Furthermore, some MI personnel are trained linguists.

7. Operations.

- a. The DCCP will operate on a 24/7 timeline.
- b. Each shift will operate on an 8-hour schedule. MP personnel can be recalled up to 4 hours before or after an 8-hour shift. The hours for each shift are as follows:
 - Day Shift 0600-1400
 - Swing Shift 1400-2200
 - Night Shift 2200-0600
- c. The Shift NCOIC will determine the need for the recall. This will be based mainly on personnel strength and mission requirements.

8. Uniform.

- a. All MP personnel are required to bring all equipment needed to perform his assigned task. This includes, but is not limited to, assigned weapon (M16, M249, or M9), Kevlar, Flak Vest, and Promask.
- b. While the weather will mainly dictate the uniform, the following are guidelines:
 - 1) BDU Top can be removed in extreme heat. T-shirt must be serviceable.
 - 2) Boonie hat or patrol cap are optional.
 - 3) Full DCU uniform (top and bottoms) or
 - 4) Full DCU uniform with black watch cap or
 - 5) DCU bottoms with black fleece top or
 - 6) DCU bottoms with brown sweater or black fleece top and/or black watch cap. Any other deviation from what is stated is prohibited.
- c. MP personnel assigned to tower duty will have their Kevlar on at all times.
- d. Combat lifesavers (CLS) will bring their CLS bags with them in case of an emergency.
- e. The platoon medic (DOC) will bring whatever equipment necessary needed to provide adequate and efficient medical care to all detainees.

9. Local Contractors.

- a. All local contractors conducting business within the DCCP will be escorted at all times. This will prevent their exposure to any detainees housed in the DCCP. NEVER will a contractor have any contact with a detainee.
- b. The following contractors are only permitted on the grounds of the DCCP:
 - 1) Generator mechanics that service the 150KW and the generator/light sets.
 - 2) Personnel that service all port-a-johns.
 - 3) Personnel that pick-up the trash.
- c. These local contractors will come on a daily basis.

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 EXHIBIT 9

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10. In-Processing

a. Entering the DCCP

- 1) Units dropping off EPWs to the DCCP will utilize the phone, located to the east of the front gate, to notify MP personnel of their arrival.
- 2) Other military personnel needing authorization to enter the DCCP will go through the Company commander.
- 3) Any personnel conducting business or visiting on official business will relinquish their weapon, at the front desk, if contact with an EPW is requested.
- 4) NO ONE is allowed to take photographs of the DCCP or any EPWs. MI personnel are the only military personnel allowed to take photographs of EPWs for the sole purpose of creating and maintaining an EPW interrogation file.
- 5) Any one entering the DCCP is subject to search.

b. Exiting the DCCP.

- 1) Units dropping off EPWs for processing will not exit or leave the DCCP until the Shift NCOIC has verified that all documentation on each EPW is accurate and satisfactorily completed. Shift NCOIC has the authority to refuse acceptance of any detainee, if paperwork is incomplete or incorrect.
- 2) Any one exiting the DCCP is subject to search.

c. In-processing EPWs.

- 1) Units dropping off EPWs to this facility are required to provide personnel for the adequate security of the EPWs during processing. The Shift NCOIC will determine where and for how long these personnel will be utilized.
- 2) Only MP personnel will search and segregate incoming detainees.
- 3) The following documentation – EPW Packet – is needed by the unit which is dropping off the EPW for processing:
 - I. DA Form 2745, EPW Tag
 - II. Coalition Provisional Authority (CPA) Forces Apprehension Form
 - III. Two – DA Form 2823, Sworn Statement
 - IV. DA Form 4137, Evidence/Property Custody Sheet (if needed)
 - V. DD Form 629, Receipt for Prisoner or Detained Person will be given if the unit dropping off prisoner (s) requests one.
- 4) MP personnel will ensure all property received is documented on DA Form 4137 with an accurate description, as best as possible. In addition, all monies received will be counted by type (i.e. 250 Dinar notes, 1000 Dinar notes, 10000 Dinar notes, etc.).
- 5) MI personnel will assist MP personnel with the categorization or classification of EPWs.
- 6) An MP will escort all EPWs individually once the processing has begun. No other individuals will perform this task.

EXHIBIT 9

- 7) The OIC or NCOIC of the unit dropping off detainees will be the only personnel allowed into the processing area. All other personnel should wait by their vehicles or in the designated smoking/break area.
- 8) Before the EPW continues to the medical screening area, the MP assigned to escort him will ensure that the EPW has read and understands the rules of the camp.

d. Medically Screening EPWs.

- 1) All EPWs will be subjected to a thorough medical screen prior to being detained. This will include a visual inspection of the detainee's full body and not merely a verbal inquiry into their health. All measures will be taken to provide the detainee an adequate area for the removal of his/her clothing with the full intent of keeping the procedure private.
- 2) A trained female combat medic or female health specialist will medically screen females who are being detained.
- 3) The DOC will be responsible that all prior injuries, ailments, and current medicines being taken are annotated on the following document with the greatest detail possible, Detainee Medical Screening Sheet.
- 4) In addition, statements made by the EPW, during the medical screen will be annotated.
- 5) The DOC will determine if he needs additional support to carry out the mission.
- 6) Any detainee needing urgent medical care will be evacuated to the 82nd FST with coordination for security and transport made prior to him being evacuated.
- 7) Any physical signs of mistreatment must be reported to the DCCP OIC immediately. Any and all bruises or injuries will be documented on the detainee medical screening form in the greatest detail possible. Injuries will be photographed.

II. Detention Operations

a. EPW Handling and Confinement.

- 1) ALL EPWs are to be treated with dignity and respect. Do not mistreat detainees during searches, questioning, detention, or transport. Do not subject detainees to public humiliation. Mistreatment includes but is not limited to the following:

- I. Hitting
- II. Slapping
- III. Kicking
- IV. Butt-stroking
- V. Spitting-on
- VI. Using abusive language, or
- VII. Causing mental anxiety (i.e. mock executions, the threatening of family members, etc.)

EXHIBIT 9

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- 2) Any and all personnel working or handling EPWs in the DCCP are subject to UCMJ. Service members who are found to have violated this order or who mistreat detainees risk punishment under UCMJ. Paragraph 3.b.(2)(a) through (f) are punitive and violations are subject to punishment under UCMJ.
- 3) Any person who suspects physical or mental abuse can and WILL report those findings immediately, additionally this is CCIR for the Company Commander. Service members who fail to report abuse or fail to prevent abuse are subject to UCMJ.
- 4) MP Guards will ensure that all detainees are protected from insult, injury, public curiosity, violence, reprisal, sexual attack, hostage acts, and threats.
- 5) MP personnel will allow EPWs to utilize the latrine once during each shift and if requested.
- 6) MP personnel will provide two meals per day to all EPWs.
- 7) All EPWs will be provided a sleeping mat and a blanket.
- 8) All EPWs will be allowed to walk and mingle within their cells. If at all possible, MPs will allow inmates to "walk" the area around the cells for the purpose of exercise and fresh air. Detainees will be allowed to exercise at will inside their cells, unless or until activity becomes unruly, loud, or presents a security risk.
- 9) MPs will not hinder the practice of religion by the detainees (i.e. telling them to stop doing that). Detainees can practice their religion freely.
- 10) EPWs are subject to "work details" within the DCCP for the sole purpose of maintaining operational status (i.e. cleanliness of cells and confinement areas).
- 11) EPWs and the cells they are confined to are subject to random "shakedowns" for their safety and for the safety of the guards.

b. Operational Security

- 1) Cells will not exceed the 25-person capacity without the authorization of the company commander or higher.
- 2) MP guards will ensure that order is maintained on the DCCP at all times.
- 3) MP guards will ensure that cage counts are done on each shift, but not in a manner that creates a noticeable pattern for the detainees. The shift NCOIC will report the EPW count to the company TOC twice on his shift.
- 4) MP personnel are authorized deadly force, in the event of self-defense, or if a prisoner attempts to penetrate the inner security wire of the DCCP.
- 5) All MP personnel will follow the current ROE for the theater and follow the Five S's of graduated force:
 - I. Shout - "Halt" or "Kiff"
 - II. Show your weapon and your intent to use it.
 - III. Shove to restrain, block access, or detain.
 - IV. Shoot (to warn.)

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EXHIBIT 9

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V. Shoot (to kill.)

- 6) If a prisoner attempts escape, a guard tower will shout "Halt" or "KIFF" in Arabic, three times, before engaging his target. Warning shots are authorized, but should not be aimed over the wall of the DCCP
- 7) Detainees will not be allowed visits by a detainees' family members, friends, or associates at the DCCP. All requests for visitation will be denied, and information on the CHA and their visitation policy will be given. Reasons behind this policy is due to the limited time EPWs are under our control, and for the reason of protecting the facility against surveillance or attacks.
- 8) MP guards and CAT I interpreters will not speak with detainees except for the purpose of facilitating camp security or giving instructions. No casual or personal conversation will be authorized between guards and detainees.
- 9) In the event an EPW breaches the perimeter block wall the company commander and the QRF for FOB St. Mere will be notified immediately. The BDOC is responsible for authorizing the QRF. In addition, the BDOC will notify all perimeter tower guards of the escape. The QRF becomes OPCON to the DCCP OIC for the sole purpose of capturing the escapee and resuming operational security.
- 10) All MP guards will have available and be knowledgeable in basic Arabic commands in order to facilitate ease in moving detainees.
- 11) Any time MP's are handling EPWs they must be able to increase their use of force to deadly force. Guards will not allow themselves to be put in situations where the ability to use deadly force is limited by the terrain and/or equipment.
- 12) The two over watching guard towers, labeled east and west will be occupied at all times by at least one MP. Roving patrols outside of the cages but within the wired compound will be in groups of no less than two MP's. Any time an escort is to be conducted from the holding area to the interrogation area or vice versa it will take place with a minimum of two MP's. Latrine and exercise breaks will be supervised by no less than 3 on ground MP's. Any time EPWs are in the interrogation or isolation area one MP will be available to assist MI personnel at all times.

c. Reports and Logs.

- 1) The shift NCOIC will maintain all EPW logs utilized for the purpose of tracking EPWs and EPW documents.
- 2) The following logs are to be maintained:
 - I. EPW Property Log
 - II. EPW Release Log
 - III. Cell Transfer Log
 - IV. EPW File Tracker
 - V. EPW Processing Log
 - VI. Daily Staff Journal

EXHIBIT 9

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3) The OIC or NCOIC is overall responsible for maintaining and furnishing the following documents on a daily basis:

- I. Division Detainee Tracker
- II. EPW Cell Manifest

12. Out-processing EPWs.

- a. The DIF OIC will determine which detainees out-process the DCCP with guidance from division. EPWs will either be released to Host Nation authorities (HA) or processed forward to the Corps Holding Area (CHA - Abu Ghurayb).
- b. If a detainee is released to Host Nation authorities, they will be provided a copy of the DA 4137 upon his/her release.
- c. Upon release determination, a list will be given to the shift NCOIC so that transportation requirements are coordinated and EPWs are out-processed.
- d. All EPW packets will go forward to the CHA. This includes any evidence processed by the DCCP for each individual EPW. In addition, two copies of DA Form 4137 - Evidence Property Sheet will be sent along with the transporting unit, so that one can return signed with the transporting unit for DCCP records and chain of custody documentation.
- e. A DA Form 629 will be collected by the NCOIC responsible for the transport of the EPWs.
- f. Other units or agencies who wish to interrogate or take custody of prisoner, must receive permission from the company commander and the transaction will be recorded on a DA 629, regardless of the length of time the EPW will be in another agencies care.

13. Additional Daily Operational Requirements.

- a. EPW latrines will be cleaned (wiped with a sponge and water w/pine oil) after each latrine break. In addition, a police call will be conducted around the cells, on the day and swing shifts. Furthermore, each cell will be swept daily and mopped on these days. Here is the schedule for the mopping of the cells:
 - Sunday - dayshift
 - Tuesday - afternoon shift
 - Friday - nightshift

This will help in controlling the spread of disease the EPWs might carry.
- b. The in-processing area will be swept and police called daily and on each shift. This can be accomplished by an EPW with an MP guarding the detainee assigned to perform the task. An MP will sweep the break area and the areas behind the counters on each shift.
- c. EPW items that are not claimed by an EPW will go into a box for storage. Ensure that the EPW tag number and the name of the EPW are on the item. The EPW might come back to reclaim the item after a certain period. These items will be kept no more than 90 days. After this period, the item will go to charity.
- d. All 5-gallon fuel cans are to be filled by the afternoon shift. Fuel must be retrieved at the fuel point. The tanker that delivers fuel to the generator does not carry enough fuel to top off all 21 generators on FOB St. Mere and any 5-gallon fuel cans, which

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might be located at each stop. The day shift will fill the generator/light-sets once they are turned off.

- e. The area around the cells will be cleaned by each shift.
- f. NO radios, CD players, or computers are allowed up in the towers.
- g. Cigarette/cigar smoking is **ONLY AUTHORIZED** up front under the awning/break area. Cigarette butts will be disposed of in the butt can provided. Each shift will empty out the butt can prior to leaving.

14. POC for this SOP is the DCCP [redacted] or the undersigned at [redacted]

[redacted]

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EXHIBIT 9
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SWORN STATEMENT

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

LOCATION

LAST NAME, FIRST NAME, MIDDLE NAME

DATE

TIME

FILE NUMBER

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS
855MP Company / AZ ARNG

Questions for 82nd Airborne Division AR 15-6 Investigation dtd 13 May 2004. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AR 15-6 Investigating Officer, 82ABN.

Q: What were your duties at the Division Interrogation Facility (DIF) at FOB St. Mere in Fallujah, Iraq?
A: I was the DCCP @ ST. MERE, Fallujah, Iraq.

Q: Did you establish policies regarding taking photographs of detainees in the DIF?
A: YES. To include signs posted in and around the facility, near the entrance stating "No photographs were authorized of the facility or of the detainees."

Q: Were these policies understood by all soldiers and civilians working in the DIF?
A: YES. Each person working at the DCCP had to sign an acknowledgment sheet that they read, understood, and would adhere to the policies written in the SOP.

Q: Do you know of any actions on the part of MPs or Interrogators that could have been construed as abuse, humiliating or inhumane treatment or misconduct?
A: YES. There was a few instances where [redacted] and his team [redacted] orally ridiculed detainees.

Q: Have you ever seen this photograph before (show photo)?
A: NO

Q: Do you know who took this photo and in what manner it was disseminated?
A: I am assuming that it is [redacted] who took the photograph.

Q: Do you recognize the soldiers and/or detainees in this photo? If so, WHO ARE THEY?
A: YES. [redacted]

Q: WERE POLICIES REGARDING PHOTOS INSIDE THE DIF POSTED? IF SO, WHERE WERE THEY POSTED AND DID SOLDIERS SIGN ANY DOCUMENTS ACKNOWLEDGING THE POLICIES?
A: YES. They were posted in between our processing area and where we stored detainee files and had a white board, where we used to track the numbers of detainees we had at all times and where they were located at all times. As for signing a document acknowledging the policies of the DCCP, YES there was, as stated in the 4th question.

EXHIBIT Z
AR 15-6 Investigation
DCCP/DIF Operations
13 MAY 04

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

READING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED."
IT BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED ON ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

ARM 2823, JUL 72
LAW ENFORCEMENT SENSITIVE

EXHIBIT 70

FORM 100-1

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SWORN STATEMENT

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

LOCATION [REDACTED]	DATE 5/22/04	TIME 1500	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS 855MP Company / AZ ARNG			

STATEMENT OF [REDACTED] TAKEN AT [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 DATED 5/22/04 CONTINUED:

Q: Were you ever informed that the DIF personnel or the facility itself was in violation of regulations, command policies, official guidance, or training procedures?
 A: NO

Q: Do you know of any instances in which DIF personnel may have abused or humiliated detainees or that MPs / interrogators may displayed misconduct or otherwise treated detainees in an inhumane manner?
 A: YES [REDACTED] and his team were verbally counseled by [REDACTED] a few times for ridiculing detainees verbally.

Q: Were any DIF personnel ever disciplined or counseled for improper treatment of detainees?
 A: Only verbally counseled.

INITIALS OF PERSON MAKING STATEMENT
 [REDACTED]

PAGE 2 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
 BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED
 "STATEMENT 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.

FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

ENFORCEMENT SENSITIVE

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

ROUTINE USES:

DISCLOSURE:

LOCATION

[Redacted]

DATE: 5/27/64 TIME: 1500

FILE NO.

NAME (Last, First, MI)

[Redacted]

ORGANIZATION OR ADDRESS: 855MP Company AZ ARNG

SSN

[Redacted]

GRADE/STATUS

[Redacted]

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A: Rights

Investigator, whose name appears below told me that he/she is with the United States Army 860MP Company / AZ ARNG and wanted to question me about the following offense(s) of which I am suspected/accused: SUSPECTED - Possible Knowledge of Maltreatment of a Detainee.

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.

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

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 having a lawyer present with me.

WITNESSES (If available)

Name (Type or Print)

[Redacted]

SIGNATURE OF INTERVIEWEE

[Redacted]

ORGANIZATION OR ADDRESS AND PHONE

[Redacted]

SIGNATURE OF INVESTIGATOR

[Redacted]

Name (Type or Print)

[Redacted]

NAME OF INVESTIGATOR

[Redacted]

ORGANIZATION OR ADDRESS AND PHONE

[Redacted]

ORGANIZATION OF INVESTIGATOR

860MP / AZ ARNG

Section C: Non-waiver

I do not want to give up my rights

I want a lawyer

I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED IS VOID IF NOT SIGNED AND DATED BY THE SUSPECT/ACCUSED. EDITION OF NOV 84 IS OBSOLETE.

ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT 9

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DEPARTMENT OF THE ARMY
Headquarters, 82d Airborne Division
Fort Bragg, North Carolina 28310

REPLY TO
ATTENTION OF:

AFVC-CG (15-6)

13 MAY 2004

MEMORANDUM FOR [redacted] 336-2
Company, 82d Airborne Division, Headquarters and Headquarters

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances surrounding the enclosed photograph dated 21 December 2003. The photograph, taken at the Division Interrogation Facility (DIF) at FOB St. Mere, Iraq, depicts [redacted] D Company, 313th MI Battalion, members of the 855th MP Company (Arizona National Guard), and detainees. Preliminary evidence in the form of a Commander's Inquiry conducted by [redacted] is enclosed. Direct coordination with the 855th MP Company is authorized. 336-5

2. From the evidence, you will make appropriate findings and recommendations. Your findings will, at a minimum, address the following:

a. Whether other photographs of a similar nature exist.

b. Whether there is evidence to indicate the possibility of abuse, inhumane treatment, or other misconduct with respect to detainees by [redacted] other members of the 82d Airborne Division, or members of the 855th MP Company, (Arizona National Guard) at the DIF during the timeframe when the photograph was taken. 336-5

3. Your investigation will be conducted using the informal procedures under AR 15-6. All witnesses will be sworn and each witness will be provided a Privacy Act statement. If in the course of your investigation you come to suspect that any individual may have committed a criminal offense, you must advise them of their rights under Article 31, Uniform Code of Military Justice, or the Fifth Amendment, as appropriate, using DA Form 3881. You may obtain assistance with these legal matters and your investigation from [redacted] Office of the Staff Judge Advocate, [redacted] 336-1

4. Submit your findings and recommendations on DA Form 1574, along with all supporting documentation, within ten days for legal review and submission to me. Contact [redacted] should you need additional time to complete your investigation.

Encls as

Charles H. Swannack, Jr.
CHARLES H. SWANNACK, JR.
MG, USA
Commanding

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EXHIBIT 2

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0384-04-CID 023 67275

INFORMATION REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3013

PRINCIPLE PURPOSE: The information is being solicited as part of an informal investigation conducted in accordance with Army Regulation 15-6. Information is being collected by the Investigating Officer to obtain facts and make recommendations to assist the commander in determining what action to take, if any, regarding the matter being investigated.

ROUTINE USES: Any information you provide may be disclosed to members of the Department of Defense who have a need for the information in the performance of their duties. In addition, the information may be disclosed to agencies or persons outside the DOD who have a need to know the information or to others legally permitted to have the information.

DISCLOSURE: Disclosure is voluntary. There will be no adverse effects on you for failing to provide the requested information; however, any information not disclosed which pertains to the matter under investigation will not be available to the commander for his or her consideration.

B2 MAY04
Date

[Redacted Signature]
Signature
[Redacted Name]
Printed Name
[Redacted SSN]
SSN

5/1/02

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EXHIBIT

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 3D BRIGADE, 82ND AIRBORNE DIVISION
FT BRAGG, NORTH CAROLINA 28307-5100

REPLY TO
ATTENTION OF

AFVC-C

02 June 2004

MEMORANDUM FOR Record

SUBJECT: Summary of Telephonic Interview with [REDACTED]

1. Purpose. The purpose of this memorandum is to summarize my telephonic interview with [REDACTED] 855th MP CO Arizona National Guard (AZNG). I conducted this interview as part of an ongoing informal investigation IAW AR 15-6 for which I have been appointed Investigating Officer

2. Background. [REDACTED] was the [REDACTED] of the Division Central Collection Point (DCCP) during the timeframe in which a photograph possibly depicting an instance of detainee abuse was taken. Subjects in this investigation gave his name as someone who may have relevant information regarding the photograph in question. I contacted the 855th MP Company and requested that they interview SSG [REDACTED] along with a list of 4 other soldiers in the 855th MP CO. I conducted a telephonic interview with [REDACTED] on 021500JUN04. The interview took place at the office of [REDACTED] for the State of Arizona Advisor for the AZNG. His headquarters is 5th US Army, Fort Sam Houston, TX. He served as a witness for the entire interview and is available for contact at [REDACTED] comm. [REDACTED]. His e-mail address is: [REDACTED]

3. Conduct of the interview. I explained to [REDACTED] the purpose for my contacting him. I read him the appointment orders assigning me as an Investigating Officer IAW AR 15-6 and informed him of the scope of the investigation. I informed him of his rights, reading *verbatim* from a DA FORM 3881, Rights Warning Procedure / Waiver Certificate. He agreed to waive his rights. The entire interview was conducted over speaker phone with [REDACTED] as a witness. [REDACTED] verified that he had confirmed [REDACTED] identity by reviewing his identification card and photograph. I then asked a series of questions to [REDACTED] and recorded his responses. I read the responses back to [REDACTED] who acknowledged that they were correct. Following the interview, [REDACTED] stated that he had witnessed the testimony and my dictation of [REDACTED] responses as "valid and true". The interview went as follows:

- a. Q: What were your duties at the Division Interrogation Facility (DIF) at FOB St. Mere in Fallujah, Iraq
A: I was the [REDACTED]
- b. Q: Were you trained on and familiar with the policies for the treatment of detainees and of taking photographs in the DIF? Were these policies posted?
A: Yes, sir, I was familiar with them. The policies were also posted.
- c. Q: Were the soldiers working in the DIF aware of the policies and procedures?
A: The soldiers from the 855th were. I don't know about the 82nd guys.
- d. Q: How can you be sure that they were aware of the policies?

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EXHIBIT 9

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A: All policies were posted on the wall. Everyone had to read and sign a piece of paper saying that they read and understood them.

e. Q: Were records of these acknowledgments maintained?
A: I believe that when we turned the DIF over to the 94th, all the statements stayed there.

f. Q: Specifically, did [redacted] acknowledge that they understood the policies and procedures regarding the proper treatment of detainees and taking their photographs?
A: I would say 'yes', because they all understood the form.

g. Q: Did the procedures and polices describe preventing detainees from being ridiculed and humiliated?
A: I can't be sure. It did specifically mention slapping and physical contact.

h. Q: Have you ever seen a photograph that depicts three soldiers in a room with three hooded detainees bound with their hands above their heads in which one of the soldiers is holding a broom stick and pointing it toward the buttocks of one of the detainees?
A: No, sir. Not until just now when the colonel showed it to me.

i. Q: Do you know who took this photo? If yes, who was the photographer?
A: No I don't, sir.

j. Q: Why was this photo taken?
A: I don't know, sir.

k. Q: Do you recognize the soldiers and/or detainees in this photo? If so, who are they?
A: The detainees? No. As far as the soldiers, one was MI, [redacted] or something like that. The other two are [redacted].

l. Q: Do you know if this photo was downloaded onto any computers?
A: I don't know, sir. I don't own one, so I couldn't tell you.

m. Q: To whom was this photo disseminated? Who has copies of it (digital or hard copy)?
A: I wouldn't know. I have never seen the photo before until the colonel showed it to me just now.

n. Q: Do you know the circumstances under which these detainees were detained and why they were hooded and placed in the "stress position" displayed in the photograph?
A: I don't know why they were detained. MI would keep them like that in wait while they were conducting interviews. When the interviews were done, they would rotate them out. The reasons they had hoods on was because the MI room was right behind this room. When relatives were being interviewed, they didn't want the others to see that they were turning over information on each other. That's why they were wearing hoods.

o. Q: How often were "stress positions" utilized in the DIF and who was the approving authority for their use?
A: Usually MI was the one who would approve the positions. We would just go down to the cages, get who they wanted, and turn them over to MI. To give an estimation, I would say they were used once a week, sometimes twice. Usually it was when several people or family members were taken at once. Then they would use them to hold the detainees while they were conducting interviews.

p. Q: Were these detainees placed in this position for the purpose of taking this photograph?
A: I couldn't tell you. Like I said, I don't have any information on that photograph.

q. Q: Do the actions in this photo violate any of the procedures that were considered acceptable in the DIF?

EXHIBIT 9

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A: I know they weren't supposed to take photos. Although the humiliation thing isn't a good idea, but like I said, I can't remember if it was in the policy. As far as the position they were in, I think that was allowed, but I'd have to look at the policy to confirm that.

r. Q: Were any similar photos showing MPs and/or interrogators with detainees ever taken? If so, how were they disseminated?

A: As far as I know, sir, there weren't any. I didn't even know about this one.

s. Q: Were any DIF personnel ever disciplined or counseled for improper treatment of detainees?

A: I don't remember anyone being counseled for mistreatment, sir.

t. Q: Did you have any personal observations of [redacted] or any of the 313rd MI interrogators involved in questionable activities at the DIF?

A: No I haven't, sir. The interrogators did all their things behind closed doors, so I don't have any idea about them.

u. Q: Are you aware of any inspections of the DIF?

A: There had been several inspections. The Marine Corps, the Red Cross. There were so many, I don't even remember all of them. We were always told that the DIF was one of the best ones they had seen.

v. Q: Do you have anything you would like to add?

A: I don't really have anything.

4. After the interview was complete, I asked [redacted] during the interview. [redacted] stated that [redacted] comment on [redacted] demeanor [redacted] did not display any obvious signs of nervousness or deception. I asked [redacted] appeared genuinely surprised when he was shown the photo immediately prior to the interview. [redacted] statement that he had not seen the photo prior to 02 JCN contradicted [redacted] statement that he had shown the photo to [redacted] previously. [redacted] stated that [redacted] appeared to be genuinely surprised by the photo and believed that he had not seen it previously.

5. POC for this memorandum is the undersigned. I can be reached at [redacted]

[redacted signature block]

Investigating Officer

6341-5

Handwritten signature

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82ABN-3BDE

From: [REDACTED]
Sent: Thursday, June 10, 2004 8:24 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Your Investigation

[REDACTED] does work at this facility. He is currently on leave and will be back in-country in a few weeks, although it may be even longer before he can get transportation back to this facility. When he returns he can answer your questions.

As far as records are concerned, it's possible those did exist at one time. In addition to any records, there used to be a poster on a wall right next to the MP desk. It read something like, "I have read and understand detainee policies and procedures....etc." It was filled with many signatures and dates. I think everything disappeared sometime before the Marine Corps took over. No Marine whom I asked can ever remember seeing any records. It is my understanding that the 855th turned over to the 94th, who then turned over to the Marine Corps. Anything that once-existed prior to the turnovers is probably long gone.

Regards,

[REDACTED]

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

From: [REDACTED]
Sent: Tuesday, June 08, 2004 7:58 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Your Investigation

I have two additional matters I would like your input on.

1. Does [REDACTED] still work at the facility. If he does, I would very much like to hear from him. In addition to the other questions I posed earlier, I would also like to know:
 - a. Does he know who loaded the photos on the CACI computer?
 - b. Can he confirm that the photos have been deleted (by himself or someone else)?
 - c. Does he know of any other photos that might show questionable treatment of detainees at the DIF?
2. I had been told that the MPs from the 855th MP CO (AZNG) had all their personnel sign an acknowledgment that they read and understood the procedures for the proper treatment of detainees. I have been further told that these statements had been left with their replacements (94th MP CO?). I would like to know if any such historical records still exist. If they do, I would have further questions and would probably like to get my hands on scanned copies, but all that can wait until we could verify that these records still exist. I have my doubts, but it's worth a shot.

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT BB
AR 15-6 Investigation
DCCP/DIE Operations

EXHIBIT 9

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0384-04-CID 023 67275

Thanks,

[Redacted]

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

From: [Redacted]
Sent: Thursday, June 03, 2004 9:50 AM
To: [Redacted]
Cc: [Redacted]
Subject: Your Investigation

I received the emails regarding your investigation of the photograph in question. All of my information pertaining to the photograph in question is hearsay, as I never actually saw it. However, I can tell you what was told to me. I happened to run into [Redacted] in Kuwait as he was returning from leave and I was on my way out of country. He told me that he happened to see [Redacted] Kuwait a couple of weeks earlier and dined with her in the chow hall. That is where he told her about the picture in question. When I asked him what picture he was referring to, he described to me much as you did, although your description provides more detail. Unfortunately, [Redacted] no longer works at this facility and I'm unaware of his current contact information. In reference to your specific questions:

1. Does this description of the photo match with the one that was found on the CACI computer and of which [Redacted] had been informed? Based on your description and that told to me by [Redacted], I believe this is the same photograph.
2. Is the photo, or any other similar photos, still on the CACI computer or any other computers at the interrogation facility? When the Marines took over this facility, one of the initial tasks performed was system maintenance. Allegedly, this was when unofficial photographs were discovered on one particular computer. Unofficial photos should never have been there in the first place, so they were ordered removed by the HET 11 OIC. It was during this process that the photo in question was discovered. I was neither present at the discovery of these unofficial photos, nor am I aware what has happened to them since. I assume they were deleted.
3. Have copies of this photo or any similar photos been further disseminated? If so, to whom? I have no information as to the dissemination of this or any other photograph.
4. Do the CACI personnel know of any evidence of improper conduct on part of 313th MI BN interrogators or MPs at the DIP? I have no knowledge of any improper conduct.

Should you require any further information, feel free to contact me directly.

Regards,

[Redacted]

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT 9

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SWORN STATEMENT

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

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

BLDG C9157 FT BRAGG, NC 28310

2. DATE (YYYYMMDD)

2004 05 17

3. TIME

1510

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

D CO, 313TH MI BN / 82D AIRBORNE DIVISION, FT. BRAGG, NC 28310

9.

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

THAT DURING THIS INTERVIEW MAJ ... WILL BE ASKING QUESTIONS TO WHICH I WILL BE PROVIDING ANSWERS THAT ARE TRUTHFUL TO THE BEST OF MY KNOWLEDGE

Q: WHAT WERE YOUR RESPONSIBILITIES IN REGARD TO DETAINEES HELD IN THE 82D ABD DIVISION INTERROGATION FACILITY (DIF)?

A: OVERSIGHT AND TECHNICAL GUIDANCE.

Q: HAVE YOU EVER BECOME AWARE OF ABUSE, INHUMANE TREATMENT, OR OTHER MISCONDUCT BY 82D AIRBORNE DIVISION PERSONNEL OR ATTACHED MPs, AT THE DIF TOWARD DETAINEES?

A: NO. I WAS FLABBERGASTED WHEN I SAW THIS PHOTO, OR THE FACT THAT ANY PHOTO HAD BEEN TAKEN. WHEN I FIRST VISITED THE DIF, I BROUGHT A CAMERA TO RECORD DIF OPERATIONS AND LAYOUT AND ... CAUTIONED ME THAT THE MP LIEUTENANT WAS VERY FIRM THAT NO PICTURES WERE TO BE TAKEN IN THE DIF.

Q: WHAT DO YOU BELIEVE IS TAKING PLACE IN THE PHOTO IN QUESTION WITH ...

A: A POOR ATTEMPT AT HUMOR; NOT PHYSICAL ABUSE. I DON'T BELIEVE SHE STRUCK THE MAN OR THAT HE HAD KNOWLEDGE OF HER ACTIONS.

Q: ARE HER ACTIONS A VIOLATION OF REGULATIONS, COMMAND GUIDANCE, POLICIES, OR TRAINING GUIDELINES?

A: YES. PHOTOGRAPHY IS ONLY ALLOWED FOR IDENTIFICATION OF DETAINEES. IF THE DETAINEE WAS AWARE OF HER ACTIONS IT WOULD CONSTITUTE A VIOLATION OF THE GENEVA CONVENTIONS. BUT I DO NOT BELIEVE HE WAS AWARE.

Q: DO YOU BELIEVE ANY SIMILAR ACTIONS WERE USED TO STRESS DETAINEES OR OTHERWISE PREPARE THEM FOR INTERROGATION?

A: NO. I THINK THIS WAS AN ABERATION. THESE TECHNIQUES ARE NOT TAUGHT IN THE SCHOOL HOUSE. UPSET WHEN HE FOUND THE PHOTOS. HE MADE ATTEMPTS TO DESTROY THE PHOTOS AND TO DISCIPLINE ...

WE HAD COMPANY LEVEL TRAINING HERE BEFORE DEPLOYMENT. ... AS THE NCOIC WAS RESPONSIBLE FOR BRIEFING INTERROGATORS THERE WHEN THE DIF WAS STOOD UP, THEY ALSO ALL READ THE DIF SOP AND 82ND FRAGO 1.

11. INITIALS OF PERSON MAKING STATEMENT

IG "STATEMENT" TAKEN AT _____ DATED _____

PAGE 1 OF 2 PAGES

BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

DA FORM-2823, JUL 72, IS OBSOLETE

EXHIBIT CC
AR 15-6 Investigation
DCCP/DIF Operations
3 MAY 04
FORM 2823, DEC 1998

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EVIDENCE

USAPA V1.00

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STATEMENT OF [REDACTED]

TAKEN AT BOX 6157 FT BRAGG, NC 28310 DATED 12 MAY 09 1516

9. STATEMENT (Continued)

Q: DO YOU KNOW OF ANY OTHER PHOTOS OF A SIMILAR NATURE THAT MAY EXIST OR HOW FAR THIS SPECIFIC PHOTO MAY HAVE BEEN DISSEMINATED?

A: I KNOW OF NO OTHER PHOTOS. AS FAR AS DISSEMINATION, I BELIEVE THAT IT WAS PART OF SOME MP3 PHOTO COLLECTION OF HIS TIME IN IRAQ. HOW FAR IT HAS BEEN DISSEMINATED IS UNKNOWN TO ME. I DID SEE THE MP3 SHOWING PHOTOS TO THE CASE PERSONNEL

Q: DO YOU THINK THAT OTHER INSTANCES OF SIMILAR BEHAVIOR MAY HAVE OCCURRED WITHOUT THE KNOWLEDGE OF THE CHAIN OF COMMAND?

A: SINCE THIS OCCURRED WITHOUT THE KNOWLEDGE OF THE CHAIN OF COMMAND, IT IS A POSSIBILITY, BUT I THINK IT IS A SMALL POSSIBILITY. I DO NOT BELIEVE I WOULD HAVE TOLERATED IT, NOR [REDACTED]

Q: HAD PREVIOUS INVESTIGATIONS OF THE DIF IDENTIFIED ANY QUESTIONABLE ACTIVITIES?

A: NO [REDACTED]

Q: DO YOU HAVE ANYTHING YOU WISH TO ADD?

A: NO [REDACTED]

END OF STATEMENT

AFFIDAVIT

I, [REDACTED], HAVE READ ENTIRE AND READ [REDACTED] THIS STATEMENT WHICH IS CONTAINED ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY [REDACTED]. 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 AND 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:

[REDACTED]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of MAY, 2009 at BOX 6157 FT BRAGG, NC 28310

ORGANIZATION OR ADDRESS [REDACTED]

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS [REDACTED]

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

THIS IS PERSONAL AND UNCLASSIFIED

b(3) + (6)

0384-04-CID 023 67275

INFORMATION REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3013

PRINCIPLE PURPOSE: The information is being solicited as part of an informal investigation conducted in accordance with Army Regulation 15-6. Information is being collected by the Investigating Officer to obtain facts and make recommendations to assist the commander in determining what action to take, if any, regarding the matter being investigated.

ROUTINE USES: Any information you provide may be disclosed to members of the Department of Defense who have a need for the information in the performance of their duties. In addition, the information may be disclosed to agencies or persons outside the DOD who have a need to know the information or to others legally permitted to have the information.

DISCLOSURE: Disclosure is voluntary. There will be no adverse effects on you for failing to provide the requested information; however, any information not disclosed which pertains to the matter under investigation will not be available to the commander for his or her consideration.

17 MAY 04

Date

[Redacted]

Printed Name

[Redacted]

SSN

[Redacted]

3/12

EXHIBIT 9

000544-150

ENFORCEMENT SENSITIVE
OR OFFICIAL USE ONLY

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Headquarters
313th MI BN
82nd Airborne Division
Ft Bragg, NC 28310-5100
291700JUL03
Copy _____ of _____ copies

(U) WARNO 1 (Pre-Deployment Training Requirements)

References.

1. 250245ZJUL03, FORSCOM WARNORD CJTF7 OIF RFF
2. 82d ABn Div Reg 600-8-101, Soldier Readiness Processing, 28 MAR 02
3. 82nd ABn Div WARNO (Pre-Deployment Training Requirements)
4. 82nd ABn Div RSOP, 1 AUG 00

Time Zone Used Throughout the WARNO: Romeo (Local)

Task Organization: Annex A

1. (U) SITUATION.

- a. (U) Enemy Situation. TBD.
- b. (U) Friendly Situation. TBP.
- c. (U) Attachments and Detachments. C Co is attached to 3rd BDE, 82nd Abn Div.

2. (U) MISSION. TBP.

3. (U) EXECUTION.

Commander's Intent. Beginning 30 JUL 03, 313th MI BN will conduct administrative and readiness pre-deployment activities in preparation for deployment into the CENTCOM AOR. Priority of effort is C, B, D, E, HSC, & A. The end state is defined as vehicles ready for sea movement by COB 04 AUG 03, containers ready for sea movement NLT 06 AUG 03, and soldiers trained and ready for air movement NLT 22 AUG 03. Be prepared to adjust this timeline once further guidance and DEPORD is received from Division. Soldiers working outside the Monday through Friday 0600-1800 requires Battalion Commander approval. Coordination and effective communication between Commanders and Staff is essential to accomplishing this mission.

- a. Concept of operations.

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EXHIBIT 9

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(1) (U) Phase I: Preparation of Equipment for Movement: Begins immediately and is completed once all rolling stock arrives at the designated SPOD. Commanders should anticipate movement of vehicles and rolling stock to Pike Field on/about 04 AUG 03. Phase I tentatively scheduled to end NLT 07 AUG 03. Individual Companies will begin loading ISU-90/Quadcons, ensuring that a proper PMCS and inventory of property is completed and properly annotated. Departure of ISU-90/Quadcons is TBD.

(2) (U) Phase II: Preparation of Personnel for Movement: Begins immediately and is complete once all personnel have completed Soldier Readiness Processing (SRP), Individual Equipment Issue, Individual Replacement Training Briefing (IRTB), and Individual Readiness Training (IRT). However, Phase I activities initially have priority. Phase II is tentative scheduled to end NLT 22 AUG 03. Battalion SRP is currently scheduled for 05-07 AUG 03. IRTB (05-06 AUG 03) is decentralized at the Company level, but coordinated through the appropriate Battalion staff sections. IRT is also decentralized at the Company level and currently scheduled for 12-15 AUG 03. Individual Equipment Issue is tentatively scheduled for 11-13 AUG 03. All Battalion personnel will conduct Abn Operations to maintain currency through their perspective deployment date.

(3) (U) Phase III: Implementation of Family Support Group (FRG) Program: Begins immediately and will continue throughout the entire deployment. BN S1 will serve as the Battalion POC prior to deployment and individual Rear Detachment Commanders will maintain individual programs until mission complete. Rear Detachment Training is currently scheduled for 25-26 AUG 03.

(4) (U) Phase IV: Storing of Personal Property and Movement: Begins on order and is completed prior to individuals deploying. Individual troopers must complete billeting personal property inventories and submit to appropriate Rear Detachment Representatives. Rear Detachment commanders will sign for all individual billet keys.

b. (U) Tasks to Subordinate Units.

(1) (U) C Co will coordinate with 3rd BDE for all predeployment tasks. Bn will assist where required.

(2) (U) B, E, D, and HSC will coordinate with the Bn staff for all predeployment tasks.

(3) (U) All Companies will complete the following pre-deployment requirements listed in Annex B and provide a timely response to staff inquiries so that their deployment tasks can be completed.

- i. Provide to S1 SNL of soldiers deploying (S: 301200JUL03)
- ii. Identify to S1 SNL of soldiers who need to Carry Over Leave (NLT COB 01 AUG 03)

- iii. Identify to S1 SNL of soldiers that require Stabilization (NLT 311100JUL03)
- iv. Identify to S1 SNL of soldiers due To ETS In 90 Days (NLTCOB 07AUG03)
- v. Identify One Mail Handler Per Company that will Deploy
- vi. Provide S1 a Rear Detachment Alert Roster (NLT COB 07AUG03)
- vii. Provide S1 contact data for RD OIC & NCOIC NLT 30 JUL 03
- viii. Provide S2 a list of soldiers who need to store POVs; execute POV storage according to RSOP
- ix. Provide S2 contact information for a Rear Detachment Armorer/Assistant Armorer. Rear Detachment Armorer Must Have longevity for continuity of AAM&E documentation.
- x. Provide S4 with DEL NLT 30 JUL 03
- xi. Mark all vehicles IAW CENTCOM SOP
- xii. Coordinate with S4 to ensure you deploy with 6-month contingency of supplies
- xiii. Provide S4 with a list of equipment shortages. Ensure sufficient tentage for operations and sleep areas. NLT COB 30 JUL 03
- xiv. Provide S4 with a consolidated lists of sizes for all clothing to be issued (boots, hats, DCUS, gloves)
- xv. Provide S6 operational status on all tactical radios
- xvi. Ensure all CCI equipment (ASIP-FM, MSRT-RT1539) is removed from vehicles are secured in approved storage (ISU-90/6) for movement
- xvii. Provide EMS with a list of batteries needed
- xviii. Ensure vehicles are washed (to include the under carriage) prior to the TI
- xix. Ensure operators perform a monthly PMCS on their vehicles & Electronic equipment prior to the TI
- xx. Provide operators to assist the mechanics during the TI
- xxi. Identify and review NCOER/OER, rating scheme scrub, and PCS awards NTL COB 01 Aug 03.
- xxii. Schedule and conduct a Company FRG meeting
- xxiii. Update NOK/FRG rosters
- xxiv. Validate/update AUEL
- xxv. Companies provide a list of all personnel requiring nametapes made for uniforms (4x nametapes, 4x Abn wings, 4x rank, 4x DIV patches, 4x Abn tabs, 4x US Army, 4x branch insignia to S4
- xxvi. Identify and report all critical computer needs to the S6
- xxvii. Identify computers deploying to the S6 for configuration
- xxviii. Request all COMSEC keys through S6

(4) (U) S1.

- i. Publish SRP MOI NLT 30 AUG 03

- ii. Coordinate for Rear Detachment Training (25-26 Aug 03)
- iii. Ensure NOK/FRG Rosters are updated
- iv. Coordinate for TCS Orders
- v. Coordinate with G1 for Excess Leave Carry Over
- vi. Identify personnel deployed over 180
- vii. Request Stabilization for identified personnel
- viii. Identify soldiers due To ETS in 90 Days
- ix. Post Rear Detachment Alert Rosters in Staff Duty Book
- x. Compile a complete and up to date deployment/ SRP Roster for all Companies
- xi. Coordinate for the screening of all Medical Records
- xii. Have all immunizations on hand at SRP Site
- xiii. Ensure Dental Records are screened prior to SRP

(5) (U) S2.

- i. Provide deploying soldiers ATFP/AOR, Cultural Awareness, and SAEDA Briefings
- ii. Provide Rear Detachment Instructor to support ATFP Training for the Rear Detachment
- iii. Provide staff supervision of Arms Room Inspections of Stay behind equipment
- iv. Coordinate For Interim Clearances
- v. Coordinate POV storage for Companies
- vi. Close-out outstanding Personnel Security Actions (PRs, SORs, RFIs)
- vii. Coordinate with G2 for map issue

(6) (U) S3.

- i. Coordinate and resource ranges, NBC Classes, NBC Chambers, and Instructors for IRT & IRTB
- ii. Publish timeline for training
- iii. Organize and coordinate ADVON
- iv. Submit to the Division EOC the pre-deployment matrix provided in Annex B NLT 1500 hours daily
- v. Put mechanism in place to ensure compliance with the requirements of this order
- vi. Attend the daily 1500 hour G3 update
- vii. Complete Pre-Deployment Activities Risk Assessment NLT 30 JUL 03
- viii. Publish a soldier packing list NLT 30 JUL 03. Coordinate with CSM.

(7) (U) S4.

- i. Consolidate Company DEL information NLT 30 JUL 03
- ii. Identify all containers needed for deployment (QUADCONS, ISU-90S, MILVANS). Order 20' MILVANS through DIV G4 NLT 30 JUL 03
- iii. Conduct inspections of all ISU-90s
- iv. Ensure units will deploy with 6-month contingency of supplies
- v. Purchase Permethrin in order to treat new DCUS
- vi. Consolidate lists of sizes for all clothing to be issued (boots, hats, DCUS, gloves)
- vii. Coordinate with CIF for a DX time

(8) (U) S6.

- i. Provide operational status on all tactical radios to ADSO
- ii. Provide tactical radio refresher training for all deploying personnel
- iii. Ensure all CCI equipment removed from vehicles prior to deployment
- iv. Provide sufficient computers for all critical positions
- v. Identify all deploying computers in the battalion IOT have them properly configured
- vi. Ensure CHIMS system IP addresses are added to ASAS address book
- vii. Provide oversight for requesting all COMSEC keys through DCOR

(9) (U) Support Platoon.

- i. Compile Company lists of vehicles deploying NLT 30 JUL 03
- ii. Receive individual Company list of supply needs (i.e. batteries)
- iii. TI all vehicles and EMS equipment prior to convoy to SPOD

c. (U) Coordinating Instructions.

- (1) (U) Units will submit Requests for Information (RFI) to the S3 Shop. 1LT Ruiz/SFC Scott are the POCs for the information
- (2) (U) All Units will coordinate with the appropriate staff section to ensure the below listed Individual Replacement Training (IRT) and Individual Replacement Training Briefings (IRTB) are complete prior to deployment. Prior to deployment Company Commanders will submit a Memorandum For the Commander certifying the training requirements in this order have been completed and attach a roster of individuals that have completed the training.
- (3) (U) Every trooper deploying will complete Individual Replacement Training (IRT). This training will be conducted at company level and include the following:

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EXHIBIT 9

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i. (U) First Aid.

1. (U) Evaluate a casualty
2. (U) Prevent shock
3. (U) Give first aid for burns
4. (U) Perform first aid for cold injuries
5. (U) Recognize and give first aid for heat injuries
6. (U) Put on a field or pressure dressing
7. (U) Put on a tourniquet
8. (U) Apply a dressing to an open abdominal wound
9. (U) Apply a dressing to an open head wound
10. (U) Splint a suspected fracture

ii. (U) NBC tasks to be trained.

1. (U) Protect yourself from chemical and biological injury/contamination using your M40-series protective mask with hood
2. (U) Replace canister on your M40-series protective mask
3. (U) Maintain your M40-series protective mask with hood
4. (U) React to chemical or biological hazard/attack
5. (U) Protect yourself from NBC injury/contamination with (MOPP) gear
6. (U) Identify chemical agents using M8 detector paper
7. (U) Protect yourself from NBC injury/contamination when drinking from your canteen while wearing your protective mask
8. (U) Administer first aid to a nerve agent casualty
9. (U) Administer nerve agent antidote to self (self-aid)
10. (U) Decontaminate your skin using the M291 skin decontaminating kit
11. (U) Decontaminate your skin and personal equipment using an M258A1 decon kit
12. (U) Decontaminate your skin and personal equipment using an M258A1 decon kit
13. (U) Decontaminate your individual equipment using the M295 individual equipment decontamination kit

iii. (U) CENTCOM AOR mine awareness: POC is S3 or 307th ENG

iv. (U) Squad/Platoon Battle Drills as required.

- (4) (U) Every trooper deploying will receive Individual Replacement Training Briefings (IRTB). This training will be conducted at company level and include the following:

i. (U) Rules of Engagement

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- ii. (U) Civilians on the Battlefield
- iii. (U) Enemy Prisoners of War
- iv. (U) Law of War
- v. (U) Level I Anti-Terrorism
- vi. (U) CENTCOM AOR
- vii. (U) Cultural Awareness
- viii. (U) Medical Threat
- ix. (U) Media Awareness
- x. (U) SAEDA

(5) (U) The following tasks can be conducted in theater after deployment:

- i. (U) Cordon and Search
- ii. (U) Convoy Security
- iii. (U) Checkpoint/TCPs
- iv. (U) Blue Force Tracker Modifications (TBD)
- v. (U) In-transit security training
- vi. (U) Terrorist Awareness training (required to be conducted once in CENTCOM AOR)

4. (U) SERVICE SUPPORT. TBP

5. (U) COMMAND AND SIGNAL:

a. (U) Command. TBP

b. (U) Signal. Companies will report updates to pre-deployment requirements IAW the matrix provided in Annex B NLT 1400 hours daily.

OFFICIAL:



ANNEXES:

A - Task Organization

B - Pre-deployment Requirements Tracking Matrix

C - Pre-deployment Calendar

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SWORN STATEMENT

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

LOCATION	DATE 10 JUN 04	TIME 1200	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS HHC, 82d Airborne Division, Ft. Bragg, NC 28310			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. In support of Operation Iraqi Freedom, I worked as the [redacted] of Division detention operations to include [redacted] of interrogation tactics; detainee deaths or abuse; classification of internees; and the detention of press personnel. I drafted requests to the CJTF7 Review and Appeals Board for release of select detainees on behalf of the Division's MSCs. I personally drafted all Division FRAGOs that were published as legal guidance for detention operations. All of these FRAGOs were drafted with CJTF7 FRAGOs in spirit and often in letter. This is true of 82d Airborne Division FRAGO 298, which is relevant to authorized interrogation tactics. It mirrored the CJTF7 policy letters on interrogation tactics in that in order to veer from tactics authorized by FM 35-52, the unit would have to request authorization from our CG, who would in turn, request permission from the CJTF7 commander. On numerous occasions, as a professional courtesy, I provided members of the CJTF7 SJA team with a copy before we published the FRAGO. Finally, I was part of a three-part inspection team consisting of [redacted] C2, PMO, and SJA that traveled to each holding facility in the 82d ABN AO—six detention facilities in all—to inspect them for compliance with these Division FRAGOs with the Law of War. I have been asked by [redacted] 15-6 Investigating Officer, to comment on my observations of Division detention operations and will do so in the following paragraphs. I am not familiar with many aspects of the DIF before February 2004. For more information about the legal aspects of activities at the DIF, it may be helpful to talk to [redacted] 3 BCT RJAG, who was located at MEK through the entire deployment.

2. Tiger Team Inspection. In February 2004, I personally inspected all Division holding facilities in the Division area of operations as the SJA prong of a three-person team. My mission was to evaluate all facilities for compliance with the Law of War and Division Guidance.

3. I had at that point more experience with the Division Internment Facility (DIF) relative to those under the control of BAGR and I did not personally know [redacted] until we worked together in Iraq on the Tiger Team. I should disclose that since then we have become friends. I am a friend of [redacted] now primarily because I was so impressed by her knowledge, professionalism, and moral fiber when we made the several trips to the various detention facilities.

4. The DIF was refreshingly proactive in seeking legal guidance and input on its operations. I was aware that the DIF had requested that [redacted] the RJAG co-located at MEK, come to her facility to advise on various matters, such as whether certain stress positions were legal. She asked him to actually sit in an interrogation chair for some time in order to determine if the use of such a chair would be considered too stressful.

[redacted] were of the opinion that most stress positions are legal so long as they do not become torture by virtue of their duration or intensity. See 82d ABN DIV FRAGO 298) I can honestly say I am not aware of any facility in our AO (and even in OEF) that is proactive about understanding the laws of war as they relate to detainee operations. [redacted] sifted through higher level FRAGOs on what seemed to be a daily basis looking for any guidance that might have come down from Division or Corps that would relate to detention operations. The reason I believe she looked through FRAGOs on a recurring basis is that when a FRAGO was published, she would inform me that same day that a detainee-related FRAGO had been published. Of course, I know that a detention FRAGO had been published because either we had published it; or if it was a Corps FRAGO we were informed via DIF. I had reviewed it for content when it was sent to Division. During my inspection, DIF personnel quoted [redacted] FRAGOs to me verbatim from memory, not knowing that I was the person who had drafted the language they were using. In my assessment, I contrasted this experience with my disturbing encounter at Junction City where the MP lieutenant in charge of the holding facility admitted to us he had never read one Division FRAGO on detention operations.

EXHIBIT EE	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
15-6 Investigation	READING STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED.	158
CP/DIF Operations	ST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED	
MAY 04	ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE	
IRM 2823, JUL 72	VERSE SIDE OF ANOTHER COPY OF THIS FORM.	
ENFORCEMENT SENSITIVE	SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE OBSOLETE	

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0384-04-CID 023 6727

INFORMATION REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3013

PRINCIPLE PURPOSE: The information is being solicited as part of an informal investigation conducted in accordance with Army Regulation 15-6. Information is being collected by the Investigating Officer to obtain facts and make recommendations to assist the commander in determining what action to take, if any, regarding the matter being investigated.

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DISCLOSURE: Disclosure is voluntary. There will be no adverse effects on you for failing to provide the requested information; however, any information not disclosed which pertains to the matter under investigation will not be available to the commander for his or her consideration.

16 Jun 04
Date

[Redacted Signature]

Signature

[Redacted Printed Name]

Printed Name

[Redacted SSN]

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FYHIRIT 9

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82ABN-3BDE

0384-04-CID 023 67275

From: [redacted]
Sent: Thursday, June 03, 2004 9:19 AM
To: [redacted]
Subject: FW: Contact Information

Sir,
Input from [redacted]

Original Message-----
From: [redacted]
Sent: Thursday, June 03, 2004 1:06 AM
Subject: RE: Contact Information

viewed pictures described in the message, in my opinion the soldiers
re
ving fun at the expense of detainee's. I don't know of any abuse the
s
re involved in while I've been assigned to St. Mere. The soldiers
ways
ducted themselves as professional, not to include the photos which
re
en and placed on the computer.
-Original Message-----

of the others who were there when we left [redacted]. If I could
re SIPR/NIPR e-mail addresses, that would be great. I tried calling
[redacted] but could not get through. My DSN number back here at Fort Bragg is
[redacted]
anks for your help.

Original Message-----
From: [redacted]
Sent: May 27, 2004 4:09 PM
Subject: RE: Contact Information

[redacted] to the DIF. The OIC for the interrogators is [redacted]
and the MP OIC is [redacted]. I suggest you
requests for info to me. [redacted]

ENFORCEMENT SENSITIVE

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EXHIBIT 9
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~~000556~~

Original Message

From: [redacted]
Sent: Thursday, May 27, 2004 6:51 AM
Subject: RE: Contact Information

The persons who work the Detention facility are [redacted] for the SJA [redacted] who is the Div control for detainee ops. These personnel do not need to talk to. They are in the To line.

Original Message

From: [redacted]
Sent: Thursday, May 27, 2004 3:51 PM
Subject: RE: Contact Information

POCs are in the cc line. DSN number is [redacted] (this is the number, but POCs are close enough to use it).

Original Message

From: [redacted]
Sent: Thursday, May 27, 2004 2:42 PM
Subject: Contact Information

[redacted] here. I was the [redacted] for the 82nd Airborne Division. I am currently conducting an investigation into some misconduct of some personnel at the 82nd Airborne Division while we were supporting OIF. I need to contact the CACI factors or one of your reps at the Interrogation Facility (at FOB Ujah, formerly FOB St. Mere). If you could please pass me a DSN SIPR contact info for anyone there, it would be a great help.

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EXHIBIT 9
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REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 82D AIRBORNE DIVISION
APO AE 09394

0384-04-CID 023 672

b (high) 2, (3), # (6)

AFVC-PMO

19 February 2004

MEMORANDUM FOR RECORD

SUBJECT: Results from the 82d ABD Interrogation Tactics and Detainee Treatment Inspection

1. On the dates annotated below, [redacted] conducted joint inspections of all BN and BDE holding/detention facilities within the 82d ABD's AO. b3 + 6-2

- FOB Mercury [redacted]: 26-27JAN04.
- FOB Volturno [redacted]: 27-28JAN04.
- FOB Chosin ([redacted]): 6-7FEB04.
- FOB St. Michael ([redacted]): 7-8FEB04.
- Manhattan ([redacted]): 8-9FEB04.
- Junction City ([redacted]): 9-10FEB04.
- Rifles Base Detention Facility ([redacted]): 11FEB04.
- DCCP ([redacted]): 12FEB04.

b 2 = 2

2. Enclosed are the following: summary of each inspected site and respective PMO, SJA, and MI checklists.

3. Point of contact for this memorandum is [redacted] AIRBORNE!

[redacted]

b3 + 6-2

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IF GG
6 Investigation

EXHIBIT 9

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Inspected Site: MEK compound
Type of Site: DIV Central Collection Point
DTG of Inspection: 081540FEB04
On-site OICs/NCOICs: [REDACTED]

0384-04-CID 023 67275

Summary:

The MEK compound houses the Division Central Collection Point or DCCP. The compound consists of two buildings: an in-processing center and a detainee holding area. A 15-20 foot cement wall, adorned with triple-strand wire atop the wall, surrounds the entire compound. Additionally, a large dismount point, constructed of triple-strand concertina wire is located near the in-processing building. Said dismount point correctly controls and controls detainee movement. Detainees have access to wash points and latrines, both of which are located within the security and confines of the detainee area laced with triple-strand wire. A walkway with triple-strand wire on either side controls detainee movement from the in-processing building to the detainee housing area. A wire gate separates the walkway area from the entrance into the housing facilities. Two elevated guard towers, approximately 25 feet in height, are situated on either side of the detainee housing facility. The two towers are manned 24/7 with M-4 or M249 weapon systems. The towers maintain direct FM communications with one another and have inter-locking fire. The detainee holding area consists of five rooms, able to house 25 detainees per room. Detainees do not have individual cells. A sixth, separate cell is used to house juveniles and females. All detainee-housing cells have wrought-iron doors and barred windows.

Sustains:

1. The DCCP has an excellent layout and makes wise use of building space. The in-processing building is logically situated, meaning a detainee is processed through the building, from initial paperwork, to full body medical screening, to interrogation, in a single flow of movement. Distinct and appropriate personnel who ensure all necessary paperwork is present and complete before dismissing capturing units or sending detainees to the next station man each station in the in-processing building.
2. By far, the best dismount point of any holding facility. Said dismount point is clearly defined by a posted sign and built to standard.
3. Overall construction, interior use of triple-strand concertina wire, and all physical security measure meet or exceed standards outlined in FM 3.19-40.
4. Guards are well versed on ROE, immediate action drills, and use of force. Guards operate without use of weapons and knives. All operations conducted at the DCCP are conducted in a professional manner by well-trained 31A's who know and execute their Tasks, Purposes, and Missions.
5. All interrogators at the DIF have read and understand DIV FRAGO's 148 and 298.
6. Several stress positions are used at this facility (i.e. kneeling, sitting against a wall in an invisible chair, standing with forehead against the wall, holding arms out, PT exercises, and sleep adjustment) interrogators know their boundaries and limitations and do not exceed them.
7. Detainees are permitted to use latrine and eat during in-processing.
8. DCCP conducted in-processing in detailed conformity with all FM's and FRAGO's published to include complete medical assessments. A medic is assigned to the DCCP IAW 82d

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FXHIRIT 9

ABN DIV FRAGO 298 and the medic uses the proper detainee medical screening form. This is the most thorough of the facilities with regard to medical in processing.

9. CAT 1 Interpreter is present during all screenings and detainees are met with a sign in Arabic informing them of DCCP rules.
10. Facility had segregated holding cell for women and juveniles.
11. DCCP has back-up emergency lighting source throughout confinement perimeter.
12. A photo of each detainee with roster number is posted on each cell and guards check on detainees on a regular basis.
13. This was the only facility with an active plan for hot weather.

Improvements:

1. Need increasing in manning, specifically a minimum of (2) PAX per shift to conduct dismount operations around the immediate outside of the detention cells. This will allow for immediate response to any disturbances within the cells, as well as ensure detainees do not speak to one another.
2. No improvements are needed to the interrogation operations at the DIF.
3. Detainees' vehicles (some after the detainee had already been forwarded to Abu Gharayb) were kept and distributed to friendly forces for use, in violation of CJTF-7 and 82d ABN DIV guidance. DCCP overall compliance with Division Frago's and legal considerations is excellent.

Overall Assessment:

The DCCP at MEK compound presently meets or exceeds all physically security requirements outlined in FM3.19-40 and conducts internment operations IAW all applicable standards outlined in FM3.19-40. All stress positions and corrective treatment (when a detainee breaks the cages rules) follow the Division Commander's guidance in FRAGO 298 (INTERROGATION TACTICS AND TREATMENT OF DETAINEES) to OPORD 03-12 (CHAMPION VICTORY). All areas with respect to interrogation operations meet Division standards. DCCP needs to recover vehicles wrongly appropriated and dispose of them IAW 82d ABN DIV FRAGO 298. Appears as if the DCCP has considered not only the status quo, but also has plans for contingencies (hot weather, electricity failure, etc.). Overall assessment is that DCCP is well within compliance with Division standards.

Synopsis of Findings

The 82d Airborne Division conducted an unsolicited, internal review of all battalion, brigade, and division holding cages and detention facilities from 26JAN04-12FEB04. Consisting of one military police representative, one staff judge advocate representative, and one military intelligence representative, the 82d Airborne Division created an assessment team to annotate current detainee operations in AO Atlanta and compare said findings against guidelines and standards published in FM 3.19-40 and DIV FRAGO 298 to OPORD 03-12.

The aforementioned team conducted assessments on (5) battalion holding cages, (2) brigade/regimental holding facilities, and (1) division holding facility. Concerning the battalion holding cages, FOB Mercury and FOB St. Michael, with their current operations, are the most aligned with standards outlined in FM 3.19-40 and DIV FRAGO 298. FOB Volturno and FOB Chosin both have physical security improvements, which once implemented, will greatly improve the immediate security of both detainees and soldiers. Additionally, both facilities need to ensure guards do not possess weapons, ammunition, or knives on their persons when in the immediate vicinity of detainees or handling detainees. FOB Manhattan, in addition to physical security improvements, needs immediate assistance in receiving a CAT 2 linguist for interrogation purposes. Additionally, FOB Manhattan needs to implement a full, physical inspection process, to include proper documentation and full body inspection, prior to receiving and releasing detainees. When releasing detainees to interrogators, other agencies, or another MSC, all detention facilities need to ensure the use of DD 2708.

FOB Junction City and FOB Rifles Base differ notably in layout and operations of their respective brigade and regimental detention facilities. FOB Junction City has severe physical security limitations, most notably the lack of doors on detainee cells. Additionally, separate facilities for juvenile and female detainees, although existent, were not used. Concerning interrogations, non-school trained individuals conducted interrogations at the detention facility. Lastly, facility guards and operations personnel do not annotate the signing out of detainees to other agencies and interrogators on DD 2708. Lastly, guards, especially will cells lacking doors, should not operate inside the facility with weapons, ammunition, or knives. In contrast, Rifles Base personnel operate in strict adherence to FM 3.19-40 concerning physical security, layout, and detainee handling, movement, and security operations. Rifles Base meets or exceeds the sighted standards in the aforementioned areas. Concerning improvement, Rifle Base needs to focus on expediting the movement of detainees from the regimental holding facility to either the Division Internment Facility or local IPS forces.

Lastly, the Division Central Collection Point sets the standards in terms of operations, interrogations, and in processing. All physical security measures to include dismount points, triple-strand concertina wire, and guard towers with inter-locking fire, meet or exceed standards outlined in FM 3.19-40. Additionally, the in-processing operations at the DCCP, as practiced, allows for both expedient and comprehensive documentation, medical screening, interrogation, and internment of detainees. Additional manning will only help to improve a facility already well in compliance with DIV standards.

Having annotated specific discrepancies at each location in the body of this work, the assessment team recommends the following data as dates for work completion of noted discrepancies and subsequent follow-up inspection by the assessment team.

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EXHIBIT 9

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82ABN-3BDE

0384-04-CID 023 67275

From: [redacted]
Sent: Wednesday, June 02, 2004 3:26 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Contact Information

Sir,
[redacted] here. I have placed [redacted] address in the CC line. [redacted] is no longer with CACI and I'm not sure about [redacted]. Perhaps [redacted] is a better person to ask. Let me know if I can be of assistance.

Thanks

-----Original Message-----
From: 82ABN-3BDE [redacted]
Sent: Wednesday, June 02, 2004 5:35 PM
Subject: RE: Contact Information

Gentlemen,
I'm having significant issues getting my message to send. It has been blocked back several times. Here is the the text from my last message:
I am requesting some assistance from you guys. The 82d Airborne Division Commanding General has appointed me an Investigating Officer IAW AR 15-6. Specifically, I have been tasked to look into allegations of possible misconduct on the part of interrogators and MPs at the Division Interrogation Facility around the DEC 03 timeframe. I need to talk to the CACI contracted interrogators at the Interrogation Facility whom I believe are still there. Their conduct is not the focus of my investigation, but I believe that they may have information that will be helpful. In fact, [redacted] the overall team leader and manager, is the one who first brought the issue to our attention. I just need to verify some information and conduct a quick follow-up with him, as well as some of the others who were there when we left [redacted].

If I could have SIPR/NIPR e-mail addresses, that would be great. I tried calling [redacted] but could not get through. My DSN number back here at Fort Bragg is [redacted].

Thanks for your help.

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EXHIBIT 9

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EXHIBIT HH
AR 15-6 Investigation

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6(3)+(6)-2 All

0384-04-CID 023 67275

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

From: [redacted]
[mailto:[redacted]]
Sent: Thursday, May 27, 2004 4:09 PM
To: [redacted]
Thomas [redacted]
Cc: [redacted]
Subject: RE: Contact Information

DSN [redacted] to the DIF. The OIC for the interrogators is [redacted] and the [redacted] I suggest you [redacted] your requests for info to me, [redacted]

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

From: [redacted]
Sent: Thursday, May 27, 2004 6:51 AM
Subject: RE: Contact Information

The persons who work the Detention facility are [redacted] for the SJA [redacted] who is the Div control for detainee ops. These personnel who need to talk to. They are in the To line.

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

From: [redacted]
Sent: Thursday, May 27, 2004 3:51 PM
Subject: RE: contact Information

POCs are in the cc line. DSN number is [redacted] (this is the number, but POCs are close enough to use it).

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

From: [redacted]
Sent: Thursday, May 27, 2004 2:42 PM
Subject: Contact Information

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EXHIBIT 9

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0384-04-CID023 67275

[REDACTED]

[REDACTED] here. I was the [REDACTED] for the 82nd Airborne Division. I am currently conducting an investigation into some allegations of misconduct of some personnel at the 82nd Airborne Division Interrogation Facility while we were supporting OIF.

I need to contact the CACI contractors or one of your reps at the Interrogation Facility (at FOB Fallujah, formerly FOB St. Mere). If you could please pass me a DSN number and SIPR contact info for anyone there, it would be a great help. Thanks.

[REDACTED]

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EXHIBIT 9

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~~SECRET~~

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SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (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: [REDACTED] 2. DATE: (YYYYMMDD) 2004 06 16 3. TIME 1255 4. FILE NUMBER [REDACTED]

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

8. ORGANIZATION OR ADDRESS: D CO, 313TH MIBN / 82D AIRBORNE DIVISION, FT. BRAGG, NC 28510

I, [REDACTED], MAKE THE FOLLOWING STATEMENT UNDER OATH: THAT DURING THIS INTERVIEW I WILL BE PROVIDING ANSWERS THAT ARE TRUTHFUL TO THE BEST OF MY KNOWLEDGE. I WILL BE ASKING QUESTIONS TO WHICH [REDACTED]

Q: WHAT WERE YOUR DUTIES AT THE 82D AIRBORNE DIVISION INTERROGATION FACILITY (DIF)?
A: INTERROGATION AND SCREENING OF DETAINEES, WRITING REPORTS, AND I WAS THE DIF REPORTS EDITOR.

Q: WERE YOU INVOLVED IN OR FAMILIAR WITH THE INTERROGATION OF HASSAN AL AZAMI ABDUL-WAHI, ISN 25022, NDRS 156095?
A: I'M FAMILIAR WITH WHY HE WAS THERE, BUT I DON'T KNOW THE DETAILS OF THE INTERROGATION, OR WHAT SSG PAULEUS' FINDINGS WERE.

Q: HOW WAS SLEEP MANAGEMENT EMPLOYED AT THE DIF?
A: IF WE NEEDED THEM TO STAY AWAKE WE WOULD PUT THEM IN A HOLDING AREA. WE HAD SEVERAL SOLDIERS WHO WEREN'T INTERROGATORS WHO WOULD BE EMPLOYED TO KEEP THEM AWAKE BY SHAKING THE BARS OF THEIR CELL OR PLACING THEM IN STRESS POSITIONS, STANDING THEM UP OR PUTTING THEM ON THEIR KNEES. IT WAS EMPLOYED ON A CASE BY CASE BASIS.

Q: HOW LONG WOULD DETAINEES BE KEPT AWAKE?
A: IN MY RECOLLECTION THEY WERE NOT KEPT UP LONGER THAN 24 HOURS.

Q: DID THE SLEEP MANAGEMENT TECHNIQUE EMPLOYED AT THE DIF REQUIRE OR ALLOW DETAINEES TO RECEIVE ANY SLEEP OVER A SPECIFIED PERIOD?
A: THERE MIGHT HAVE BEEN A MINIMUM STANDARD IN THE SOP, BUT I WOULDN'T BE ABLE TO TELL YOU OFF THE TOP OF MY HEAD. I'M PRETTY SURE THAT WE WERE ALLOWED TO EMPLOY SLEEP MANAGEMENT FOR UP TO 72 HOURS, BUT I DON'T THINK IT WAS EVER AN ISSUE AS I DON'T REMEMBER ANYONE BEING KEPT AWAKE FOR THAT DURATION. WE DIDN'T HAVE THE TIME TO DO THAT OR JUST ONE GUY.

Q: HOW WAS DIET MANIPULATION EMPLOYED AT THE DIF?
A: IT WASN'T SIR. THE MPs TOOK CARE OF THEIR FEEDING. THEY WOULD TAKE OUT THE HEATER AND CANDY AND CRAP. WE DIDN'T HAVE ANYTHING TO DO WITH THEIR FEEDING, SIR.

11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]

EXHIBIT [REDACTED] PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

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STATEMENT OF

TAKEN AT BCDC 67444 FT. BRAGG, NC 28510 DATED 2004 06 16 1255

9. STATEMENT (Continued)

SOMETIMES AS INCENTIVE WE WOULD OFFER THEM ADDITIONAL ITEM, SUCH AS TEA. BUT WE NEVER TOOK ANY FOOD AWAY FROM THEM. THEY WERE GIVEN TWO MEALS A DAY AND PLENTY OF WATER. BUT WE DIDN'T HAVE ANYTHING TO DO WITH THAT. THE ONLY WAY THEY COULD HAVE MISSED A MEAL IS IF THEY WERE IN INTERROGATION DURING MEAL TIME AND SOMEONE OVERCOOKED THEM. BUT THAT WOULD ONLY BE ONE MEAL. THERE WAS NEVER ANY DELIBERATE OR PROLONGED DIET MANIPULATION KIND OF THING.

Q: DO YOU HAVE ANY KNOWLEDGE OF OTHER COMPLAINTS REGARDING SLEEP MANAGEMENT, SLEEP DEPRIVATION OR DIET MANIPULATION BY OTHER DETAINEES?
A: NO, SIR.

Q: DO YOU HAVE ANYTHING YOU WISH TO ADD?
A: THIS GUY DEFINATELY WASN'T TREATED LIKE HE WAS IN A HOTEL. HE WAS YECED AT AND KEPT SEPERATED FROM THE OTHER DETAINEES. THIS WAS BECAUSE OF THE SEVERITY OF THE CASE. IT WAS A THREAT AGAINST OUR COMPOUND. IN MY VIEW HE WAS COMPLAINING BECAUSE HE WASN'T TREATED LIKE THE OTHER DETAINEES AND THAT IT WASN'T LIKE HE WAS STAYING IN A HOTEL.

Q: DO YOU HAVE ANYTHING ELSE YOU WISH TO ADD?
A: NO, SIR

END OF STATEMENT

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] 53-64

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16TH day of JUN, 2004 at BCDC 67444 FT. BRAGG, NC 28510

[REDACTED SIGNATURE] 6-4

(Signature of Person Administering Oath)

[REDACTED NAME]

(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

WITNESSES:

[REDACTED] 5376-2

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

DA FORM 2823, DEC 1998

PAGE 2 OF 2 PAGES

LAW ENFORCEMENT SENSITIVE

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0384-04-CID 023 67275

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 B2DG 67444 FT. BRAGG, NC 28310	2. DATE 16 JUN 04	3. TIME 1255	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS D CO, 313TH MI BN / 82D AIRBORNE DIV FT. BRAGG, NC 28310		
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 3 BDE / 82D AIRBORNE DIVISION and wanted to question me about the following offense(s) of which I am suspected/accused: POSSIBLE KNOWLEDGE OF 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.
 - 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)		SIGNATURE OF INTERVIEWER	
1. NAME (Type or Print)	[REDACTED]	[REDACTED]	
2. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	[REDACTED]	
3. NAME (Type or Print)	[REDACTED]	5. TYPED NAME OF INVESTIGATOR	
4. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR	
		HHC, 3D BDE / 82D AIRBORNE DIVISION FT. BRAGG, NC 28310	

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE

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

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0384-04-CID023 67275

INFORMATION REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3013

PRINCIPLE PURPOSE: The information is being solicited as part of an informal investigation conducted in accordance with Army Regulation 15-6. Information is being collected by the Investigating Officer to obtain facts and make recommendations to assist the commander in determining what action to take, if any, regarding the matter being investigated.

ROUTINE USES: Any information you provide may be disclosed to members of the Department of Defense who have a need for the information in the performance of their duties. In addition, the information may be disclosed to agencies or persons outside the DOD who have a need to know the information or to others legally permitted to have the information.

DISCLOSURE: Disclosure is voluntary. There will be no adverse effects on you for failing to provide the requested information; however, any information not disclosed which pertains to the matter under investigation will not be available to the commander for his or her consideration.

16 Jun 04

Date

[Redacted Signature]

Signature

[Redacted Name]

Printed Name

[Redacted SSN]

SSN

576-1