

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

appointed by MG Charles H. Swannack, Jr.

(Appointing authority)

13 MAY 04

(Date)

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

SECTION II - SESSIONS

(investigation) (board) commenced at HQ, 82d Airborne Division, Fort Bragg, NC 28310

(Place)

at

0900

(Time)

14 MAY 04

(Date)

(If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and the place, persons present and absent, and explanation of absences, if any.)

The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

(investigating officer) (board) finished gathering/hearing evidence at 1400

(Time)

on

17 JUN 04

(Date)

completed findings and recommendations at 0800

(Time)

on

21 JUN 04

(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

COMPLETE IN ALL CASES

(See para 3-15, AR 15-6)

Following inclosures included and numbered consecutively with Roman numerals: (Attached in order listed)

Letter of appointment or a summary of oral appointment data?

Notice of notice to respondent, if any? (See item 9, below)

Correspondence with respondent or counsel, if any?

Other written communications to or from the appointing authority?

Confidentiality Statements (Certificate, if statement provided orally)?

Information by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?

Information as to sessions of a formal board not included on page 1 of this report?

Other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

	YES	NO ^{1/}	NA ^{2/}
Following inclosures included and numbered consecutively with Roman numerals: (Attached in order listed)			
Letter of appointment or a summary of oral appointment data?			
Notice of notice to respondent, if any? (See item 9, below)	X		
Correspondence with respondent or counsel, if any?			X
Other written communications to or from the appointing authority?			X
Confidentiality Statements (Certificate, if statement provided orally)?			X
Information by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	X		
Information as to sessions of a formal board not included on page 1 of this report?			X
Other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X
			X

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

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

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

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

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

For the above findings, the (investigating officer) (board) recommends:
See attached sheet

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SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)
THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII, indicate the reason in the space where his signature should appear.)

(Recorder)

[Redacted Signature]

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

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

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

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SECTION IV - FINDINGS

Classification. The findings and recommendations of this investigation are unclassified. Information in several classified documents was relevant to this investigation. These documents consisted of FRAGOs and memoranda from the 82d Airborne Division and CJTF-7. These documents are listed on the Index of Exhibits [ENCLOSURE 2] under the heading "Classified Exhibits". These documents are attached in a classified annex to this investigation packet where they are available for reference.

Conduct of the Investigation.

In order to thoroughly investigate the allegations of misconduct by personnel in the Division Central Collection Point (DCCP) and the Division Interrogation Facility (DIF) while supporting Operation Iraqi Freedom, the scope of this investigation covered four main areas. The four areas of concentration were conducting interviews at Fort Bragg; gathering information from the Arizona National Guard (AZNG); coordination with personnel within the Iraqi Theater of Operations (ITO); and results of previous command and IG visits to Division facilities. One point to note is that the DIF (operated by the 313th MI BN) was physically located within the DCCP (operated by the 855th MP CO (AZNG)). The terms are often used interchangeably in exhibits to this investigation, although each had its own independent chain of command and specific function. Unless information pertains to only one specific facility I am using the term "DCCP/DIF" to refer to the combined facility, as personnel in the facilities were in close coordination.

The process of taking statements and conducting interviews on Fort Bragg was a straightforward process. The personnel assigned to the 82d Airborne Division were available for interviews. Information provided from the 313th MI BN commander's inquiry formed the foundation for this investigation [EXHIBITS A - J].

Obtaining information from the 855th MP CO (AZNG) was a central aspect of this investigation. I contacted AZNG to elicit their assistance in obtaining information and statements from members of the 855th MP CO, which was attached to the 82d Airborne Division during the timeframe covered by this investigation. The 855th MP CO was demobilized after their redeployment from the Iraqi Theater of Operation in MAR 04. I telephonically contacted the unit and informed their [REDACTED] of my requirements regarding the investigation. He placed me in contact with [REDACTED] of [REDACTED] of the 981st Troop Command (AZNG) the unit to which the 855th MP CO reports. [REDACTED] appointed [REDACTED], 860th MP CO (AZNG) as a Special Project Officer to assist in conducting interviews with the 855th MP CO Personnel [EXHIBIT K]. Two individuals were not available to be interviewed by [REDACTED] requiring me to conduct telephonic interviews.

As the incident under investigation occurred within the ITO, I was required to contact personnel currently working at the interrogation facility at FOB ST Mere. I collected information from these individuals by means of SIPR e-mail messages. Most of these individuals are employed by CACI, a civilian-contracted company that provides interrogation support. Several of the individuals who may have additional information of value no longer work at the facility or were otherwise unavailable. However, the information I had intended to gather from these personnel has been provided by other

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sources to my satisfaction and I do not believe the inability to gather additional statements affects the finding of this investigation.

The DCCP/DIF underwent at least two separate IG inspections during the 82d Airborne Division's most recent deployment in support of Operation Iraqi Freedom. The first of these was conducted by the CJTF-7 IG and occurred in the mid-JAN 04 timeframe. It is of particular interest as it took place only weeks after the incident under investigation. A second investigation took place in MAR 04. I have requested the report of inspection from the JAN 04 IG visit to the DIF in order to gain a better picture of procedures at the facility during the timeframe of the incident [EXHIBIT L]. I have solicited the assistance of the 82d Airborne Division [REDACTED] to assist in gathering information relevant to this investigation. The SAIG has not yet released the results of this inspection. Initial discussions have ascertained that the SAIG does not plan to release the results until late-JUN 04. It is possible that the results of these inspections may bring to light evidence of misconduct within the DCCP/DIF. However, I believe that it is most likely that any significant deficiencies or evidence of improper treatment of detainees would have already been brought to the attention of the Division chain of command. Indications from informal outbriefs were that the inspectors had only positive comments regarding the DCCP/DIF.

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During the course of this investigation, the Fort Bragg CID office contacted me after being directed by the Department of Defense to investigate the same incident upon which this AR 15-6 investigation focuses. I have provided CID with copies of all statements and evidence that I had collected at that time. I do not believe that the CID investigation will impact this investigation. I have coordinated with [REDACTED] to obtain copies of additional statements that will help clarify several aspects of this investigation, especially as it relates to members of the 855th MP CO. [REDACTED] has informed me that they will forward me the information once they receive it from the Fort Huachuca office. I do not have an estimated time of completion for the CID investigation. Their findings could be helpful in evaluating whether to pursue legal courses of action against the subjects of this investigation.

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Findings Regarding the Existence of Photographs

The first task specified for this investigation was to determine "whether other photographs of a similar nature exist". In order to fully explore this issue, I have endeavored to identify the known and suspected dissemination of the specific photograph in question. I then sought to identify whether any other photographs displaying questionable conduct by personnel at the 82d Airborne Division Interrogation Facility had been taken and disseminated.

Dissemination of the photograph [EXHIBIT A]. During the course of this investigation I have clear evidence or personal knowledge that the specific photograph in question [EXHIBIT A] was disseminated in the following manner:

- 1. Originally taken on a digital camera by [REDACTED] on or about 23 DEC 03 and downloaded by him onto his personal computer. Allegedly deleted by [REDACTED] prior to his redeployment [EXHIBIT M].

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2. Transferred from [REDACTED] prior to his redeployment. [EXHIBIT M]. Allegedly deleted by [REDACTED] b3+6-2
3. Transferred to [REDACTED] (presumably from [REDACTED] and loaded onto his computer. Allegedly deleted by [REDACTED] after his redeployment when he reformatted his hard-drive (sometime after 27 MAR 04) [EXHIBIT N]. Also located in [REDACTED] MSN e-mail account - [REDACTED]@msn.com. The photo is embedded in an e-mail message sent by [REDACTED] on 27 MAR 04 [EXHIBIT O]. b3+6-2
4. Located in [REDACTED] Yahoo e-mail account - [REDACTED]@yahoo.com. The photo is embedded in an e-mail message sent by [REDACTED] on 27 MAR 04 [EXHIBIT O].
5. Loaded onto the CACI by an unidentified individual [EXHIBITS P and Q]. Deleted in MAR 04 by CACI personnel, likely [REDACTED] as directed by the 1 MARDIV HUMINT Exploitation Team Commander at the DIF, [REDACTED] [EXHIBITS R-T].
6. Allegedly incorporated into a photo presentation by [REDACTED] and possibly three other individuals from the 855th MP CO. No further information is available regarding this presentation or any potential dissemination of it [EXHIBIT G]. b3+6-2
7. Within the 313th MI BN as it was incorporated into the commander's inquiry directed by [REDACTED] to be conducted by [REDACTED] [EXHIBIT B]. Provided to [REDACTED] [EXHIBIT U].
8. Sent to AZNG personnel, specifically [REDACTED] 981st Troop Command; and [REDACTED] to the AZNG. The photo was sent by [REDACTED] to facilitate this investigation. According to [REDACTED] the photo has been further disseminated through AZNG command channels to include the AZNG Adjutant General and Governor. b6-1
9. Sent to [REDACTED] of the Fort Bragg office of the Criminal Investigation Division (CID) by [REDACTED] on 28 MAY in order to facilitate their investigation. b6-2
10. Located in [REDACTED] AKO e-mail account ([REDACTED]@us.army.mil) and Fort Bragg Server e-mail account ([REDACTED]@bragg.army.mil). The photo was sent by [REDACTED] to both these accounts to facilitate the investigation. The photo was not distributed further from either of these accounts except as noted in (8) and (9) above. Both of these files will be permanently deleted upon completion of this investigation b3+6-2
LAW AR 381-10 (US Army Intelligence Activities).

This list should not be considered a comprehensive rendering of the distribution of this photo. It is certainly possible that soldiers from the 855th MP CO have further electronically disseminated the photo prior to this investigation. Inconsistencies in their

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statements and indications that they did not believe that the photo constituted a significant act of misconduct lead me to believe that they likely have distributed the photo to others and have possibly maintained personal copies of the photo, although after being informed of this investigation they have probably made efforts to delete such copies. The CACI personnel who knowingly allowed the photo to be loaded onto and viewed from their computer at the DIF could likewise have further distributed the photo. [REDACTED] could have further disseminated the photo, however as there is no indication that she had a copy of the photo prior to the 313th MI BN Commander's Inquiry, it is not likely that she has done so while being investigated. Additionally, the AZNG and CID have likely disseminated the photo in a manner that cannot be ascertained.

Existence and dissemination of similar photographs. [REDACTED] provided the only evidence uncovered by this investigation of similar photos that may depict an act of misconduct by personnel at the DCCP/DIF. During his interview with [REDACTED] AZNG, [REDACTED] admitted that one additional photo was taken around the same timeframe (not further specified) and later destroyed. He did not believe that it had been disseminated. [REDACTED] did not elaborate on the details of this photo in his statement, and no further clarifying questions were added to the statement [EXHIBIT M]. However, in a telephonic follow-up discussion with [REDACTED] stated that [REDACTED] had told [REDACTED] that the other photo showed him with his arm around the shoulders of a hooded and "flex-cuffed" detainee, in a manner that someone would pose with a buddy. The intent of this photo was clearly meant as an attempt at humor, but it does not appear to represent the same level of potential misconduct or possible public relations damage as the photo upon which this investigation is centered [EXHIBIT A]. No further information is available on this additional photo. If it had been loaded on the CACI computer, it was almost certainly deleted in early MAR 04 at the direction of [REDACTED] along with all the other unauthorized photos on that system [EXHIBITS R-T]. CID is currently inquiring further into the existence of this or any similar photos.

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Findings Regarding Improper Conduct by DCCP/DIF Personnel

The second specified focus of this investigation was to determine "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." Specifically, this investigation focused on

1. Intent of the soldiers for taking the photo
2. Procedures in place at the DCCP/DIF to preclude such incidents.
 - a. Photography Policies
 - b. Detainee Treatment Policies
3. Understanding of the soldiers of the policies and procedures governing treatment of detainees
4. General conduct by DCCP/DIF personnel in order to determine whether the taking of this photo was an isolated event or part of a larger systemic problem at the DIF

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5. Knowledge of the chain of command of this incident or any others

Purpose of Taking the Photo. [REDACTED] [EXHIBITS F, U and V], [REDACTED] [EXHIBIT M], [REDACTED] [EXHIBIT N] and [REDACTED] [EXHIBIT W] were all consistent in their statements that the photograph was taken for personal purposes. They all stated that the photograph was meant as a joke and that the soldiers were posing for the picture. They all stated that the detainees were not physically harmed at the time and that the detainees were not placed in the positions shown in the photograph for the purpose of taking the photograph. There is no indication that the actions depicted in the photograph relate to the interrogation of the detainees, with the exception being that the "stress" position employed on the detainees was a result of the detainees' previous actions. Only [REDACTED] had any recollection of the circumstances surrounding the capture of the detainees and their subsequent placement in the stress position shown in Exhibit A. [REDACTED] stated that they had been placed in the position for failure to follow instructions and not being honest in explaining to interrogators why they had been captured collecting materials for constructing improvised explosive devices (IEDs) [EXHIBIT M]. Under these circumstances, the use of the stress position would be consistent with the procedures permitted by both Division and CJTF-7 procedures. It appears that the soldiers took advantage of this situation to use the detainees as a "prop" for their photo opportunity.

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Photography Policy. There are two policies that are specifically relevant to this incident. The first policy relates to the taking of photographs in the DCCP/DIF and the second relates to the treatment of detainees. The 82nd Airborne Division Central Collection Point Standard Operating Procedures document that was in effect at the time of the incident (document dated 26 OCT 03) clearly outlines the photography policy in para. 11(d). The policy stated, "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" [EXHIBIT X, Enclosure A]. This policy was reinforced in a Memorandum for Record dated 02 JAN 04 produced by the DCCP [REDACTED]. This memorandum stated "the discipline process that MI conducts WILL NOT BE a "spectator sport" " [EXHIBIT X, Enclosure C]. The DCCP/DIF's prohibition against photographing detainees for purposes other than identification or documentation is completely consistent with Division and CJTF-7 policies, as well as the Geneva Convention.

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Policies for Treatment of Detainees. The 82d Airborne Division Interrogation Facility SOP states that "all interrogations, regardless of the Detainee's status, will follow the Geneva Conventions and the Law of Land Warfare. Physical or mental torture, coercion, and threats are strictly prohibited" [EXHIBIT Y]. Likewise, the DCCP SOP states, "ALL EPWs are to be treated with dignity and respect....Do not subject detainees to public humiliation. Mistreatment includes but is not limited to the following: hitting, slapping, kicking, butt-stroking, spitting-on, using abusive language, or causing mental anxiety" [EXHIBIT X, Enclosure A]. The DCCP SOP updated as of 27 JAN 04 clearly states that soldiers who abuse detainees or fail to report or prevent such abuse are subject to punishment under the UCMJ [EXHIBIT X, Enclosure D].

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EXHIBIT 9

The 82d Airborne Division published two FRAGOs that pertain to the proper treatment of detainees. The first of these was FRAGO 148 (DETAINEE AND EVIDENCE PROCEDURES) to OPORD 03-12 (CHAMPION VICTORY) [CLASSIFIED EXHIBIT A]. It was published on 10 NOV 03, well prior to the incident taking place on or about 21 DEC 03. The requirements outlined in this FRAGO were reinforced by FRAGO 298 (INTERROGATION TACTICS AND TREATMENT OF DETAINEES) to OPORD 03-12 (CHAMPION VICTORY) which was published on 23 JAN 04 [CLASSIFIED EXHIBIT B]. Both of these documents are classified SECRET//REL MCFI. The DCCP SOP draws upon FRAGO 148, and mirrors it verbatim in its requirement to treat all Iraqi citizens and all detainees with dignity and respect, as well as its definitions and examples of mistreatment. It also outlines the proper procedures for reporting suspected instances of detainee abuse. The authorized interrogation techniques outlined in FRAGO 298 do not include anything that could be interpreted as allowing the type of activity displayed in the photograph [EXHIBIT A]

CJTF-7 produced a number of documents pertaining to the proper treatment of detainees. FRAGO 749 [INTELLIGENCE AND EVIDENCE-LED DETENTION OPERATIONS RELATING TO DETAINEES] to CJTF-7 OPORD 03-036 [CLASSIFIED EXHIBIT C], dated 24 AUG 03, clearly states the manner in which detainees are to be treated. Two additional documents, the CJTF-7 Interrogation and Counter-Resistance Policy [CLASSIFIED EXHIBIT D] and an information paper titled "MANTAINING (sic) THE MORAL HIGH GROUND" [CLASSIFIED EXHIBIT E] provide additional guidance on the treatment and interrogation of detainees. These three documents are classified, but the general intent of them is to ensure that detainees are treated with dignity and respect and afforded Geneva Convention protections. All these documents are were incorporated into 82d Airborne Division FRAGOs 148 and 298.

All of these policies are nested with the Geneva Convention which states in Article 3 that persons taking no active part in hostilities should not suffer "outrages upon personal dignity, in particular humiliating and degrading treatment"; and Article 27 which states "protected persons are entitled, in all circumstances, to respect for their persons... [and] their honour...[and] shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity" [EXHIBIT I].

Army regulations and field manuals further reinforce the procedures mentioned above. AR 190-8 (EPWs, Retained Personnel, Civilian Internees (CI), and Other Detainees) mirrors both Article 3 and 27 of the Geneva Convention [Exhibit D]. FM 3-19-40 Military Police Internment / Resettlement Operations also incorporates the language from the Geneva Convention, further stating that "inhumane treatment is a serious violation of international law and the UCMJ" [EXHIBIT E].

This investigation finds that the DCCP/DIF polices and division FRAGOs incorporated all guidance issued by higher headquarters. There is no evidence that the Division, 313th MI BN, or 855th MP CO established any procedures that permitted detainees to be treated in a manner prohibited by CJTF-7 policies, relevant regulations, training standards, or the Geneva Convention.

Understanding Photography Policy. According to several sources, the photography policy was disseminated to personnel working in the DCCP/DIF. ██████████ stated that

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signs were posted prohibiting the taking of photographs and that each person working in the DCCP had to sign an acknowledgement that they had read, understood and would adhere to the policies written in the SOP [EXHIBIT Z].

██████████ concurred with this stating that "all policies were posted on the wall" and that "everyone" had to read and sign the acknowledgement [EXHIBIT AA].

██████████ stated that policies were posted and in the DIF SOP, which everyone had read. He added that the MPs had similar guidelines posted from their chain of command" [EXHIBIT P].

██████████ further stated that he believed that these acknowledgements were handed over to their replacements upon their redeployment [EXHIBIT AA]. I have coordinated with the 1 MARDIV HUMINT Exploitation Team ██████████, and the CACI ██████████, for their assistance in locating these documents. According to ██████████, there is little likelihood that these records will be located [EXHIBIT BB]. ██████████ [EXHIBIT Q] and ██████████, the 82d Airborne Division HUMINT ██████████ [EXHIBIT CC] both stated that the photography policy was clearly articulated.

There is no such consistency in the statements of the four soldiers involved in the photographing of the detainees [EXHIBIT A] in regard to their understanding of the policies regarding the treatment of detainees. ██████████ stated that she understood that "taking a picture of a detainee, from what I've heard was unauthorized" [EXHIBIT U].

██████████ stated that the MPs were "never told that we couldn't take photos of the inmates, only that we couldn't take photos that involved the security procedures" [EXHIBIT N].

██████████ stated that he was familiar with the DCCP policies regarding taking photographs and properly treating detainees and that the policies were posted on a clipboard next to the break room [EXHIBIT W]. ██████████ also admitted that he had seen a sign posted that stated, "no photos are to be taken inside the perimeter of the facility". However, he went on to state, "detainee photos were limited to fully clothed, face covered. Photo's could be taken in moderation". He added and that taking photos of detainees was "a matter of discretion" [EXHIBIT M].

Both ██████████ stated that they had copies of the photo while in Iraq, but had deleted them prior to their redeployment. They both went on to state that they had never been told to delete them, but they had done so on their own volition [EXHIBITS M and W, respectively].

Based on the statements from leaders as well as the subjects involved in taking the photo, it seems clear that the soldiers understood the photography policy. The statements of ██████████ to the effect that some photos of detainees were authorized and left to the soldiers "discretion" is implausible. ██████████

██████████ stated that they actively took steps to delete the photo. This leaves the impression that the individuals knew that the photos were not authorized and that they did not want to risk having the pictures discovered while undergoing customs inspections. Such inspections routinely searched for pornography and included the potential for submitting to searches of computer drives and disks. It is not unreasonable to conclude that the soldiers understood the risk associated with possessing these photos and deleted them to avoid discovery. This investigation finds that ██████████

██████████ were aware of and understood the policy prohibiting the

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photographing of detainees for personal purposes despite them minimizing their understanding of the policy under questioning, and willfully disregarded that policy.

Understanding Treatment Policies.

[REDACTED] stated that he believed that all 855th MP CO soldiers knew the DCCP SOP and had proven their understanding of the procedures [EXHIBIT X]. [REDACTED] stated that the policies "in regard to treatment of prisoners were posted. No hitting, cussing, disrespect in any way or parading them around. We were told to treat them the same way you would want to be treated" [EXHIBIT N]. [REDACTED] statement appears to be supported by [REDACTED] statement that he had to verbally counsel [REDACTED] for ridiculing detainees [EXHIBIT Z]. Neither [REDACTED] admit to ever having been so counseled or having any knowledge of anyone in the DCCP/DIF ever having been counseled or disciplined for mistreating detainees.

[REDACTED] stated that she knew the DCCP chain of command had established "definite rules for the MPs" relating to the treatment of detainees and she was confident that the interrogators were aware of the proper procedures as well, adding "we knew the limits". She is consistent in admitting that she knew her actions were wrong saying that "it was a stupid mistake" [EXHIBIT U] and resulted from a "severe lapse of judgment" [EXHIBIT F]. She even admitted as much in an e-mail message to [REDACTED] [EXHIBIT O]. [REDACTED] stated that everyone in the DIF were made to read the DIF SOP and all 82d Airborne Division FRAGOS regarding treatment of detainees and that she had no doubt that [REDACTED] was aware of "what was and was not authorized as well as treating detainees with dignity and respect [EXHIBIT H]. [REDACTED] concurred stating that his first thoughts after seeing the photo in early MAR 04 was that the conduct of the soldiers was inappropriate and "demoralizing to the detainee [and] the guideline we had was that we would not demoralize, make fun of, be cruel to, or torture any detainee in the DIF" [EXHIBIT P].

The 313th MIBN also conducted pre-deployment training on the Geneva Convention and the Law of Land Warfare [EXHIBIT DD]. [REDACTED] confirmed that the company executed this training prior to deployment and that training was reinforced during the deployment [EXHIBIT CC].

[REDACTED] from the 82d Airborne Division Office of the Staff Judge Advocate was part of a team that inspected the DCCP/DIF in FEB 04. Her observations left no doubt in her mind that the soldiers in the DCCP/DIF clearly understood the applicable policies and regulations regarding the treatment of detainees. She concluded, "I was impressed at how well all of the DCCP employees knew and understood all of the policies and SOPs as compared with all other facilities in the Division AO. It is unthinkable to me that any employees could claim that they did not know, from their MOS, from their rank and qualifications, from their training, from the DCCP SOP, from the instruction of their leadership, and from the sheer nature of their job while in Iraq that they were unaware that was wrong to take photographs in the holding facility or to in any way humiliate or even feign humiliation of a detainee. It is common knowledge to personnel in the interrogation and internment fields that such behavior is unacceptable" [EXHIBIT EE].

This investigation finds that the soldiers involved in the taking of the photograph [EXHIBIT A] understood the rules, regulations and procedures governing the proper conduct of detainees. Further, I conclude that the actions of these soldiers violates the

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procedures outlined in the DCCP and DIF SOPs, 82d Airborne Division FRAGO 298, CJTF-7 FRAGO 749, and the Geneva Convention. Specifically, the simulated sodomizing of a detainee is clearly humiliating and demeaning. The fact that the detainees were hooded at the time may not have realized the type of actions being taken toward them, does not absolve the individuals of their misconduct. Their conduct certainly is not representative of the dignity and respect to which detainees are entitled and constitutes an "outrage upon personal dignity, in particular humiliating and degrading treatment," as stated in Article 3 of the Geneva Convention. Further, that these soldiers photographed this incident for their own amusement could be viewed as holding the detainees up to public curiosity, which is also forbidden by Article 27 of the Convention.

This investigation finds that [REDACTED] did not follow the abuse reporting procedures outlined in FRAGO 148 after he first observed the photo in early MAR 04 [EXHIBIT P]. As the [REDACTED] it is reasonable to conclude that he was aware of the requirements outlined in this document. I believe that [REDACTED] made an error in judgment by trying to "handle it at [his] level" when he ordered [REDACTED] to destroy the photo. I believe that [REDACTED] also demonstrated a lapse in judgment in identifying the photo as simply being an unauthorized personal photo that was "inappropriate" rather than evidence of what was, in fact, an instance of detainee abuse. He was remiss in not informing his chain of command, or even ensuring that the photo was, in fact, deleted. However, I do not believe that he deliberately attempted to cover-up the incident in order to hide evidence of what he believe was abuse.

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There is no evidence that the activities of the soldiers taking the photograph was related to or was intended to support the interrogation process. There is no evidence that the detainees in the photograph were injured or harmed. Although it does not appear that the broomstick in the photo is making contact with the detainee, it is difficult to be certain, and impossible to verify that the detainee was not struck prior to, or after the photograph was taken. In every statement, all witness and all four subjects are unanimous in the opinion that this incident was meant as a joke and that the detainees were never harmed. Although I conclude that this was the case, there is no way to confirm this by viewing the photograph and the incident could be interpreted in a more sinister light, intentionally or otherwise. It should be noted that the detainees pictured in EXHIBIT A were in an authorized stress position. As noted above, the detainees were placed in this stress position for failure to cooperate with MPs and interrogators. Such procedures had undergone previous legal reviews and were considered acceptable under Division and CJTF-7 policies [EXHIBIT EE]. According to [REDACTED], their use was not a common practice [EXHIBIT Q] but was used on a case-by-case basis. The positioning and hooding of the detainees should not be construed as inhumane or humiliating treatment, rather it is the actions of the particular soldiers pictured in and responsible for taking the photo that resulted in the detainees being degraded and mistreated.

General DCCP/DIF Observations. The DCCP/DIF maintained an excellent reputation for adherence to established regulations and command policies in regard to the proper treatment of detainees according to statements by [REDACTED] [EXHIBIT Q], [REDACTED] [EXHIBIT CC], [REDACTED] [EXHIBIT Z], [REDACTED] [EXHIBIT AA], [REDACTED] [EXHIBIT EE], and my own personal observations while serving on the Division Staff during Operation Iraqi Freedom. In their statements, three CACI contractors, [REDACTED]

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[REDACTED] [EXHIBITS T, S, and FF, respectively], who arrived at the DIF subsequent to this incident, had no knowledge of any improper conduct by personnel at the DCCP/DIF other than the specific photograph that is the focus of this investigation. Likewise, [REDACTED] Marine Corps replacement as [REDACTED] shared this perception [EXHIBIT R].

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The CJTF-7 IG office conducted an inspection of the DIF in mid-JAN 04 at the direction of the CJTF-7 Commander, LTG Sanchez. Although I have requested information through IG channels regarding any improper conduct by DCCP/DIF personnel identified during this visit [EXHIBIT L], the results of this inspection have not yet been made available. However, the lack of any negative feedback involving the operation of the DCCP/DIF implies that the facility was not in violation of established guidelines.

The 82d Airborne Division Commanding General directed that a team comprised of members of the Provost Marshall's Office, the Office of the Staff Judge Advocate, and the DIF OIC conducted an inspection of the DIF on 12 FEB 04. The Interrogation Tactics and Detainee Treatment Inspection Assessment Team, also referred to as the Tiger team, concluded among other things that "the guard are well versed on ROE, immediate action drills, and use of force....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....and interrogators know their boundaries and do not exceed them....No improvements are needed to the interrogation operations at the DIF". The overall assessment from this inspection stated, "All stress positions and corrective treatment (when a detainee breaks the cages rules) follow the Division Commander's guidance in FRAGO 298 All areas with respect to interrogation operations meet the Division standards"[EXHIBIT GG]. Other than the aforementioned additional photograph taken by [REDACTED] [EXHIBIT M], this investigation has identified no additional evidence of any misconduct by DCCP/DIF personnel or significant deficiencies within the facility. There is no indication whatsoever that there were systemic problems within the DCCP/DIF.

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Chain of Command Knowledge and Actions. The DCCP and DIF chains of command were in close coordination. However, the DCCP leadership took action to ensure that the roles of MPs and interrogators remained distinct. In a Memorandum for Record dated 02 JAN 04, [REDACTED] gave clear guidance that "AT NO TIME will an MP give a command in order to assist MI with the discipline process. ONLY orders to move [detainees] or for the purpose of protection to MP, MI, [or] interpreter personnel will be given by MPs". [EXHIBIT X, ENCLOSURE C].

The first 82d Airborne Division soldier to become aware of the existence of the photograph in question was [REDACTED] stated that he observed the photograph on a computer belonging to CACI. He instructed [REDACTED] to destroy the photo. He also stated that he informed [REDACTED] to ensure the photo was destroyed. [REDACTED] stated that he did not notify the chain of command as he thought that as the [REDACTED] the incident could be "handled at [his] level" [EXHIBIT P]. [REDACTED] denied having any knowledge of the photo until it was shown to him immediately prior to his interview [EXHIBIT AA].

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EXHIBIT 9

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The 313th MI BN chain of command only became aware of the existence of the photograph when informed of such by the CACI [REDACTED] in MAR 04. [REDACTED] had a chance encounter with [REDACTED] in late MAR 04 during [REDACTED]'s redeployment. During that meeting, he informed he that a photograph matching the description of the photograph in question [EXHIBIT A]. [REDACTED] immediately informed the 313th MI BN chain of command. The [REDACTED] of the 313th MI BN, [REDACTED], initiated a [REDACTED] inquiry on 05 APR 04 [EXHIBIT B]. Due to the sensitive nature of the incident, [REDACTED] prudently informed the Division chain of command.

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There is no clear evidence that the 855th chain of command had any knowledge of the incident prior to my contacting the unit to solicit assistance in the conduct of this investigation. [REDACTED] states that he told [REDACTED] to delete the photo, a claim that [REDACTED] denies. [REDACTED] also claimed that [REDACTED] had knowledge of the photo [EXHIBIT M], but this could easily be a self-serving statement on [REDACTED]'s part in an effort to share the burden of responsibility for the incident. [REDACTED] for the AZNG, showed the photo to [REDACTED] shortly before the 02 JUN 04 interview. [REDACTED] told me that [REDACTED] seemed sincerely surprised at the photo and [REDACTED] concluded that [REDACTED] had not seen the photo prior to that time [EXHIBIT AA].

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This investigation concludes that the 313th chain of command had no previous knowledge of this incident prior to the initiation of the commander's inquiry, with the exception of [REDACTED] previous knowledge of the photo. The 313th MIBN took appropriate actions to investigate the matter and inform the division chain of command. I further conclude that the leadership within the AZNG did not have previous knowledge of the incident. The AZNG, specifically the 981st Troop Command and the 855th MP CO, have fully supported this investigation. All indications are that [REDACTED] and [REDACTED] in particular took every means possible to prevent incidents such as this.

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Summary

The actions of the four soldiers in question [REDACTED] clearly demonstrated bad judgment on their part, were unprofessional and violated established policies from the DCCP/DIF level up to the CJTF-7 level. The fact that the detainees were hooded and thus possibly were unaware that they were being ridiculed and photographed, while potentially a matter of mitigation, does not relieve the soldiers from the responsibility of adhering to the requirements of the Geneva Convention, command policies, or other standards of conduct.

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In this case, DCCP/DIF standards were in compliance with established command policies and regulatory requirements. The units took actions to ensure that soldiers understood the standards. It is reasonable to conclude that the soldiers in question knew that their actions were wrong.

There is no evidence of any systemic lack of discipline or misconduct by DCCP/DIF personnel. According to statements by [REDACTED] the DIF/DCCP had always received high marks on external inspections. The results from the 82d Airborne Division Tiger Team inspection in FEB 04 also single out the DCCP/DIF as being exemplary of high standards in the areas of facility security, detainee treatment, and interrogation procedures. The Division chain of command has not received any

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EXHIBIT 19

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negative feedback from the different IG inspections that took place in early 2004. When [redacted] informed [redacted] of the existence of the photograph, she immediately notified her chain of command and the 313th MI BN quickly initiated a commander's inquiry. With the exception of [redacted] failure to report the incident when he first became aware of it, there is no other evidence of the 855th MP CO or 313th MI BN chains of command ever having knowledge of this or any other incident.

SECTION V - RECOMMENDATIONS

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]
5. [redacted]
6. [redacted]

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EXHIBIT 9

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0384-04 JID.023 67275

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] 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.

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.

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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].

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. 2 38
MG, USA
Commanding

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ENCLOSURE 1
AR 15-6 Investigation
DCCP/DIF Operations

EXHIBIT 9

03423



b(1) + (6)

DEPARTMENT OF THE ARMY 0384-1-CID 023 67275
Headquarters, 82d Airborne Division
Fort Bragg, North Carolina 28310

REPLY TO
ATTENTION OF:

AFVC-CG

09 JUN 2004

b3 + b2

MEMORANDUM FOR [REDACTED], Headquarters and Headquarters
Company, 505th Parachute Infantry Regiment

SUBJECT: Amendment to Appointment as AR 15-6 Investigation Officer,
dtd 13 May 2004

The memorandum appointing you as an AR 15-6 investigating officer,
dated 13 May 2004, is amended as follows:

a. In addition to the mandates set out in paragraph two of the
original appointment memorandum, your findings and recommendations
will address the treatment of [REDACTED], ISN 25022,
NDRS 156095 during his interrogation at the 82d Airborne Division
Detainee Interrogation Facility (DIF). The 15 May 2004 MNF-Iraq
Detainee Detention and Review Board determined that [REDACTED]
case file reflected he was subjected to sleep management and/or diet
manipulation while at the DIF. You will determine whether [REDACTED]
[REDACTED] was in fact subjected to these practices and, if so, to what
extent. Further, you will address whether such practices were allowed
within the facility and, if so, to what extent. } b6-4

b. Your suspense for completing this investigation is extended
to 16 June 2004. Should you need additional time to complete your
investigation, contact [REDACTED], at b3 + b-2

W B Caldwell
WILLIAM B. CALDWELL, IV
MG, USA
Commanding

~~009433~~

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EXHIBIT 19

008424

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Index of Exhibits

- A. Digital photo, time stamped 12/21/2003 included in Commander's Inquiry
- B. Memorandum for [REDACTED], Subject: Commander's Inquiry, [REDACTED] dated 05 APR 04
- C. Memorandum for [REDACTED] 313th Military Intelligence Battalion, Subject: [REDACTED] Inquiry, [REDACTED], dated 06 APR 04
- D. AR 190-8/OPNAVINST 3461.6/AFJI 31-304/MCO 3461.1, EPWs, "Retained Personnel, Civilian Internees (CI), and other Detainees", 01 OCT 97; Chapter 5
- E. FM 3-19-40 Military Police Internment/Resettlement Operations, para. 3-23 and 4-46
- F. DA Form 2823 Sworn Statement, [REDACTED] dated 06 APR 04; with attached DA Form 3881 Rights Warning
- G. DA Form 2823 Sworn Statement, [REDACTED], dated 06 APR 04
- H. DA Form 2823 Sworn Statement, [REDACTED], dated 05 APR 04
- I. Convention (IV) Relative to the Protection of Civilian Persons in Time of War, signed at Geneva, 12 AUG 49
- J. Written statement from [REDACTED] Subject: Cdr's Inquiry, [REDACTED] dated 07 APR
- K. Memorandum for [REDACTED] 860th Military Police Company, Subject: Appointment as Special Project Officer for AR 15-6 Investigation, dated 21 MAY 04
- L. Memorandum for Inspector General, Subject: Request for Report of Investigation, dated 21 MAY 04
- M. DA Form 2823 Sworn Statement, [REDACTED], dated 22 MAY 04; with attached DA Form 3881 Rights Warning and Privacy Act Statement
- N. Memorandum for Record, Subject: Summary of Telephonic Interview with [REDACTED] [REDACTED] dated 24 MAY 04
- O. E-mail message with embedded photo, correspondence between [REDACTED] and [REDACTED], titled "VERY IMPORTANT!!!!", dated 27 MAR 04.
- P. DA Form 2823 Sworn Statement, [REDACTED], dated 17 MAY 04; with attached DA Form 3881 Rights Warning and Privacy Act Statement
- Q. DA Form 2823 Sworn Statement, [REDACTED], dated 17 MAY 04; with attached Privacy Act Statement
- R. E-mail Message from [REDACTED] 1 MARDIV DIF [REDACTED] to [REDACTED] [REDACTED] dated 030842JUN04
- S. E-mail Message from [REDACTED] CACI [REDACTED], to [REDACTED] [REDACTED] dated 030950JUN04
- T. E-mail Message from [REDACTED] CACI [REDACTED], to [REDACTED] [REDACTED] dated 100502JUN04
- U. DA Form 2823 Sworn Statement, [REDACTED] dated 17 MAY 04; with attached DA Form 3881 Rights Warning and Privacy Act Statement
- V. DA Form 2823 Sworn Statement, [REDACTED] dated 20 MAY 04; with attached DA Form 3881 Rights Warning
- W. DA Form 2823 Sworn Statement, [REDACTED] dated 23 MAY 04; with attached DA Form 3881 Rights Warning and Privacy Act Statement
- X. DA Form 2823 Sworn Statement, [REDACTED], dated 20 MAY 04 with attached enclosures: A (MFR DCCP SOP, dated 26 OCT 03), B (MFR FRAGO to DCCP

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EXHIBIT 9

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CLOSURE 2

15-6 Investigation
CP/DIF Operations

LAW ENFORCEMENT SENSITIVE

- SOP, dated 29 NOV 03, C (MFR EPW Discipline, dated 02 JAN 04), and D (MFR FRAGO to DCCP SOP, dated 27 JAN 04)
- Y. 82D Airborne Division Interrogation Facility Standing Operating Procedures, dated 13 OCT 03
- Z. DA Form 2823 Sworn Statement, [REDACTED] dated 22 MAY 04; with attached DA Form 3881 Rights Warning and Privacy Act Statement
- AA. Memorandum for Record, Subject: Summary of Telephonic Interview with [REDACTED] dated 24 MAY 04
- BB. E-mail Message from [REDACTED], CACI [REDACTED], to [REDACTED] [REDACTED], dated 100824JUN04
- CC. DA Form 2823 Sworn Statement, [REDACTED], dated 17 MAY 04; with attached Privacy Act Statement
- DD. 313TH MI BN WARNO 1 (Pre-Deployment Training Requirements), dated 29 JUL 03
- EE. DA Form 2823 Sworn Statement, [REDACTED], dated 10 JUN 04
- FF. E-mail Message from [REDACTED] CACI, through [REDACTED], I MEF DIF OIC to [REDACTED] dated 030919JUN04
- GG. Memorandum for Record, Subject: Results from the 82d ABD Interrogation Tactics and Detainee Treatment Inspection (DIV Central Collection Point), dated 19 FEB 04
- HH. E-mail Message from [REDACTED] 1 MARDIV DIF [REDACTED] to [REDACTED] [REDACTED] dated 021526JUN04

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Classified Exhibits

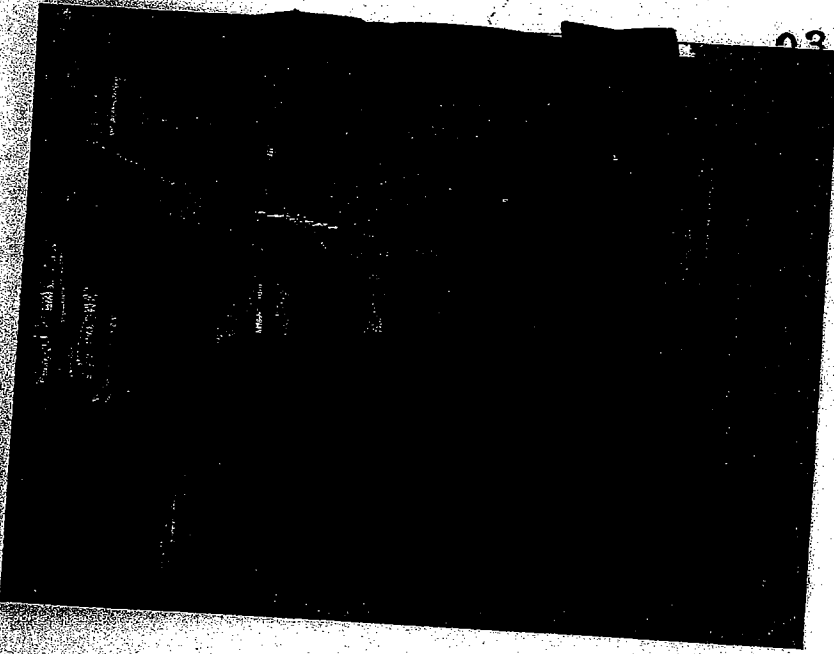
- A. 82d Airborne Division FRAGO 148 (DETAINEE AND EVIDENCE PROCEDURES) to OPOD 03-12 (CHAMPION VICTORY), dated 10 NOV 03 [SECRET// REL MCFI]
- B. 82d Airborne Division FRAGO 298 (INTERROGATION TACTICS AND TREATMENT OF DETAINEES) to OPOD 03-12 (CHAMPION VICTORY), dated 23 JAN 04 [SECRET // REL MCFI]
- C. CJTF7 FRAGO 749 (INTELLIGENCE AND EVIDENCE LED DETENTION OPERATIONS RELATING TO DETAINEES) to CJTF7 OPOD 03-036 [SECRET // REL TO USA AND MCFI]
- D. Information Paper - Maintaining [sic] the Moral High Ground, from C3 IO Branch Headquarters Combined Joint Task Force 7, dated 18 DEC 03 [SECRET // REL TO USA AND MCFI]
- E. Memorandum for C2, Combined Joint Task Force 7, Baghdad, Iraq 09335; C3, Combined Joint Task Force 7, Baghdad, Iraq 09335; Commander, 205th Military Intelligence Brigade, Baghdad, Iraq; Subject CJTF-7 Interrogation and Counter-Resistance Policy, dated 04 OCT 03 [SECRET//NOFORN//X1]

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EXHIBIT 9

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EXHIBIT 9

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0384-04-C1D023 67275

5 April 2004

MEMORANDUM FOR [REDACTED] D Company b6-2

SUBJECT: Commander's Inquiry, [REDACTED] b6-5

1. I hereby appoint [REDACTED] to investigate allegations concerning potential Geneva Conventions violations involving detainees pursuant to Rule for Courts-Martial 303 and AR 15-6.

2. [REDACTED] is directed to gather all available evidence concerning a potential Geneva Convention violation involving detainees. After gathering all evidence, you are directed to make specific findings of fact as to whether or not the allegations are true. If during the investigation additional witnesses are needed, consult with me on how to proceed. Your findings and supporting evidence should be presented to me upon completion no later than 8 April 2004.

3. If you have any questions concerning this investigation, you may contact me or [REDACTED]

[REDACTED]

Commanding

b6-2

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B
Investigation
F Operations
04

LAW ENFORCEMENT SENSITIVE

EXHIBIT 9

OFFICER'S INQUIRY

1. Any commissioned officer or warrant officer may be appointed as Investigating Officer.
2. The individual being investigated should have been counseled by his/her chain of command (DA Form 4856) on the alleged offence(s).
3. The IO will attain facts by taking sworn statement from witnesses (DA Form 2823).
4. When taking sworn statements from the accused, have him/her read and sign a Rights Waiver Certificate (DA Form 3881).
5. When a witness is not available for interview in person, information may be obtained by telephone inquiry, written correspondence, or other informal means.
6. The IO will gather all available evidence (sworn statements, records of correspondence, counseling forms, etc) and write a result of inquiry. (See [redacted] for an example of a result of inquiry)
7. Upon completion of the Investigation, a copy of the packet will be sent to Criminal Law for legal review by an SJA.

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ACLU-RDI 1182 p.24

EXHIBIT 9

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0384-0 LCID 023 67275

DEPARTMENT OF THE ARMY
Delta Company, 313th Military Intelligence Battalion (Airborne)
Fort Bragg, North Carolina 28310-5100

AFVC-D
2004

6 April

b6-2

MEMORANDUM FOR [REDACTED] 313th
Military Intelligence Battalion, Ft Bragg, NC 28310-5000

SUBJECT: Commander's Inquiry, [REDACTED] b6-5

1. As directed by [REDACTED] b6-2 I have conducted a commander's inquiry in the potential Geneva Convention violation involving detainees. I have gathered all applicable and reasonably obtainable evidence in this matter. I then conducted my investigation in accordance with pursuant to Rule for Courts Martial 303 and AR 15-6.
2. On 26 March 2004, this issue of a photo that may possibly implicate detainee abuse came to my attention. I immediately met with [REDACTED] and advised her of her rights on DA form 3881. [REDACTED] waived her rights and gave me an explanation about the photo. Essentially, [REDACTED] stated that she had caused no physical harm to any detainees at any time during her mission as an interrogator at the Division Interrogation Facility (DIF) and that the photo was done only as a joke. At the time, I had not seen the photo and had no other information to verify this claim. b6-5
3. On or about 1 April 2004, [REDACTED] was able to obtain a digital copy of the photo in question and sent it to me via email. I reviewed the photo and requested guidance from higher on the next steps. b6-5
4. On 5 April 2004, I began my official investigation and I started my questioning with [REDACTED] provided me a statement and reviewed all policies and regulations concerning detainee treatment. [REDACTED] also reviewed the photo and stated that all interrogators were fully aware and understood all policies concerning detainees. b6-2
5. On 6 April 2004, I contacted my [REDACTED]. He came in and provided me a statement about the photo. [REDACTED] stated that he discovered the photo on a personal computer of one of the 855th MP soldiers. [REDACTED] immediately ordered the soldier to delete the photo and any other copies of it. During that time, [REDACTED] was not able to directly contact [REDACTED] to counsel her on her actions in the photo, as it was during our redeployment period and she was at a location between Iraq and Kuwait. b6-5

6. FINDINGS:

- a. During the course of this investigation, I have determined that [REDACTED] did not cause harm or physical injury to any detainees while deployed in Iraq. Based on the b6-5

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 9

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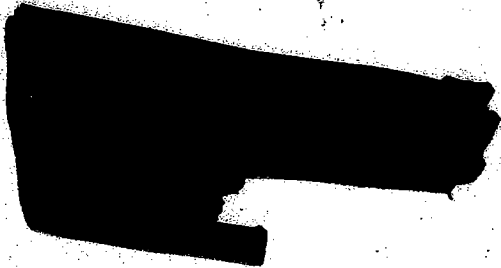
evidence, I have determined that [redacted] did display a poor sense of judgment by posing with the detainee in that manner she had done. The photo shows [redacted] posing with a broom, which is pointed at the rectal area of a detainee, while he was in an authorized stress position. Further findings indicate that [redacted] knowingly condoned the taking of the photo, despite knowing that photos of detainees are only taken for official purposes. Additionally [redacted] did not attempt to destroy or retrieve the photo. [redacted] also acknowledges that the photo is in direct violation of dignity and respect, a well-known requirement interrogators are accountable for.

b6-5

b. During my investigation, I have also determined that [redacted] did direct that the photo be destroyed and he also reprimanded the 855th MP soldier involved, and questioned him further on who else may have that unauthorized photo. [redacted] did however fail to inform higher of the incident. Although [redacted] did not have knowledge of the photo during the period it had been taken, he did fail to inform his chain of command of this incident. [redacted] did however make immediate on the spot corrections and attempted to correct the situation at that moment of discovery. Essentially, [redacted] stated that he did not inform the chain of command because he wanted to take care of the situation at his level. Although [redacted] made the on the spot correction, he now realizes that it was a mistake to not immediately inform his chain of command.

b6-2

c. The final item I have determined during my investigation is that we cannot fully account for the digital photo. It could potentially be in the hands of an undetermined amount of individuals. The 855th MP Company is an Army National Guard unit out of Arizona and I have no immediate contact with chain of command to determine any additional findings.



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EXHIBIT 9

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in a full workday. If so, the EPW will be compensated at a rate proportionately lower than the authorized daily rate. Such a decision must be approved by the Camp Commander.

4-17. Days of paid work per month

The maximum number of days of paid work for an EPW will be limited to the number of workdays in a calendar month. The total workdays include the total number of days minus Sunday and any holiday specifically authorized by HQDA, ODCSOPS, (DAMO-ODL) NPWIC.

4-18. Unpaid work

EPW/RP will not be paid for those services connected with administering and maintaining EPW camps, branch camps, and hospitals when such services are performed on a daily rotation or other temporary basis. Unpaid work, in all cases, will include:

- a. Kitchen police.
- b. Latrine orderlies.
- c. Ground police.
- d. Other routine fatigue details of the types normally assigned and performed equitably and temporarily by persons in U.S. Army units.

4-19. Sale of articles and repair services

The canteen officer may sell articles made to order for, or repair services performed for, U.S. personnel by EPW. This sale is subject to the following provisions:

- a. Articles will be manufactured or repair services will be performed only during the spare time of EPW.
- b. No expense to the U.S. will be incurred for equipment, materials, or labor.
- c. Repair work or the making of articles to order for U.S. personnel will be prohibited unless an order for the work is placed through the EPW canteen.

d. The canteen officer will fix the price of each article or repair service. The price will reasonably conform to prices for similar articles or services in the civilian market, less the cost of any material supplied by the customer.

e. The canteen officer and the Camp Commander will enter into a blanket contract. Under this contract, the canteen officer will pay to the Camp Commander amounts derived from the sale of articles made to order for, and repair service performed for, U.S. personnel, less a handling charge by the canteen of not more than 10 percent. The canteen officer will submit a voucher monthly to the camp commander. The voucher will list:

- (1) The individual sales and services performed during the month.
- (2) The price charged for each.
- (3) The deductions made for handling charges.

f. The Camp Commander will deposit the amount derived from the sale of articles made to order for, or repair services performed for, U.S. personnel with the U.S. Treasurer. Procedures for these transactions are prescribed in AR 37-1. The EPW will be paid an hourly rate. The rate will not exceed the authorized daily rate for paid work for the services performed. However, in no case will the amount paid to the EPW exceed the price of the article or repair service fixed under subparagraph d above. Amounts will be subject to deductions provided for in this regulation. Any residual money will be disbursed by the EPW camp counsel for use by camp EPW. This disbursement must be approved by the Camp Commander.

4-20. Disability compensation

a. An EPW may be injured or suffer a disability while working under circumstances that may be attributed to work. If so, DA Form 2675-R (Certificate of Work Incurred Injury or Disability) will be completed in four copies. The original will be given to the EPW; the second copy will be forwarded to the PWIC to be sent to the National Prisoner of War Information Center; and the third and fourth will be placed in the EPW's personnel file.

b. A claim by the EPW for compensation for work-incurred injury or disability will be forwarded to the PWIC. The PWIC will send the claim to the Power on which the EPW depends for settlement. A copy of the completed DA Form 2675-R taken from the personnel files of the EPW will be attached to the claim. DA Form 2675-R will be reproduced locally on 8 1/2 by 11 inch paper. This form is for the use of Army only.

4-21. Operation of government vehicles

EPW may be licensed to operate Government motor vehicles according to AR 600-55.

Section II
Contract Employment

4-22. Rules and procedures

Rules and procedures governing the military and contract employment of EPW will be according to the most current contract laws, procedures and guidelines and comply with the provisions of the Geneva Convention. All requests for the contracting of EPW will be forwarded promptly through channels to HQDA, ODCSOPS (DAMO-ODL) and be coordinated with HQDA, DAJA.

Chapter 5
Beginning of Internment (CI)

5-1. General protection policy—civilian internee

a. Treatment.

(1) No form of physical torture or moral coercion will be exercised against the CI. This provision does not constitute a prohibition against the use of minimum force necessary to effect compliance with measures authorized or directed by these regulations.

(2) In all circumstances, the CI will be treated with respect for their person, their honor, their family rights, their religious convictions and practices, and their manners and customs. At all times the CI will be humanely treated and protected against all acts of violence or threats and insults and public curiosity. In all official cases they will be entitled to a fair and regular trial as prescribed by this regulation.

(3) The CI will be especially protected against all acts of violence, insults, public curiosity, bodily injury, reprisals of any kind, sexual attack such as rape, forced prostitution, or any form of indecent assault.

(4) The CI will be treated with the same consideration and without adverse distinction based on race, religion, political opinion, sex, or age.

(5) The CI will be entitled to apply for assistance to the protecting powers, the International Committee of the Red Cross, approved religious organizations, relief societies, and any other organizations that can assist the CI. The commander will grant these organizations the necessary facilities to enable them to assist the CI within the limits of military and security considerations.

(6) The following acts are specifically prohibited:

(a) Any measures of such character as to cause the physical suffering or extermination of the CI. This prohibition applies not only to murder, torture, corporal punishment, mutilation, and medical or scientific experiments, but also to any other measure of brutality.

(b) Punishment of the CI for an offense they did not personally commit.

(c) Collective penalties and all measures of intimidation and terrorism against the CI.

(d) Reprisals against the CI and their property.

(e) The taking and holding of the CI as hostages.

(f) Deportations from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited.

b. Authorization to intern. Internment of protected civilian persons in a CI camp is authorized and directed provided that such

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FM 3-19-40 MILITARY POLICE INTERNMENT/RESETTLEMENT OPERATIONS

CHAPTER 3(Division Collecting Points and Corps Holding Areas)

3-23. Do not use coercion to obtain information from captives. This includes basic information such as name, rank, service number, and date of birth that captives are required to provide under the Geneva Conventions. Coercion or inhumane treatment of captives is prohibited and is not justified by the stress of combat or deep provocation. Inhumane treatment is a serious violation of international law and the UCMJ.

CHAPTER 4 (EPWs)

4-46. Equitable treatment enhances the control of EPWs. According to the Geneva Conventions, all EPWs are treated humanely and are protected against violence, intimidation, insults, and public curiosity. Treat all EPWs alike, regardless of rank, sex, and privileged treatment (which may be accorded due to their health, age, or professional qualifications).

- STANAG 2033. *Interrogation of Prisoners of War (PW) (Edition 6)*. 6 December 1994.
- STANAG 2044. *Procedures for Dealing With Prisoners of War (PW) (Edition 5)*. 28 June 1994.
- STANAG 2084. *Handling and Reporting of Captured Equipment and Documents (Edition 6)*. 6 April 1999.

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EXHIBIT 9

SWORN STATEMENT

For use of this form, see AR 150-45; the proposed agency is DDCSOPS

LOCATION

Commander's Office, ABIB

DATE

6 Apr 04

TIME

1145

FILE NUMBER

LAST NAME FIRST NAME MIDDLE NAME

ORGANIZATION OR ADDRESS

D Co 313th MI Bn

SOCIAL SECURITY NUMBER

[REDACTED]

GRADE/STATUS

[REDACTED] b6-5

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or about 21 Dec 03 a picture was taken of me which gives the appearance that I am abusing a detainee with a broom. In the photograph there are six individuals, including myself; three detainees, and two soldiers from the 855th MP Co out of Arizona National Guard. The soldier with the hat on is [REDACTED], and the other soldier [REDACTED] also with the 855th MP company took the photograph.

I in no way, shape, or form harmed or humiliated any of the detainees in the photograph, and neither did the other soldiers in the picture. The photograph was taken completely as a joke, and was a posed shot. When the photograph is enlarged, you can see that the broom is not touching the detainee. The photograph was taken on a ~~same~~ day.

The day the photograph was taken, many other photos were taken and sent home. The photograph was taken after a severe lapse of judgement on my part, however, I believe that the idea of me abusing a prisoner is unfathomable, and therefore never considered the consequences of the photo.

There are many witnesses that can attest to my conduct while working at the Division Interrogation Facility. I do not speak Arabic, and was therefore rarely alone with the detainees because I had no means of communication. I have personal email addresses for the individuals in the photograph and for my interpreter if further questioning is necessary. // Nothing Follows //

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

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

TAKEN AT

DATED

CONTINUED

PAGE 1 OF

2

PAGES

IF PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE 1" UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE "1" OF THIS FORM.

2823 JUL 72

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

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BATES NUMBERING ERROR

PAGE 8435

b(3) + (6)

03 1-04-CID 023 67275

STATEMENT (Continued)

// Nothing Follows //

[Redacted]

b3x6-5

b3x6-5

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 TO ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Redacted Signature]

(Signature of Person Making Statement)

b3x6-5

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of April, 2000.

[Redacted Name]

(Typed Name of Person Administering Oath)

Company Commander

(Authority To Administer Oaths)

b3x6-2

0344

RESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

NAME OF PERSON MAKING STATEMENT

[Redacted Name] b3x6-5

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b(3) + (6)

03 1-04-CID 023 67273

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.

LOCATION:

NAME (Last, First, Middle Initial) [REDACTED] b3+r6-5	2. DATE 26 Mar 04	3. TIME 1900	4. FILE NO.
SSN [REDACTED] b(3)	5. ORGANIZATION OR ADDRESS D Co 313th MI Bn Ft. Bragg, NC 28310		
7. GRADE/STATUS [REDACTED]			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A: Rights

I appear below told me that he/she is with the United States Army [REDACTED] D CO, 313TH MI BN and wanted to question me about the following offense(s) of which I am cited/accused: possible Detainee Abuse

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

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

COMMENTS (Continue on reverse side)

B: Waiver

I waive 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] b3+r6-5

ORGANIZATION OR ADDRESS AND PHONE [REDACTED] b3+r6-2

NAME (Type or Print) [REDACTED] b3+r6-2

5. TYPED NAME OF INVESTIGATOR
[REDACTED] b3+r6-2

6. ORGANIZATION OF INVESTIGATOR
D CO, 313TH MI BN, 82D ABN DIV
APO AE 09384

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

NATURE OF INTERVIEWEE

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

3881, NOV 89
 LAW ENFORCEMENT SENSITIVE
 DATE OF NOV 84 IS OBSOLETE

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b(3) + (6)

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SWORN STATEMENT

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

LOCATION Officer of Commander, D1313 MI	DATE 6 APR 04	TIME 0900	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b3r6-2	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED] b3r6-2	
ORGANIZATION OR ADDRESS D Co 313th MI BN			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON OR ABOUT THE FIRST WEEK OF MARCH, 04 I WAS
 LOOKING AT SOME PICTURES ON ONE OF THE MP'S
 COMPUTER, THE MP [REDACTED] (NAME MAY BE SPOKED WRONG)
 WAS ASSIGNED TO THE DETENTION FACILITY. UPON LOOKING
 AT THE PICTURES I CAME ACROSS ONE PARTICULAR
 PICTURE OF ONE OF MY SOLDIER [REDACTED] ACTING
 UNAPPROPRIATELY TOWARD ONE OF THE DETAINEES IN
 A STRESS POSITION. AFTER REVIEWING THE PICTURE
 I ASKED [REDACTED] ABOUT THE PICTURE AND HE
 ANSWERED THEY WERE JOKING WHEN THEY TOOK THE
 PICTURE, IT WAS ALL OUT OF FUN. I THEN TOLD HIM
 WHO ELSE HAD THAT PICTURE, HE INFORMED ME THAT
 SEVERAL OTHER MPs MAY BE THREE MORE INDIVIDUALS
 MAY HAVE THAT COPY BECAUSE THEY HAD MADE A
 MOVIE OF ALL THEIR PICTURES FROM THE TIME THEY
 ENTERED IRAQ. I TOLD [REDACTED] THAT SUCH
 PICTURE WOULD GET HIM IN TROUBLE IF IT WAS
 TO BE DISCOVERED BECAUSE SOMEONE WOULD PERCEIVED
 HIS PICTURE TO BE HARMING THE DETAINEE. I THEN
 ORDERED [REDACTED] TO DESTROY THE PICTURE AND
 GET RID OF ANY OTHER PICTURES AS SUCH. I
 ORDERED [REDACTED] TO DESTROY THE PICTURE
 BECAUSE AFTER QUESTIONING HIM AND HE SWORE

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b6-2

EXHIBIT G
R 15-6 Investigation
CCP/DIF Operations
MAY 04

INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ENT OF _____ TAKEN AT _____ DATED _____
 PAGES OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE
 PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE
 OTHER COPY OF THIS FORM.

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

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STATEMENT (Continued)

to me that all individuals involved in the picture were just joking and acting for the camera. I am not sure if [redacted] actually destroyed all the pictures, but I did order him to get rid of it. I was unable to contact [redacted] to ask her about the picture because she was at a different location and in the process of conveying to [redacted] for the redeployment phase. I decided to handle the situation at my level by making a judgement call and solve the matter at the lowest level as possible.

Nothing Follow

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[redacted]

b3+b2

b3+b2

AFFIDAVIT

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

[redacted]

(Signature of Person Making Statement)

b3+b2

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of April, 2004 at 01313 MIBN

[redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

Company Commander

(Authority To Administer Oaths)

b3+b2

MESSAGES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

LIST OF PERSONS MAKING STATEMENT

[redacted] b3+b2

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b(3)+(6)

03 4-04-CID 023 6727

SWORN STATEMENT

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

LOCATION FT BRAGG, NC 28310	DATE 05 APR 04	TIME 1107	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b3+b2	SOCIAL SECURITY NUMBER [REDACTED] b6-		GRADE/STATUS
ORGANIZATION OR ADDRESS HSC, 313TH MI BN, FORT BRAGG, NC 28310			

[REDACTED] b3+b6-l

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

On the 25th of March 2004 while I was awaiting redeployment at Camp Wolverine Kuwait, my former civilian employee [REDACTED] expressed to me a concern over a photo that was found by a US Marine on one of the civilian computers at the Detainee Interrogation Facility (DIF), at FOB St. Mere, Iraq. He claimed that in the photo [REDACTED] was posing with detainees. He further stated the picture looked like a joke, but it was hinting at the mistreatment of detainees at the DIF. Upon completing my conversation with [REDACTED] I called the Battalion Rear Detachment and addressed the Issue to [REDACTED] as well as contacted [REDACTED] in Kuwait.

On the 5th of April 2004 [REDACTED] forwarded the picture to me and asked me to write this sworn statement. I was completely shocked by the picture. I still can not believe that such a thing could have taken place at the DIF [REDACTED]. The soldiers working for me know that I stress following the Geneva Convention as well as any and all guidance from the 7th and the 82D Airborne Division. All the soldiers who worked at the DIF under my charge were briefed on all operational procedures to include interrogation techniques and tactics. They were also made to read all 82D Airborne Divisions FRAGOs dealing with detainee (Secret) in particular, outlined the exact treatment of detainees. The 82d Airborne Division FRAGO 298 (Classified treating detainees with dignity and respect. It stated in detail what was and was not authorized as well as

In my opinion, [REDACTED] was well aware of all these rules not only through the above mentioned resources but also by her 97E interrogation training at Fort Huachuca AZ. There is no doubt in my mind that when this picture was taken, she knew that it was wrong and that it was in violation on of the Geneva Convention, specifically the section that is in reference to the treatment of Detainees and Enemy Prisoners of War.

NOTHING FOLLOWS

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

INITIALS OF PERSON [REDACTED] b3+b2	PAGE 1 OF 2 PAGES
SIGNATURE OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE 1" IF MULTIPLE PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE OTHER COPY OF THIS FORM.	

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

USAPPC V2.00

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JEWIS VIRTUAL LIBRARY

The Fourth Geneva Convention

(August 12, 1949)

U.N.T.S. No. 973, vol. 75, p. 287

CONVENTION (IV) RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

Signed at Geneva, 12 August 1949

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0384-04-CID 023 67275

Draft Agreement relating to Hospital and Safety Zones and Localities

Annex II

Draft Regulations concerning Collective Relief

Annex III

Internment Card

Letter

Correspondence Card

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from 21 April to 12 August 1949, for the purpose of establishing a Convention for the Protection of Civilians in Time of War, have agreed as follows:

PART I
GENERAL PROVISIONS

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

ACLU-RDI 1182 p.37

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EXHIBIT 9

003442

0384-04-CID 023 67275

Article 1. The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Art. 2. In addition to the provisions which shall be implemented in peace-time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Art. 3. In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (e) The wounded and sick shall be collected and cared for.

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EXHIBIT 9-57

W ENFORCEMENT SENSITIVE

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An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Art 4. Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, shall not be considered as protected persons within the meaning of the present Convention.

Art 5. Where in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

LAW ENFORCEMENT SENSITIVE
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EXHIBIT 9-58

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0384-04-CID 023 67275

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity and, in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with security of State or Occupying Power "<P" as case may be.>

Art. 6. The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles

of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

Art. 7. In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, not restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

EXHIBIT 9 59

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Art. 8. Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Art. 9. The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are TO carry out their duties. "</P">

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers. "</P">

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention.

They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

Art. 10. The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

Art. 11. The High Contracting Parties may at any time agree to entrust to an international organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by

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Protecting Powers under the present Convention.

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Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has not normal diplomatic representation.

Art. 12. In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

ART II
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GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR

Art. 13. The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

Art. 14. In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

Art. 15. Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

- (a) wounded and sick combatants or non-combatants;
- (b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

LAW ENFORCEMENT SENSITIVE
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Art. 16. The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

Art. 17. The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

Art. 18. Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

19. The protection to which civilian hospitals are entitled shall not cease unless they are used to

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commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants which have not yet been handed to the proper service, shall not be considered to be acts harmful to the enemy.

Art. 20. Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

Art. 21. Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949.

Art. 22. Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the States concerned.

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Parties to the conflict concerned.

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They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949.

Unless agreed otherwise, flights over enemy or enemy occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

Art. 23. Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

- (a) that the consignments may be diverted from their destination,
- (b) that the control may not be effective, or
- (c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods. "~~/P~~"

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

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Art. 24. The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in first paragraph. "</P">

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

Art. 25. All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the cooperation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

Art. 26. Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

STATUS AND TREATMENT OF PROTECTED PERSONS

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SECTION I

Provisions Common to the Territories of the Parties to the Conflict and to Occupied Territories

Art. 27. Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

Art. 28. The presence of a protected person may not be used to render certain points or areas immune from military operations.

Art. 29. The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

Art. 30. Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

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These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate, as much as possible, visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

Art. 31. No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

Art. 32. The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

Art. 33. No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Plunder is prohibited.

Seizures against protected persons and their property are prohibited.

Art. 34. The taking of hostages is prohibited.

SECTION II

LAW ENFORCEMENT SENSITIVE
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EXHIBIT

9 Jul 68

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SUBJECT: Cdr Inquiry, [REDACTED] 038-04-CID023 67275

SIR,

I'll let [REDACTED] 6316-2 facts and findings speak for themselves, but will highlight a couple of points. To me it's clear that there was no physical contact or harm. It is also clear exactly what was conducted and by whom. 7 Apr

Now IAW the attached documents this violates acts of "public curiosity". There was no violence, insults, bodily injury, reprisals etc. What I need to clarify is that if this violation is punishable under the UCMJ. At the same time I'm hesitant to consult the SJA, but I'm leaning towards calling [REDACTED] and reviewing with him what we've done. I have a good relationship with him; since he knows I've sat on 3 Courts Martial.

If it is punishable; my recommendation for punishment is a written local reprimand for [REDACTED] 6316-2 for not notifying the chain of command. I would then recommend a Field Grade Article 15 for [REDACTED] 6316-2 such as Reduced Rank and pay, but suspended. I believe we need to send the message that even joking about these actions is not tolerable.

This is my recommendation. Let me know if you want me to contact SJA.

EXHIBIT 9

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DEPARTMENT OF THE ARMY
Headquarters, 981st Troop Command
Arizona Army National Guard
1335 North 52nd Street
Phoenix, AZ 85008-3233

AFVA-AO (15-6)

21 May 2004

MEMORANDUM FOR [REDACTED] 860th Military Police Company, Arizona Army National Guard

SUBJECT: Appointment as Special Project Officer for AR 15-6 Investigation dtd 13MAY04

1. You are hereby appointed a special project officer pursuant to AR 15-6 to assist [REDACTED] Brigade Combat Team / 82nd Airborne Division and AR 15-6 Investigating Officer, in the 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 members of D Company, 313th Military Intelligence Battalion (82nd Airborne Division), members of 855th Military Police Company (Arizona Army National Guard) and detainees. Direct coordination with [REDACTED] is authorized.

2. Your duties will include conducting interviews with specified soldiers from the 855MP Company in accordance with the attached guidance provided by [REDACTED]. You are not limited by the questions provided and should feel free to ask clarifying questions as well as additional questions to pursue relevant lines of questioning. The individuals in question should feel free to add any additional statements if they desire.

3. Your interviews will be conducted using the informal procedures under AR 15-6. All statements will be sworn using DA Form 2823. Each witness will be read his rights under Article 31, Uniform Code of Military Justice, or the Fifth Amendment, as appropriate, using DA Form 3881 as well as provided a Privacy Act statement.

4. Submit the results of your interviews with supporting rights and privacy documentation to [REDACTED] 981st Troop Command / Arizona Army National Guard or directly to [REDACTED] within ten days. Contact [REDACTED] if you need additional time to complete your interviews.

5. POC is the undersigned at [REDACTED] or DSN: [REDACTED]

Encls as

[REDACTED]

EXHIBIT 9

Questions for 82d Airborne Division 15-6 Investigation

[REDACTED]

6316-2

1. What were your duties at the Division Interrogation Facility (DIF) at FOB St. Mere in Fallujah, Iraq?
2. Did you establish policies regarding taking photographs of detainees in the DIF?
3. Were these policies understood by all soldiers and civilians working in the DIF?
4. 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?
5. Have you ever seen this photograph before [show photo]?
6. Do you know who took this photo and in what manner it was disseminated?
7. Do you recognize the soldiers and/or detainees in this photo?
8. 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?
9. How often were "stress positions" utilized in the DIF and who was the approving authority for their use?
10. Do the actions in this photo violate any of the procedures that were considered acceptable in the DIF?
11. Do you know if any other photos exist which may show questionable conduct on the part of MPs and/or interrogators at the DIF?
12. Were DIF personnel trained on and familiar with the policies for the proper treatment of detainees? Were these policies posted?
13. Were you present during the CJTF-7 Inspector General inspection of the DIF in JAN 04; or any other official inspection of the DIF? Did you receive any feedback on the findings of any inspections?
14. Were you ever informed that the DIF personnel or the facility itself was in violation of regulations, command policies, official guidance, or training procedures?
15. 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?
16. Were any DIF personnel ever disciplined or counseled for improper treatment of detainees?

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EXHIBIT 9

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[REDACTED] b3r6-2

1. What were your duties at the Division Interrogation Facility (DIF) at FOB St. Mere in Fallujah, Iraq
2. 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?
3. Have you ever seen this photograph before [show photo]?
4. Why was this photo taken?
5. Do you know who took this photo? If yes, who was the photographer?
6. Do you recognize the soldiers and/or detainees in this photo? If so, who are they?
7. What computers was this photo downloaded on to?
8. To whom was this photo disseminated? Who has copies of it (digital or hard copy)?
9. Were you ever told to destroy or erase copies of this photograph?
10. 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?
11. How often were "stress positions" utilized in the DIF and who was the approving authority for their use?
12. Were these detainees placed in this position for the purpose of taking this photograph?
13. Do the actions in this photo violate any of the procedures that were considered acceptable in the DIF?
14. Were any similar photos showing MPs and/or interrogators with detainees ever taken? If so, how were they disseminated?
15. 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?
16. Were any DIF personnel ever disciplined or counseled for improper treatment of detainees?

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[REDACTED] b3 + 6 - 2

1. What were your duties at the Division Interrogation Facility (DIF) at FOB St. Mere in Fallujah, Iraq
2. 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?
3. Have you ever seen this photograph before [show photo]?
4. Why was this photo taken?
5. Do you know who took this photo? If yes, who was the photographer?
6. Do you recognize the soldiers and/or detainees in this photo? If so, who are they?
7. What computers was this photo downloaded on to?
8. To whom was this photo disseminated? Who has copies of it (digital or hard copy)?
9. Were you ever told to destroy or erase copies of this photograph?
10. 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?
11. How often were "stress positions" utilized in the DIF and who was the approving authority for their use?
12. Were these detainees placed in this position for the purpose of taking this photograph?
13. Do the actions in this photo violate any of the procedures that were considered acceptable in the DIF?
14. Were any similar photos showing MPs and/or interrogators with detainees ever taken? If so, how were they disseminated?
15. 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?
16. Were any DIF personnel ever disciplined or counseled for improper treatment of detainees?

EXHIBIT 9
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b3 + b2

1. What were your duties at the Division Interrogation Facility (DIF) at FOB St. Mere in Fallujah, Iraq
2. 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?
3. Have you ever seen this photograph before [show photo]?
4. Why was this photo taken?
5. Did you take this photograph [show photo]? If not, who did?
6. Did you take any other photographs of a similar nature that depict MP personnel / MI or Civilian interrogators with detainees?
7. Do you recognize the soldiers and/or detainees in this photo? If so, who are they?
8. What computers was this photo downloaded on to?
9. To whom was this photo disseminated? Who has copies of it (digital or hard copy)?
10. Were you ever told to destroy or erase copies of this photograph?
11. 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?
12. How often were "stress positions" utilized in the DIF and who was the approving authority for their use?
13. Were these detainees placed in this position for the purpose of taking this photograph?
14. Do the actions in this photo violate any of the procedures that were considered acceptable in the DIF?
15. Were any similar photos showing MPs and/or interrogators with detainees ever taken? If so, how were they disseminated?
16. 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?
17. Were any DIF personnel ever disciplined or counseled for improper treatment of detainees?

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EXHIBIT 9

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1. What were your duties at the Division Interrogation Facility (DIF) at FOB St. Mere in Fallujah, Iraq
2. 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?
3. Have you ever seen this photograph before [show photo]?
4. Do you know who took this photo? If yes, who was the photographer?
5. Why was this photo taken?
6. Do you recognize the soldiers and/or detainees in this photo? If so, who are they?
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14. Were any similar photos showing MPs and/or interrogators with detainees ever taken? If so, how were they disseminated?
15. Were any DIF personnel ever disciplined or counseled for improper treatment of detainees?

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EXHIBIT 9

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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

21 May 2004

MEMORANDUM FOR Inspector General ATTN: Records Release Office, SAIG-ZXR, 2511 Jefferson
Davis Highway, Arlington, VA 22202

SUBJECT: Request for Report of Investigation

1. Reference. AR 20-1, 29 MAR 2002
2. Purpose. To obtain the results of the CJTF-7 Inspector General inspection of the 82^d Airborne Division's Division Interrogation Facility (DIF) conducted in JAN 04 in order to properly fulfill my duties as AR-15-6 Investigating Officer.
3. I have been appointed an Investigating Officer IAW AR 15-6 by the 82^d Airborne Division Command General (encl 1). The scope of my duties entails identifying "whether there is evidence to indicate the possibility of abuse, inhumane treatment, or other misconduct [by MPs and/or interrogators] at the DIF" during the timeframe of late December 2003. CJTF-7 IG personnel inspected the DIF in mid-January 2004. The findings of this inspection would presumably be relevant to making a proper assessment of the conduct of MPs and interrogators at the DIF.
4. Pursuant to AR 20-1 para. 3-6(i), I am making a formal request to receive the ROI of the CJTF-7 Inspector General inspection of the 82^d Airborne Division's DIF. The inspection took place in mid-January 2004. The location of the inspection was FOB St. Mere, Fallujah, Iraq.
5. I am requesting the following information from this inspection:
 - a. Any evidence of abuse or inhumane treatment of detainees or misconduct on the part of 82^d Airborne Division interrogators, civilian interrogators, or MPs attached to the 82^d Airborne Division (855th MP Company).
 - b. If any evidence of abuse or maltreatment of detainees was identified, whether this abuse was systemic or a result of an isolated incident(s).
 - c. Evidence of any unauthorized photographs originating in the 82^d Airborne Division DIF.
6. I have been able to obtain the following information regarding this inspection after speaking with [redacted] at the MNC-I IG Office:
 - a. The inspection was directed by the CJTF-7 Commanding General LTG Sanchez.
 - b. The inspection of the 82^d Airborne Division DIF occurred in mid-January 2004.
 - c. [redacted] SAIG, conducted the inspection.
 - d. The results were not sent directly to SAIG as the inspection had been directed by LTG Sanchez. However, [redacted] believes that the ROI may have been provided to SAIG inspectors after a subsequent inspection.
 - e. There was no case number assigned to this inspection. The inspection was titled: Inspection Results of Detainee Operations.

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f. I have the following POC information for the MND-I IG Office, APO 09342; DSN: [REDACTED]

(1) MNC-I IG - [REDACTED]

(2) Chief of Inspections, MNC-I IG - [REDACTED]

7. POC for this memorandum is the undersigned. I can be reached at comm. [REDACTED] or DSN: [REDACTED]. My NIPR email address is: [REDACTED]

[REDACTED]

b3 + b2

- 1 Encl
- 1. Investigating Officer Appointment Orders

EXHIBIT 9

~~000471~~

008463

SWORN STATEMENT

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

LOCATION 3090 E 22ND ST, TUSCON AZ 85711	DATE 5/22/04	TIME 1300	FILE NUMBER
SURNAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [REDACTED]	[REDACTED]
ORGANIZATION OR ADDRESS SMP 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.

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

What were your duties at the Division Interrogation Facility (DIF) at FOB St. Mere in Fallujah, Iraq?
SECURE IMAGES THAT WERE CAPTURED BY COALITION FORCES IN THE DIF TO BE PROCESSED
ALSO HAD PILES OF [REDACTED] FOR PROPERTY.

Were you trained on and familiar with the policies for the treatment of detainees and of taking photographs in the DIF?
THE POLICIES FOR TREATMENT OF DETAINEES WAS PUT OUT AND GONE OVER
THE POLICIES FOR TAKING PICTURES WAS NOT/AND UNCLEAR.

Were these policies posted?
YES AN SOP WAS POSTED.

Have you ever seen this photograph before [show photo]? [REDACTED]

Why was this photo taken?
AS A JOKE IT WAS TO BE A FUNNY POSED PHOTO FOR HUMOR ONLY!

Did you take this photograph [show photo]? If not, who did? [REDACTED]

Did you take any other photographs of a similar nature that depict MP personnel / MI or Civilian interrogators with detainees?
ONLY ONE.

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

Was any detainee in the photo ever hit, touched or sodomized with the broom in the photo? Was the broom grabbed to pose for the photo?
ABSOLUTELY NOT. YES THE BROOM WAS IN THE A.O. FOR SWEEPING THAT AREA AND THEN PLACED AGAINST THE WALL AFTER THE SECURE.

Did the chain of command know about this photo? If so, who?
YES. [REDACTED]

Was there a sign posted outside the DIF instructing no photos are to be taken inside the perimeter of the facility? If so, when was it posted?
DID ANYONE EVER VERBALLY TELL YOU PHOTOS WERE NOT TO BE TAKEN OF DETAINEES?

YES. AS FAR AS I REMEMBER IT WAS POSTED OUTSIDE THE FRONT GATE. I ONLY REMEMBER SAW IT AFTER OUR SHIFT CHANGED SOMETIME IN DECEMBER. THE ATMOSPHERE IN THE DIF WAS THAT AS A GENERAL RULE: PHOTO'S OF SOLDIERS AND EQUIPMENT WERE EXCEPTABLE, DETAINEE PHOTO'S WERE LIMITED TO FULLY CLOTHED, FACE COVERED PHOTO'S COULD BE TAKEN IN MODERATION. THE CHAIN OF COMMAND KNEW AND ALLOWED PHOTO'S OF SOLDIERS AND EQUIPMENT, I.E. PLATOON PHOTO, AND BLACKHAWKS AND HELICOPTER PHOTO'S OF DETAINEE'S WERE NOT SPECIFICALLY RULED OUT. IT WAS A MATTER OF DISCRETION, I.E. TO SHOW A SPECIFIC METHOD OF TRANSPORT.

EXHIBIT M	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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AR 15-6 Investigation
OCCP/DIF Operations
13 MAY 04

READING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
STATEMENTS SHOULD BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED
IF ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE
REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

FORM 2823, JUL 72

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

78
RCAS V1.0

ARMY ENFORCEMENT SENSITIVE
ACLU-RDI 1182 p.59

EVIDIT

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003464

What computers was this photo downloaded on to? [REDACTED]
MY PERSONAL COMPUTER.

To whom was this photo disseminated? Who has copies of it (digital or hard copy)? [REDACTED]

Were you ever told to destroy or erase copies of this photograph? [REDACTED]
NO, HOWEVER I ERASED THEM BEFORE LEAVING IRAQ

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? [REDACTED]

YES, THE CLOSEST DETAINEE WAS IN THE "STRESS POSITION" FOR FAILURE TO FOLLOW ORDERS. THE OTHER TWO FOR LYING/NOT SPEAKING TO ME PERSONNEL ABOUT WHY THEY WERE CAUGHT IN THE "BOMB AREA" COLLECTING IED MATERIAL.

How often were "stress positions" utilized in the DIF and who was the approving authority for their use? [REDACTED]
APX EVERY OTHER DAY DEPENDING ON INTERROGATION/QUESTIONING.
MP PERSONNEL APPROVED THE USE.

Were these detainees placed in this position for the purpose of taking this photograph? [REDACTED]
NO

Do the actions in this photo violate any of the procedures that were considered acceptable in the DIF? [REDACTED]
YES, THE DEPRIVATION OF MISPEAKING A DETAINEE.

Were any similar photos showing MPs and/or interrogators with detainees ever taken? If so, how were they disseminated? [REDACTED]

YES, ONE, IT WAS DESTROYED/ERASED. AS FAR AS I KNOW IT WAS NOT DISSEMINATED.

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? [REDACTED]
NO

Were any DIF personnel ever disciplined or counseled for improper treatment of detainees? [REDACTED]
NOT THAT I AM AWARE

NOTHING FOLLOWS

b3
b6-5

AFFIDAVIT

[REDACTED] b3/b6, 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 TO 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 FEAR OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b6-5
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of MAY, 2004 at 4040 G 28th ST, TUSCON AZ 85711

[REDACTED] b3/b6
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

NAME OF PERSON MAKING STATEMENT [REDACTED]

LAW ENFORCEMENT SENSITIVE

00079

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038

04-CID 023 67275

RIGHTS - HEARING 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 4040 E 32ND ST, TUSCON AZ 85711		2. DATE 5/22/04	3. TIME 1300	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] 63x6-5		8. ORGANIZATION OR ADDRESS 855MP Company AZ ARNG		
6. SSN [REDACTED] 66-5	7. GRADE/STATUS [REDACTED] 63x19			

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.

- 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)		3. SIGNATURE OF INTERVIEWEE [REDACTED] 63x6-5
NAME (Type or Print) [REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED]	
ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	5. PRINTED NAME OF INVESTIGATOR [REDACTED]	
NAME (Type or Print) [REDACTED]	6. ORGANIZATION OF INVESTIGATOR 860MP / AZ ARNG	
ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		

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
[REDACTED] 63x6-5

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

C08466

b.(3) + (6)

91-27165

0384-04-CID 023 67275



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

REPLY TO
ATTENTION OF:

AEVC-CG (15-6)

b3+6-2

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], 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.

b3+6-5

b3+6-2

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.

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]

b3+6-2

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.

Encls as

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

000475
COC467

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.

22 MAY 04
Date

[Redacted Signature]

Signature

[Redacted Printed Name]

Printed Name

[Redacted SSN]

SSN

63 +
66-5

500082

EXHIBIT 9

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b(3) + (6)

0384-04-CID 023 67275



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

REPLY TO
ATTENTION OF

AFVC-C

24 May 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] has been named by several sources as being in a photograph that may demonstrate an instance of detainee abuse. [REDACTED] is an MP assigned to the 855th MP CO, AZNG. [REDACTED] had sent a digital copy of the photograph in question to [REDACTED] a soldier named [REDACTED] in the investigation. His unit was attached to the 82d Airborne Division from SEP 03 to MAR 04 in support of Operation Iraqi Freedom. I contacted the 855th MP Company and requested that they interview [REDACTED] along with a list of 4 other soldiers in the 855th MP CO. [REDACTED] was unavailable to participate in a face-to-face interview as he was participating in a cross-country trip. The unit contacted [REDACTED] and asked him if he would agree to be telephonically interviewed. He agreed and gave the unit permission to inform me of his phone number. I contacted [REDACTED] at that number on 241239MAY04.

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. I instructed him to then inform a witness in my presence that he was aware of his rights and had agreed to waive them. He did this. The name of the witness and his signature appears at the bottom of this memorandum. I then asked a series of questions to [REDACTED] and recorded his responses. The interview went as follows:

- a. Q: What were your duties at the Division Interrogation Facility or "DIF" at FOB St. Mere in Fallujah, Iraq
A: Security, escorting inmates, searches, bringing them to receive medical treatment, putting them into holding for interrogators, periodic cell searches to identify any stockpiling of weapons or food, processing for release or forwarding for further interrogation, and getting them moving.
- b. Q: Were you responsible for the welfare of the detainees?
A: Yes, we made sure they had medical treatment, blankets, that they weren't fighting with each other, and separating vulnerable detainees from the rest, like children or teenagers from the adults. We were also concerned about our safety.
- c. 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?

b3+b-J

83

IBIT N
3-6 Investigation

LAW ENFORCEMENT SENSITIVE

EXHIBIT 9

003469

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A: We were never told that we couldn't take photos of the inmates, only that we couldn't take photos that involved the security procedures. The Platoon Leader and Platoon Sergeant took a platoon photo at the DIF. The procedures in regard to treatment of prisoners were posted. No hitting, cussing, disrespect in any way or parading them around. We were told to treat them the same way you would want to be treated. [redacted] came up with them and the captain signed them.

b3x1-2

d. 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: Yes, I've seen it. [redacted] mailed me asking for it. She said that there was an investigation going on and that she needed it. The one you have is probably the one I e-mailed to her. It was a staged photo.

b3x6-5

e. Q: How did it get on your computer?

A: I'm in the photo with [redacted] I don't remember who took it. It was given to me. It was digital.

b3x6-5

f. Q: Why was this photo taken?

A: It was just goofing around, spur of the moment.

g. Q: Do you know who took this photo? If yes, who was the photographer?

A: I don't remember.

h. Q: Do you recognize the detainees in this photo? If so, who are they?

A: No. I wouldn't be able to recognize them. I believe they were all hooded. I believe they were there like that because MI wanted to keep them awake. They were hooded so they couldn't observe us.

i. Q: Was this photo downloaded onto any other computers?

A: Not to my knowledge. I would assume that whoever took the picture downloaded it onto a computer to load it onto a thumb drive.

j. Q: Were any other copies of this photo disseminated? Who has copies of it (digital or hard copy)?

A: Not to my knowledge. I know [redacted] didn't have it because I sent it to her.

k. Q: Is the photo still on your computer?

A: I don't know. I'd have to look at my computer. It's in Arizona. I might have had to make reclamation disks and redo everything. I probably don't still have it.

b3x6-5

l. Q: Were you ever told to destroy or erase copies of this photograph?

A: No.

m. 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. Usually the sergeants did that paperwork. The paperwork would be there somewhere. I didn't read the folders. That was an MI thing.

n. Q: How often were "stress positions" utilized in the DIF and who was the approving authority for their use?

A: I don't know who the approving authority was. It was probably the captain. They were only done when the detainees were being difficult, to deprive them of sleep. I assume the sleep deprivation would make them more forthcoming. That's just a guess, I just did what I was told.

o. Q: Were these detainees placed in this position for the purpose of taking this photograph?

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A: No, no, no, no. The photo was a spur of the moment, goofing around thing. They weren't put in that position for the photo.

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

A: No. We weren't coming into contact with them. It was a posed shot. We never touched them. I don't think we were breaking any rules. It wasn't as bad as the other photos that are out in the media.

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

A: If there were, I don't know. It would have been with a personal camera. To my knowledge, there were no other photos. I know they took pictures for the files. But to my knowledge those were the only other pictures taken.

r. 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: No.

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

A: I think maybe for some things. I don't think anything was ever written down. I think I was even guilty for cussing at them. And I was told that I shouldn't do that.

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

A: I know there is a lot of media hoopla. [redacted] is one of the best NCOs I've known. It was just stupidity on all of our parts. It's sad that she is under investigation because of the media. If she needs any character witnesses, please call me. I would be glad to go wherever I had to go to support her.

b3+c-f

u. Q: Do you have anything else you wish to add?

A: No.

4. Witness Statement: On 24 MAY 04 at approximately 1245, [redacted] told me on the phone that he understood his rights as read to him by [redacted] and that he was waiving his rights and willing to answer questions.

Printed Name: [redacted]

Signature: [redacted]

Unit: AAC 505th PIR

b3+c.2

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

b6-2

[redacted]
Investigating Officer

b3+c-2

038471

EXHIBIT 9

Feb 85

~~038471~~

AW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

b(3) + (6)

This message is not flagged. [Flag Message - Mark as Unread]

0384-04-CID 023 672

From: [redacted]

Add to Address Book

To: [redacted]

Subject: Re: VERY IMPORTANT!!!!

b6-5

Date: Sat, 27 Mar 2004 16:55:01 -0700

[Large redacted block]

b6-2

b6-4

b7c-2

b7c-4

I can't see how they think this is anything but fun. Keep me informed, good luck.

Original Message

From: [redacted]
To: [redacted]

Sent: Saturday, March 27, 2004 7:32 AM

Subject: VERY IMPORTANT!!!!

b6-5
b3+6+2+5

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

Gentlemen, [redacted] please pass this on to all of the other MPs that I worked with)

You guys have a picture of me holding a broom near a detainee. I don't have a copy of this picture anywhere...but some Marine got a hold of it and now I'm being investigated for detainee abuse. I guess one of you shared photos with the marines...but either way, they have a copy of that picture. And this isn't an informal investigation like the one with the press guys...I've been read my rights and everything. I want to say one thing....i don't blame anyone but myself for the photo...it was very poor judgement on my part to take a picture like that...but I also think that we all know that I was definitely not abusing that detainee.

b3+6-2

Apparently one of [redacted] Marine friends emailed her at Camp Wolfe and told her about the picture. She then called our battalion commander directly and told him about the photo, and the proof of detainee abuse, and he initiated the investigation. She didn't contact me to ask me about the picture, or the command here in Kuwait...she called directly to our colonel at Fort Bragg, and now there's nothing I can do.

Anyway, this email serves two purposes. First, I know that at least one more of you guys is in the picture, but I cannot remember who. If I'm being investigated...I'm sure that the other individuals in the picture will be investigated as well, so heads up! Secondly, can I please have a copy of this picture ASAP!!! I can't stress how badly I need this picture so I can show people that it was just a posed shot, and that I wasn't physically beating anyone with a broom.

LAW ENFORCEMENT SENSITIVE
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EXHIBIT 9

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63x

0384-04-CID 023 672

I can't believe that she has done this...psycho, right? Anyway, my entire military career is on the line here, so please help! If they investigate/question any of you...please be completely honest about anything you saw at the DIF at any time.

Sorry to bother you guys with this stuff. I know that you're probably living it up back in the United States...and I can't tell you how jealous I am. I miss you guys....let me know how life is back in the real world!

Miss Yah

[REDACTED] 63x6-8

LAW ENFORCEMENT SENSITIVE
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ACLU-RDI 1182 p.68

June 87

EXHIBIT

~~000481~~

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b(3) + (6) - 2 total page

0384-04-CID 023 67275

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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 (SSNI).

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 BDCG C7157, FT. BRAGG, NC 28310		2. DATE: (YYYYMMDD) 2004 05 17	3. TIME 1910	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		6. SSN [REDACTED]		7. GRADE/STATUS [REDACTED]
B. ORGANIZATION OR ADDRESS D CO, 313TH MI BN (82D AIRBORNE DIV FT. BRAGG, NC 28310				

I, [REDACTED], 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 THE [REDACTED], SIR.

Q. YOU WERE [REDACTED], SIR.

A. YES, SIR.

Q. WHEN DID YOU BECOME AWARE THAT [REDACTED] WAS PHOTOGRAPHED WHILE HOLDING A BROOMSTICK IN THE PRESENCE OF SEVERAL MPs AND DETAINEES?

A: IT WAS ABOUT 1-2 WEEKS PRIOR TO OUR LEAVING THE DIF. SOMETIME IN EARLY MARCH.

Q. HOW DID YOU BECOME AWARE OF THE PHOTO CRASH?

A: THE MPs WHO WERE WORKING WITH US WERE SHOWING US PICTURES PRIOR TO THEM LEAVING. I SAW THIS ONE ON ONE OF THE COMPUTERS.

Q. WERE THERE ANY OTHER PHOTOS SHOWING ANY QUESTIONABLE CONDUCT ON THE PART OF THE MPs OR INTERROGATORS?

A. NO, NEGATIVE, SIR. THAT WAS THE ONLY PICTURE I SAW.

Q. WAS THE PHOTO LOADED ON ANY DIVISION COMPUTERS?

A: I THINK THE COMPUTER WAS ONE OF THE MPs' COMPUTERS, BUT IT MIGHT HAVE BEEN ONE THAT BELONGED TO CACI A CIVILIAN CONTRACTED INTERROGATOR COMPANY. THE PICTURE WAS NOT LOADED ON ANY DIVISION COMPUTERS. THE MPs WOULD HAVE HAD TO COME INTO OUR OFFICE TO LOAD THE PICTURE ONTO OUR COMPUTER. I DON'T THINK THAT HAPPENED.

Q. WHO DID YOU TELL ABOUT THE PHOTO?

A: I TOLD [REDACTED] THE MP NCOIC, TO GET RID OF THE PICTURE. I LOOKED AT THE PICTURE AND IT WAS INAPPROPRIATE AND THEY COULDN'T HAVE IT.

Q. WHO DID YOU TELL IN THE 313TH CHAIN OF COMMAND?

A: I DIDN'T SIR, I DIDN'T. I WANTED TO HANDLE IT AT MY LEVEL. THEY SAID THE PICTURE WAS TAKEN IN FUN, BUT I SAID THAT IT WAS THE PERCEPTION THAT WOULD GET THEM IN TROUBLE.

11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
IG "STATEMENT" TAKEN AT _____ DATED _____	
BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER 88	

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

FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

LAW ENFORCEMENT SENSITIVE

EYHIRT Q

USAPA V1.00

ACLU-RDI 1182 p.69

DOD 007099

008474

6 (-3) + (6) - 2 + 7 1/2 page

0384-04-CID 023 672

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

STATEMENT OF [REDACTED] TAKEN AT C 7157 FT. BRASS, NC 28310 DATED 17 MAY 04 1418

9. STATEMENT (Continued)

Q: DID YOU SEE THEM GET RID OF THE PICTURE?

A: I DIDN'T PHYSICALLY SEE THEM GET RID OF IT, BUT I TOLD THEM TO.

Q: WHY DID YOU THINK THE PICTURE WAS INAPPROPRIATE?

A: BECAUSE WHEN I LOOKED AT IT, THE FACT THAT SHE HAD A BROOMSTICK IN HER HAND AND SMILING LIKE THAT I THOUGHT 'OH MY GOD, SOMEONE WILL TAKE IT THE WRONG WAY'.

Q: WAS THIS ACTIVITY BY MP, AND INTERROGATORS A VIOLATION OF ANY POLICIES, REGULATIONS, COMMAND GUIDANCE OR TRAINING?

A: TO ME THE PICTURE WAS MAKING FUN OF THE DETAINEE AND WAS INAPPROPRIATE. IT WAS DEMORALIZING TO THE DETAINEE. THE GUIDELINE WE HAD WAS THAT WE WOULD NOT DEMORALIZE, MAKE FUN OF, BE CRUEL TO OR TORTURE ANY DETAINEES IN THE DIF.

Q: WERE THESE GUIDELINES TRAINED ON BY DIF PERSONNEL AND/OR POSTED?

A: YES THEY WERE POSTED AND WERE IN THE SOP. THE DIF SOP HAD EVERYONE READ THE SOP. THE MPs HAD SIMILAR GUIDELINES POSTED FROM THEIR CHAIN OF COMMAND.

Q: HOW DID THE 313TH MI CHAIN OF COMMAND BECOME AWARE OF THE PHOTO?

A: I DIDN'T FIND OUT UNTIL I GOT BACK. FROM WHAT I WAS TOLD, ONE OF THE MARINES WHO REPLACED US FOUND THE PICTURE. IT MIGHT HAVE BEEN ON CACI'S COMPUTER, AND TOLD THE DIF THAT'S HOW THE 313TH CHAIN OF COMMAND FOUND OUT.

Q: HAD YOU EVER OBSERVED OR BECAME AWARE OF ANY INAPPROPRIATE TREATMENT OF DETAINEES IN THE DIF BY THE MPs, 313TH PERSONNEL OR CACI PERSONNEL?

A: NO, SIR. NONE HAD TAKEN PLACE AT ALL, IN THE DIF. THERE HAD ALREADY BEEN AN INVESTIGATION AND NOTHING WAS FOUND. SOME REUTERS REPORTERS HAD BE DETAINED AND HAD CLAIMED THAT THEY WERE ABUSED, BUT NOTHING WAS FOUND. THAT IS HOW I KNOW THAT NOTHING INAPPROPRIATE WAS HAPPENING AT THE DIF.

Q: WHO WERE THE [REDACTED] AT THE DIF?

A: MYSELF, [REDACTED] AND THEN THE CACI CIVILIANS. I CAN'T REMEMBER ALL THEIR NAMES. THERE WERE BETWEEN SEVEN AND NINE OF THEM.

Q: DO YOU HAVE ANYTHING YOU WISH TO ADD?

A: WHEN YOU ASKED ME [REDACTED] IF I HAD TOLD THE CHAIN OF COMMAND, THE REASON I DIDN'T WAS BECAUSE AS I WAS [REDACTED] OF THE DIF AND I KNEW THERE WAS NO ABUSE GOING ON, I JUST WANTED THEM TO GET RID OF THE PICTURE.

Q: DO YOU HAVE ANYTHING ELSE YOU WISH TO ADD?

A: NO, SIR.

END OF STATEMENT

NAME OF PERSON MAKING STATEMENT

000483

DA FORM 2823, DEC 1998

PAGE 2 OF 3 PAGES

89

IN ENFORCEMENT SENSITIVE

EXHIBIT 9

USAPA V1.00

ACLU-RDI 1182 p.70

008475

DOD 007100

b(3) + (6) - 2 total pgs

0384-04-CID 023 67275

STATEMENT OF [REDACTED]

TAKEN AT Bldg C9157 Ft. Bragg, NC 28310 DATED 17 MAY 04 1970

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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of MAY, 2004 at Bldg C9157 Ft. Bragg, NC 28310

[REDACTED]
Signature of Person Administering Oath

[REDACTED]
(Typed Name of Person Administering Oath)

AR 15-6
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

AGE 3, DA FORM 2823, DEC 1998

PAGE 3 OF 3 PAGES

LAW ENFORCEMENT SENSITIVE FOR OFFICIAL USE

EVLUIDIT b

USAPA V1.00

ACLU-RDI 1182 p.71

003476

DOD 007101

b(3) + (6)

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 BDE C9157 FT BRAGG, NC 28310		2. DATE 17 MAY	3. TIME 1405	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]		8. ORGANIZATION OR ADDRESS D CO, 313TH MI BN / 82D ABD FT. BRAGG, NC 28310		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]			

63165

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: POSSIBLE KNOWLEDGE OF DETAINEE ABUSE

- 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) <u>63162</u>		3. SIGNATURE OF INTERVIEWER [REDACTED]
1. NAME (Type or Print) [REDACTED]	2. ORGANIZATION OR ADDRESS 313TH MI BN FT BRAGG, NC 28310	4. SIGNATURE OF INVESTIGATOR [REDACTED]
5. TYPED NAME OF INVESTIGATOR [REDACTED]	6. ORGANIZATION OF INVESTIGATOR 3 BDE, 82D AIRBORNE DIVISION FT. BRAGG, NC 28310	

63165

63162

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

ARM 3881, NOV 89
LAW ENFORCEMENT SENSITIVE

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

ACLU-RDI 1182 p.72

000485

91
COS477

b(3) + (6)

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.

17 May 04
Date

[Redacted Signature]

Signature

[Redacted Name]

Printed Name

[Redacted SSN]

SSN

b7c

100092

EXHIBIT 9

000486

008478

6(3) + (6) - 2 All

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: BCDG C9157, FT. BRAGG, NC 28310
2. DATE: 2004 05 19
3. TIME: 1600
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN: 357-78-8320
7. GRADE/STATUS: O-3
8. COMMAND OR ADDRESS: 313TH MI BN / 82D AIRBORNE DIVISION, FT. BRAGG, NC 28310
9.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

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

Q: WHAT WERE YOUR RESPONSIBILITIES WITH REGARD TO THE DIVISION INTERROGATION FACILITY (DIF)?
A: IT'S SPELLED OUT IN DETAIL IN THE SOP. TO SUMMARIZE, I WOULD DECIDE UPON DETAINEE DISPOSITION - TO MOVE TO ABU GHURAYB, CONTINUE TO HOLD AT THE DIF, OR TO RELEASE. I WAS IN CHARGE OF ALL THE INTERROGATORS, CACI PERSONNEL, AND THREE CIVILIAN ARABIC CONTRACT LINGUISTS. I MONITORED INTERROGATION TECHNIQUES, STRESS PLANS, DETAINEE WELL BEING, GENEVA CONVENTION COMPLIANCE AND THE HEALTH AND WELFARE OF THE SOLDIERS. I COORDINATED WITH JAC FOR DETAINEE RELEASE BOARDS AS WELL AS TO OBTAIN FEEDBACK ON INTERROGATION TECHNIQUES

Q: WHEN DID YOU BECOME AWARE OF THE PHOTO OF [REDACTED] IN QUESTION? DMC.
A: I WAS IN KUWAIT GETTING READY TO REDEPLOY. I RAN INTO A CACI CIVILIAN WHO WAS GETTING READY TO GO ON LEAVE. HE TOLD ME ABOUT THE PHOTO BEING ON THE CACI COMPUTER. I INFORMED MY CHAIN OF COMMAND. I PERSONALLY DOWNLOADED THE FILES INTO THEIR COMPUTER AND THIS PICTURE WAS NOT IN OURS. HE SAID THAT ANOTHER CACI CIVILIAN, [REDACTED], HAD RECEIVED A NUMBER [REDACTED] PICTURES FROM THE MP.

Q: DID [REDACTED] AND THE MPs IN THE PICTURE'S ACTIONS VIOLATE REGULATIONS, POLICIES, COMMAND GUIDANCE AND/OR TRAINING STANDARDS?
A: YES. FRAGO 298 AND 148 HIGHLIGHTED THE POLICIES. FRAGO 298 MAY HAVE COME OUT AFTER THE INCIDENT. HOWEVER ALL THE INTERROGATORS KNEW THESE POLICIES. THE MPs HAD A SIMILAR POLICY WHICH WAS POSTED. I PERSONALLY BELIEVE THAT HER ACTIONS HUMILIATED THE DETAINEE HIS HEAD WAS COVERED, SO HE MAY NOT HAVE KNOWN WHAT WAS GOING ON, BUT HER ACTIONS WERE CLEARLY UNPROFESSIONAL. THAT IS WHY I INFORMED [REDACTED]

Q: HAD YOU EVER BEEN AWARE OF UNPROFESSIONAL CONDUCT BY DIF PERSONNEL IN THE PAST?
A: NO, SIR. WHEN I FIRST HEARD ABOUT THIS, I WAS SHOCKED. THE DIF PERSONNEL HAD ALWAYS BEEN PROFESSIONAL IN THE PAST. I THINK [REDACTED] HAD A LAPSE IN JUDGEMENT AND DIDN'T UNDERSTAND THE RAMIFICATIONS OF HER ACTIONS. I WAS SELECTED TO INSPECT THE OTHER HOLDING FACILITIES IN THE DIVISION BECAUSE THE DIF WAS A MODEL FACILITY. THERE HAD BEEN SEVERAL VISITS BY A NUMBER OF SENIOR OFFICERS TO THE DIF BECAUSE IT WAS A FACILITY THAT THEY WANTED TO EMMULATE. STF-7 WANTED OUR SOP, SO THEIR SYSTEM COULD BE LIKE OURS

11. INITIALS OF PERSON MAKING STATEMENT

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

STF-7 WANTED OUR SOP, SO THEIR SYSTEM COULD BE LIKE OURS

11. INITIALS OF PERSON MAKING STATEMENT

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

STF-7 WANTED OUR SOP, SO THEIR SYSTEM COULD BE LIKE OURS

11. INITIALS OF PERSON MAKING STATEMENT

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

STF-7 WANTED OUR SOP, SO THEIR SYSTEM COULD BE LIKE OURS

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

STF-7 WANTED OUR SOP, SO THEIR SYSTEM COULD BE LIKE OURS

93

9

LAW ENFORCEMENT SENSITIVE
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ACLU-RDI 1182 p.74

EXHIBIT

-b(3) + (6) - 2, All

0384-04-CID 023 67275

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 69157, FT. BRAGG, NC 28310 DATED 17 MAR 1966

9 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 CACI CIVILIAN. I KNOW THAT THE 855TH STILL HAS IT AS THEY SENT IT TO [REDACTED] b6-5 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? P.M.C.
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 DETAINEE 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 [REDACTED]

END OF STATEMENT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

DA FORM 2823, DEC 1998

PAGE 2 OF 3 PAGES

LAW ENFORCEMENT SENSITIVE
ACLU-RDI 1182 p.75

EXHIBIT 9

USAPA V1.00

DOD 007105

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6(3) + (6) - 2 All

0384-04-CID 023 67275

STATEMENT OF [REDACTED] TAKEN AT BDC C 9157 FT. BRAGG, NC 28310 DATED 17 MAY 64 1100

9. STATEMENT (Continued)

NOT USED

AFFIDAVIT

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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17TH day of MAY, 2004 at BDC C 9157 FT BRAGG, NC 28310

ORGANIZATION OR ADDRESS

[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

008481

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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 Name]

Printed Name

[Redacted SSN]

SSN

67166

EXHIBIT 9

009490 JUL 96

LAW ENFORCEMENT SENSITIVE

ACLU-RDI 1182 p.77

003482

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0384-04-CID 023 67275

82ABN-3BDE

From: [redacted]
Sent: [redacted]
To: [redacted] Thursday, March 11, 2004 8:42 AM
Subject: [redacted]
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] questions below. I will also ask all my Marines to provide input as [redacted] first, some background.

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

Is this description of the photo match with the one that was found [redacted] on the CACI computer and of which [redacted] had been informed? I heard [redacted] a 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.

Are the photo, or any other similar photos, still on the CACI [redacted] computer or [redacted] other computers at the interrogation facility? No. I had all [redacted] photos wiped from the computers. I believe [redacted] was the [redacted] person 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] disseminated? If so, to whom? To the best of my knowledge, all MPs [redacted] who [redacted] had here during that time have copies of these photographs on [redacted] their [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] any [redacted] on the part of 313th MI Bn Interrogators or the MPs.

EXHIBIT 9

18 2-162-97

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ENFORCEMENT
ACLU-RDI 1182 p.78

DOD 007108

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 our redeployment in MAR 04, [Redacted] who had been the [Redacted] for our IF ran into [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. [Redacted] that 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 hooded 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 every 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 activities towards detainees at the DIF by members of the 313th MI Battalion, the 855th MP CO (AZNG) around the timeframe that the photo was taken.

Specifically would like to confirm the following from the CACI folks:

- Does this description of the photo match with the one that was found on the CACI computer and of which [Redacted] had been informed?
- Is the photo, or any other similar photos, still on the CACI computer or other computers at the interrogation facility?

Have any copies of this photo or any similar photos been further disseminated? If so, to whom?

ENFORCEMENT SENSITIVE
ACLU-RDI 1182 p.79

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0384 J4-CID 023 67275

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?

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 by CID, 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,

Original Message

From: [REDACTED]
mailto:[REDACTED]
Sent: Wednesday, June 02, 2004 3:12 PM

Subject: RE: Contact Information

[REDACTED] the officer in charge of the military and civilian interrogators.

[REDACTED] 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]

Original Message

From: 82ABN 3BDE [REDACTED]
Sent: Wednesday, June 02, 2004 6:35 AM

Subject: RE: Contact Information

Gentlemen,

I'm having significant issues getting my message to send. It has been kicked 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

000493

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b(3) + (6) - 2 011

038 04-CID 023 67275

some
 of the CACI contracted interrogators at the Interrogation Facility whom
 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] as 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 [redacted] one of the others who were there when we left [redacted]
 [redacted]. If I could
 have their 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]
 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]
 Thursday, May 27, 2004 3:51 PM
 [redacted]
 Subject: RE: Contact Information

100
EXHIBIT 9

008486

b(3) + (6) - 2 All

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 (SSNI).
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 BDC 09157 FT BRAGG NC 28310	2. DATE (YYYYMMDD) 2004 05 17	3. TIME 1305	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 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 ON 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.

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

101

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

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LAW ENFORCEMENT SENSITIVE
ACLU-RDI 1182 p.82

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CID 023 67275

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, NC 28700 DATED 17 MAY 04 1305

9 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 TAKING 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, SR

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 IN 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, SR

END OF STATEMENT

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STATEMENT OF [REDACTED]

TAKEN AT BLDC 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)

WITNESSES:

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

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS
DCO 313th MI BN

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

AR 15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

AW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

FYHIRT
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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.
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 C9157, FT. BRAGG, NC 28310	2. DATE 17 MAY 04	3. TIME 1300	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. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 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 INVESTIGATOR [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

ACLU-RDI 1182 p.85

EVIDIT

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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
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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

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

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately and routinely used as an additional/alternate means of identification to facilitate filing and retrieval.

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: BEDG 69157 FT. BRAGG, NC 28310

2. DATE (YYYYMMDD): 2004 05 20 3. TIME: 1405 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 MI BN / 82D AIRBORNE DIVISION, FT. BRAGG, NC 28310

5316

I, [REDACTED], 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 OCCASIONALLY. 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 LULL 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. KILL

Q: WERE THE DETAINEES AWARE THAT THEY WERE BEING PHOTOGRAPHED AT THE TIME OF THIS PHOTO BEING TAKEN?

A: NO, SIR.

12/26-2

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

11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

3 *STATEMENT TAKEN AT [REDACTED] DATED [REDACTED]

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

ACLU-RDI 1182 p.87

DA FORM 2823, JUL 72; IS OBSOLETE

EXHIBIT V

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0384-04-CID 023 67275

STATEMENT OF [REDACTED] TAKEN AT BOX C9157, FT. BRAGG, 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

B3x68
B3x6J

B3x6J

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

WITNESSES:
[REDACTED]
[REDACTED]
FT. BRAGG, NC 28310
ORGANIZATION OR ADDRESS

B3x62

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of MAY, 2004 at BOX C9157, FT. BRAGG, NC 28310

B3x6J

[REDACTED]
Signature of Person Administering Oath

B3x62

[REDACTED]
Typed Name of Person Administering Oath

AR 15-6
[Authority To Administer Oaths]

ORGANIZATION OR ADDRESS
NAMES OF PERSON MAKING STATEMENT
[REDACTED]

107

DA FORM 2823, DEC 1998
ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY
ACLU-RDI 1182 p.88

PAGE 2 OF 2 PAGES

HEARINGS
000501

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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:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

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

1. LOCATION 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. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

6316-J

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.
- (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 (Type or Print) [REDACTED]	3. SIGNATURE OF INTERVIEWER [REDACTED]
2. ORGANIZATION OR ADDRESS AND PHONE FT BRAGG, NC 28310 (910)432-4100/2704	4. SIGNATURE OF INVESTIGATOR [REDACTED]
5. TYPED NAME OF INVESTIGATOR [REDACTED]	6. ORGANIZATION OF INVESTIGATOR 3 BDE / 82D AIRBORNE DIVISION FT. BRAGG, NC 28310

6316-J

6316-J

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

THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED
EFFECTIVE DATE: 15 SEP 81
EDITION OF NOV 84 IS OBSOLETE

EXHIBIT

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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

LOCATION 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 85 MP 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.

A: [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: Inprocess, search, house, maintain and outprocess EPW detainees [REDACTED]

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

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

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

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

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 [REDACTED]

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 [REDACTED]

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. [REDACTED]

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 [REDACTED]

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 is the 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 [REDACTED]

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 STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED.
IF ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ARM 2823, JUL 72
LAW ENFORCEMENT

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

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0384-04-CID 023 67275

STATEMENT (Continued)

STATEMENT OF [REDACTED] TAKEN AT 1045 DATED 5/23/04 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 as no mistreatment.

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 TO 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 FEAR 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

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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.
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. NAME (Last, First, Middle Initial)	2. DATE	3. TIME	4. FILE NO.
[REDACTED]	5/23/64	1000	
5. SOCIAL SECURITY NUMBER	6. ORGANIZATION OR ADDRESS		
[REDACTED]	855MP Company AZ ARNG		
7. 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 speak 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]
ME (Type or Print)	4. SIGNATURE OF INVESTIGATOR
[REDACTED]	[REDACTED]
ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR
[REDACTED]	[REDACTED]
6. ORGANIZATION OF INVESTIGATOR	
860MP / AZ ARNG	

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

DURATION OF INTERVIEWEE

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

3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

LAWF ENFORCEMENT SENSITIVE

EXHIBIT 19

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910 27165

0384-04-CID 023 67273

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



REPLY TO
ATTENTION OF:

AFVC-CG (15-6)

13 MAY 2004

h376-2

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.

h3765

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.

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Encis as

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

EXHIBIT 9

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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.

23 MAY 2004

Date

[Redacted Signature]

Signature

[Redacted Name]

Printed Name

[Redacted SSN]

SSN

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LAW ENFORCEMENT SENSITIVE

ACLU-RDI 1182 p.94

FYHIRIT 9

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SWORN STATEMENT

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

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 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:

1. LOCATION SOUTH FORCES HEADQUARTERS ARIZONA, 85008-3495		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] detailing the execution of every phase of EPW handling and 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 BUB'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 updates 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 is required for any person who observes or who suspects abuse by either Capturing personnel, MP's on guard, or MI interrogators, to 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 barracks.

Your assessment of the level of understanding which [REDACTED] had regarding the unit 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.

- ASSURE A: MFR DCCP SOP 26 OCT 03
- ASSURE B: MFR FRAGO TO DCCP SOP 29 NOV 03
- ASSURE C: MFR EPW DISCIPLINE 02 JAN 04
- ASSURE 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
ACLU-RDI 1182 p.95

DA FORM 2823, JUL 72, IS OBSOLETE

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STATEMENT OF

[REDACTED]

TAKEN AT

1120 hrs

DATED

26 MAY 04

9. STATEMENT (Continued)

NOTHING FOLLOWS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

AFFIDAVIT

BEGINS ON PAGE 1, AND ENDS ON PAGE

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 27 day of MAY 2004 at SENIOR Army ADVISOR'S OFFICE

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

TITUS 10 FEDERAL OFFICER
(Authority To Administer Oaths)

SES:

LOCATION OR ADDRESS

LOCATION OR ADDRESS

PERSON MAKING STATEMENT

FORM 2023, DEC 1998

LAW ENFORCEMENT SENSITIVE

ACLU-RDI 1182 p.96

PAGE 1 OF 2 PAGES

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DOD 007126

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]

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EXHIBIT 9.

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.

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FYHIDIT

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.

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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.

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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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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/P

[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 Tallulah, 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]

~~009515~~121

EXHIBIT 9

00507

ENFORCEMENT SENSITIVE FOR OFFICIAL USE

82ABN-3BDE [REDACTED]

0384-04-C12023 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. It 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 DIP? 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

122

LAW ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY

EXHIBIT S
AR 15-6 Investigation

ACLU-RDI 1182 p.103

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82ABN-3BDE

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0384 04-CID 023 6727

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

Thursday, June 10, 2004 5:02 AM

This [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 that 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 any actions taken/shown in the described photo.

[REDACTED] have 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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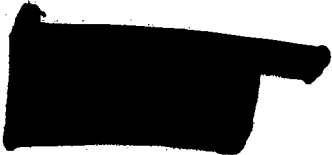
0384-04-CID023 67275

- 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

ACLU-RDI 1182 p.105

DOD 007135

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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LAW ENFORCEMENT SENSITIVE

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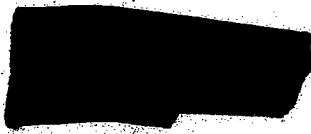
DEPARTMENT OF THE ARMY
855 MILITARY POLICE COMPANY
CAMP STRONGHOLD, FOB ST. MERE, IRAQ
APO, AE. 09384

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 of 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

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EXHIBIT 9

W ENFORCEMENT SENSITIVE

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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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.

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- 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.

11. 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.)

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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 NCQIC 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

EXHIBIT 9
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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. I 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?
A: YES. [redacted] so, WHO ARE THEY?

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

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

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

FORM 2823, JUL 72

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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
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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] 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.

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ACLU-RDI 1182.p.119

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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

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DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

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

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
[REDACTED]	5/27/64	1500	
5. NAME (Last, First, MI)	6. ORGANIZATION OR ADDRESS		
[REDACTED]	855MP Company AZ ARNG		
6. SSN	7. GRADE/STATUS		
[REDACTED]	[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.**

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.

COMMENTS (Continue on reverse side)

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

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

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

THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED
ENFORCEMENT SENSITIVE
FOR OFFICIAL USE ONLY
EDITION OF NOV 84 IS OBSOLETE

EXHIBIT 9
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0384-04-CLD 023 6727



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] 23x6-2
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. 23x6-5

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. 23x6-2

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] 23x6-1

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

141

EXHIBIT 9

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AW ENFORCEMENT SENSITIVE

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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.

02 MAY 04

Date

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

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EXHIBIT

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AW ENFORCEMENT SENSITIVE FOR OFFICIAL USE ONLY

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0384-04-CID 023 67275



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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LAW ENFORCEMENT SENSITIVE

EXHIBIT AA

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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 313th 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] to comment on [redacted] demeanor during the interview. [redacted] stated that [redacted] did not display any obvious signs of nervousness or deception. I asked [redacted] if [redacted] appeared genuinely surprised when he was shown the photo immediately prior to the interview. [redacted] stated that he had not seen the photo prior to 02 JUN, contradicting [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]
Investigating Officer

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EXHIBIT 9

003531

LAW ENFORCEMENT SENSITIVE
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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.

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EXHIBIT BB
AR 15-6 Investigation
DCCP/DIE Operations

EXHIBIT 9

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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 DIF? I have no knowledge of any improper conduct.

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

Regards,

[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.

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 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 [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS D CO, 313TH MI BN 182D AIRBORNE DIVISION, FT. BRAGG, NC 28310			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

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

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

A: OVERSIGHT AND TECHNICAL GUIDANCE. [REDACTED]

Q: HAVE YOU EVER BECOME AWARE OF ABUSE, INHUMANE TREATMENT, OR OTHER MISCONDUCT BY 82D AIRBORNE DIVISION PERSONNEL OR ATTACHED MP, 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 [REDACTED] CAUTIONED ME THAT THE MP LIEUTENANT WAS VERY FIRM THAT NO PICTURES WERE TO BE TAKEN IN THE DIF. [REDACTED]

Q: WHAT DO YOU BELIEVE IS TAKING PLACE IN THE PHOTO IN QUESTION WITH [REDACTED] AND THE TWO MPs?

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. [REDACTED]

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. [REDACTED]

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. [REDACTED] IS A COMPETENT NCO WHO DISPLAYED VERY POOR JUDGEMENT. SSC [REDACTED] WAS UPSET WHEN HE FOUND THE PHOTOS. HE MADE ATTEMPTS TO DESTROY THE PHOTOS AND TO DISCIPLINE [REDACTED]. WE MADE ATTEMPTS TO DESTROY THE PHOTOS AND TO

DID DIVISION INTERROGATORS RECEIVE TRAINING IN IRAQ IN THE PROPER TREATMENT OF DETAINEES? [REDACTED]

A: WE HAD COMPANY LEVEL TRAINING HERE BEFORE DEPLOYMENT. [REDACTED] AS THE NCOIC WAS RESPONSIBLE FOR BRIEFING INTERROGATORS THERE WHEN THE DIF WAS STOOD UP, THEY ALSO ALL READ THE DIF SOP AND 87th FRAGOS. [REDACTED]

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

ENFORCEMENT SENSITIVE
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ACLU-RDI 1182 p.129

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STATEMENT OF [REDACTED] TAKEN AT BOX C187 FT BRAC, NC 28310 DATED 17 MAY 04 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 MP'S PHOTO COLLECTION OF HIS TIME IN IRAQ. HOW FAR IT HAS BEEN DISSEMINATED IS UNKNOWN TO ME. I DID SEE THE MP'S 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 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 FEAR 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 BOX C187 FT BRAC, 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

ORGANIZATION OR ADDRESS

TITLE OF PERSON MAKING STATEMENT

GE 3 DA FORM 2023, DEC 1993

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ACLU-RDI 1182 p.130

FYHIDIT

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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]
[Redacted]
Printed Name
[Redacted]
SSN

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ACLU-RDI 1182 p.131

EXHIBIT 9

00544-150

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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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UNCLASSIFIED

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 RFI's)
- 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

0394-04 CID 023 677

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

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

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. During the 82d Airborne Division's deployment in support of Operation Iraqi Freedom, I worked as the [redacted] of Division detention operations to include magistrate review for upward movement of detainees; handling of detainee property; detainees' exposure to press; the legality 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 in spirit and often in letter. This is true of 82d Airborne Division FRAGO 298, which is mirrored with CJTF7 FRAGOs in spirit and often in letter. 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] G2, 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 BACR and I/L. This was due to the fact that the only holding facility manager that had ever contacted me was the Division investigation [redacted] but 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 not 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 notified via DTF. I had reviewed it for content when it was sent to Division. During my inspection, DIF personnel quoted several 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		
CP/DIF Operations		
MAY 04		
FORM 2823, JUL 72	SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE OBSOLETE	
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STATEMENT (Continued)

5. The DIF had a readily available copy of the DIF SOP available for reference by DIF employees at all times. The binder was organized and very clear. The MP [redacted] who worked at the DIF, [redacted] was articulate in the laws of war as they relate to detention and Division guidance as their leader and was not in the least bit evasive or cynical about our inspection.

6. All of the DIF employees I met seemed to be well aware of all of the provisions of the DIF SOP. One of the inspection tactics I used was to wander off from the group and ask questions of some of the more peripheral employees. In the case of the DIF, all of the answers were correct and confidently delivered. I was of the impression that the DIF was legally solid. It appeared from the answers I received as if the DIF was conducting routine professional development on DIF SOPs and detainee handling. I am not sure what format was being used to deliver the ongoing guidance but it was clear that the leadership was constantly training the DIF personnel on the standards. This experience was contrasted from my experience at Al-Asad, where the employees were understandably unacquainted with the SOP that was dated only one day before I arrived at their facility.

7. Up until this investigation, I was unaware that any detainees were ever photographed in our AO except to document pre-detention injuries or as part of inprocessing. (The DCCP had photos and roster numbers of all detainees hanging outside of the appropriate cells.) Though I remember that the DCCP had a strict no photographing policy, I do not recall where I saw this whether it was in the SOP or posted on the walls. I do remember seeing signs in Arabic telling detainees the rules. I know that there was always a CATI interpreter present when inprocessing detainees. I thought that to be humane in that it would put detainees at ease to read in their own language what was happening to them and when; and to speak to another Iraqi who would explain why they were being searched, or to whom they could communicate that they had to use the restroom, etc. This was the exception for detainee facilities, not the rule. There was a medic assigned to the DCCP and two cell counts per eight-hour shift. This is a positive measure since detainees could be checked for abuse by capturing units (or even by interrogators if that had occurred) and a medic could always assist in the event of detainee illness or injury.

8. I was impressed at how well all of the DCCP employees knew and understood all of the policies and SOPs as compared with all other facilities in the Division AO. It is unthinkable to me that any employees could claim that they did not know, from their MOS, from their rank and qualifications, from their training, from the DCCP SOP, from the instruction of their leadership, and from the sheer nature of their job while in Iraq that they were unaware that was wrong to take photographs in the holding facility or to in any way humiliate or even feign humiliation of a detainee. It is common knowledge to personnel in the interrogation and internment fields that such behavior is unacceptable.

To my knowledge, no NGOs ever visited the DCCP or any facility in our AO. This includes the ICRC. I am unaware of whether the CJTF7 IG team visited the DCCP. I saw the criteria that the CJTF7 IG team would be using to assess facilities and recall that they were gravely unaware of the limited resources units outside of Baghdad faced and imposed requirements not legally justified nor practically achievable below Corps level.

END OF STATEMENT [redacted]

AFFIDAVIT

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

[redacted signature]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of June 2004 at HHC, 3rd BDE, 82d ABN DIV, FT Bragg, NC

[redacted signature]
(Signature of Person Administering Oath)

[redacted name]
(Typed Name of Person Administering Oath)

[redacted authority]
(Authority To Administer Oaths)

EXHIBIT 19

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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.

16 Jun 04
Date

[Redacted Signature]

Signature

[Redacted Printed Name]

Printed Name

[Redacted SSN]

SSN

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ENFORCEMENT SENSITIVE

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0384-04-CID 023 67275

From:
Sent:
To:
Subject:

Thursday, June 03, 2004 9:19 AM
FW: Contact Information

Sir,

Input from

----- 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
e
en and placed on the computer.

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

e 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
ould not get through. My DSN number back here at Fort Bragg is
anks for your help.

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

to [redacted]
Thursday, May 27, 2004 4:09 PM

et RE: Contact Information

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

ENFORCEMENT SENSITIVE

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EXHIBIT FF

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

From: [REDACTED]
Sent: Thursday, May 27, 2004 6:51 AM
To: [REDACTED]
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
[REDACTED] no need to talk to. They are in the To line.

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

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

The 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
To: [REDACTED]
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
[REDACTED] while we were supporting OIF. I need to contact the CACI
factors or one of your reps at the Interrogation Facility (at FOB
Mujah, formerly FOB St. Mere). If you could please pass me a DSN
or
SIPR contact info for anyone there, it would be a great help.
ks.

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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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INVESTIGATION SENSITIVE

IT GG
6 Investigation
DTC

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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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 OPOD 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 Volturmo 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] email 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 bcked 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 allgations 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 beleive that they may have information that will be helpful. In fact, [redacted] the overall team leader and manager, [redacted] 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 [redacted] of the others who were there when we left [redacted]. If I could get SIPR/NIPR e-mail addresses, that would be great. I tried calling [redacted] 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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ACLU-RDI 1182 p.148

EXHIBIT HH
AR 15-6 Investigation

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0384-04-CID 023 67275

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

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

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

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

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

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

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

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

The 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
To: [redacted]
Subject: Contact Information

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EXHIBIT 9

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[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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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: BLDG C7444, FT BRAGG, NC 28310
2. DATE: (YYYYMMDD) 2004 06 16
3. TIME 1255
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: D CO, 313TH MIBN / 82D AIRBORNE DIVISION, FT. BRAGG, NC 28310

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

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 AZANI 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? WERE THERE ANY MINIMUM SLEEP STANDARDS ESTABLISHED?
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

EXHIBIT
OPTIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____

PAGE 1 OF 2 PAGES

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

FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE

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ACLU-RDI 1182 p.151

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0384-04-CID 023

STATEMENT OF

TAKEN AT BCDC C7444 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 MRE'S 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 OVERLOOKED 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 YELLED 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 INFLUENCE.

[REDACTED SIGNATURE] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16TH day of JUN, 2004 at BCDC C7444 FT. BRAGG, NC 28510

[REDACTED SIGNATURE] (Signature of Person Administering Oath)

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

AR 15-6 (Authority To Administer Oaths)

[REDACTED] 5316-2 ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED] 5316-1

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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 BDC 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		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 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.

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	
NAME (Type or Print) [REDACTED]	[REDACTED]	[REDACTED] b3x6-J	
ORGANIZATION OR ADDRESS AND PHONE HHC 3D BDE Fort Bragg, NC 28310	[REDACTED] b6-2	SIGNATURE OF INVESTIGATOR	
NAME (Type or Print) [REDACTED]	[REDACTED]	TYPED NAME OF INVESTIGATOR	
ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	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

FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

LAW ENFORCEMENT SENSITIVE

ACLU-RDI 1182 p.153

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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.

16 Jun 04
Date

[Redacted Signature]

Signature

[Redacted Name]

Printed Name

[Redacted SSN]

SSN

576-1