

On 17 February 2004, a panel of officers, lead by Major General Antonio Taguba, conducted the following interview Major General Taguba was appointed as an Investigating Officer under the provisions of Army Regulation 15-6, by Lieutenant General David D. McKiernan, Commanding General of the Coalition Forces Land Component Command (CFLCC), to look into allegations of maltreatment of detainees, detainee escapes and accountability lapses, at Abu Gharib, also known as the Baghdad Central Confinement Facility (BCCF). The panel also inquired into training, standards, employment, command policies, and internal policies, concerning the detainees held at Abu Gharib prison Finally, the panel looked into the command climate and the command and supervisory presence

The following persons were present

MG [REDACTED] DCG-CFLCC, Interviewer
COL [REDACTED], Lackland AFB, TX, Member
CPT [REDACTED], CFLCC – SJA, Member
SFC [REDACTED] U.S. Army MP School, Member
MSG [REDACTED], 310th MP Battalion, Respondent

The interview is summarized as follows

[REDACTED] My Social Security Number is [REDACTED] My rank is Master Sergeant, and my position is Operations Sergeant Major, effective 3 January 2003. I deployed with the Battalion Generally, I deal with the day-to-day operations of the Battalion Operations entail being aware of the current friendly situation, direct supervision of the NCOs and soldiers within my section, direct supervision of the Compound Control Team NCOICs, at Camp Bucca, while I was assigned here, developing certain standards and procedures, or TTPs related to our mission, as defined by our higher headquarters, advising my S3 on operational matters; and enforcing standards In an indirect way, we are responsible for accounting for the detainees under the control of the Battalion The primary responsibility would belong to the S1 section The S1 submits the daily reports on detainee accountability, through the S3 I have knowledge of the amount of detainees within the facility

The basic standards would be uniform standards, the basic standards in the Geneva Convention, the basic doctrine of FM 19-40, and basic standards within AR 190-8 As an I/R Battalion we follow FM 19-40 I'm not familiar with in provisions in there, regarding interrogations Detainees have certain rights that you have to abide by They're entitled to mail, to contact with the outside, to read a copy of the Geneva Convention in their own language, to recreation, and to food and lodging Our MPs need to know the provisions of the Geneva Convention

The soldiers know the Geneva Convention through training The detainees would know it, through being provided a copy of it in their own language, according to the AR. The posting of the Geneva Convention is required All the MPs on this base camp conduct a Guard Mount, prior to their shift Shifts vary according to their element For example,

the Compound Control Team NCOICs, at Camp Bucca, conduct a Guard Mount one half hour prior to their shift. Their shift would be a twelve-hour shift. If it was 2400 – 1200, they would conduct it at 2330. If it was 1200 – 2400, they would conduct it at 1130.

It is written in the Battalion SOP that guard mount will be conducted, as related to Camp Bucca and I/R Operations. It's not directed when it will be conducted

I'd have to refer you to the S1. I'm not aware of the exact procedures for counting detainees. It's generally run through a system called National Defense Reporting System, but there are many variables to this. Do you report an Iraqi criminal being tried by an Iraqi criminal court? That situation is covered in any SOP. I'm not absolutely sure, Sir. I'm not saying they're not trained. I'm just saying I don't have the expertise to answer that.

At the time I took the operation over, from the 724th MP Battalion, detainees were accounted for, at a standard interval of two times a day. The count would be done in various various ways. One way would be to compare wristbands to the NDRS List produced by S1, which I call a roll call. Another way was to use a localized manifest produced by a compound NCOIC, which married the NDRS manifest, which was broken down by tent assignment to expedite the manifest. That is what I know.

At Diwanayah, they would conduct a count, during shift change. Anytime there was a discrepancy in the count, they would conduct an ISN check, based on the manifest that the S1 produced, matched with the photo. The MP NCOIC of the Compound Control Team ensures that the count is conducted properly, according to the SOP that we established, within the 32 days we've been assigned to this camp. The S1 is responsible for updating and providing rosters and manifests to the Compound Control Teams, and they do quality assurance with any adjustments, transfers, that type of information. Changes are reconciled daily.

According to our MTOE, Compound Control Teams are a 17 – 19 soldier commitment for 2 compounds capable of containing a thousand detainees. Currently, this unit is at fifty-six percent. When we were assigned to take this mission, we could not conduct it according to doctrine. We currently have the same MPs working the same compound routinely, to develop a TTP in order to be familiar with the procedures and personnel in the compound, and to interact with the Mayor. I am augmenting them with the 988th Military Police Company.

Requirements are generated by the S4, if it deals with logistics. Certain requirements are generated by the S1. Certain requirements, regarding detainee interrogations, are implemented by the S2. They generally go through the S3, to effect it. I have not seen the Interrogation Rules of Engagement. I know what I know from the civilian world. Number one, you got to have a witness. Number two, it should be recorded. I don't know where you going with the question, Sir. So, I don't know what you're looking for.

I believe, Sir that an MI unit should be assigned to this location and that MI unit should be responsible for operating a Joint Interrogation Facility, or JIF, and they should be responsible for conducting interrogations

MG Taguba hands MSG [REDACTED] a document containing Interrogation Rules of Engagement, and continues the interview. MSG [REDACTED] responds:

I have not seen this, Sir. MI is conducting interrogations. I'd have to refer to my SOP for the procedure. If an interrogator wants a detainee, it's generally done through S2 channels. It could be done with a telephone call, or through an email. They could be escorted down by the S2.

I am familiar with the 800th MP Rules of Engagement. I believe there have been three to four drafts. There's also CJTF-7 ROE. There's CFLCC ROE. I had a draft set, Sir.

I've seen pictures in the newspapers, regarding the Bucca incident, but I've never read them. I can't say that there have been any changes implemented as a result. I'm vaguely familiar with the Abu Ghraib riot. I am aware of the shooting. I received an email, regarding a revised uniform policy, when in close proximity to detainees. We did inquire as to when the drafts would be finalized, but I haven't received a response.

I've received a draft version of the ROE. It's been directed by the Battalion Commander that every soldier will have in their possession the ROE. He has also directed that everyone be trained on the ROE. That is guaranteed through a couple mechanisms. When we first came to this location, we had the Brigade JAG, MAJ [REDACTED] brief Rules of Engagement to those soldiers that were on the ground. He conducted a follow-up visit, to conduct a class. The 977th and 988th were emailed, and provided with copies of the ROE that I had, because I knew they were not familiar with detainee operations. They were instructed, through their command, to conduct training on the ROE. Upon follow-up questioning, I was informed that they were. They asked if a roster was needed. We planned to have them go through a second training with JAG, and I felt it sufficient for them to sign the JAG roster.

I do not know of any cases of prisoner abuse. I know SPC [REDACTED] was given an Article 15 for an allegation of punching a detainee. I'm aware of another soldier allegedly striking a detainee. I am aware of a soldier displaying a Star of David to a detainee, an allegation of that. That's all I can recall, Sir. The action taken depends on the investigation, and what it was concluded to be. There's no policy on what should happen. I think the soldier should be removed operations, if there is an allegation. SPC [REDACTED] was never an MP Guard. He is an MI Agent, a Counter-Intelligence Agent. He was conducting an interrogation. I don't know if they've seen the Interrogation Rules of Engagement. The S2 NCOIC should know what their left and right limits are.

The interview complete, MG Taguba reminds MSG [REDACTED] to not discuss or reveal the contents of the interview, and he is released

SWORN STATEMENT

For use of this form, see AR 180-45, the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

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

1 LOCATION Camp Bucca Umm Qasr, Iraq	2 DATE (YYYYMMDD) 20040220	3 TIME (DD) 1020	4 FILE NUMBER
5 LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6 SSN [REDACTED]	7 GRADE/STATUS E-8/USAR	
8 ORGANIZATION OR ADDRESS 310th Military Police Battalion Camp Bucca Umm Qasr, Iraq APO AE 09375			

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

On 17 Feb 04, at approximately 1530, I was questioned by MG Taguba during a AR15-6 investigation with the stated purpose and scope of- allegations of abuse at BCCF, training standards at BCCF, command climate in the 800th MP BDE At the completion of the interview, I was directed to prepare a Sworn Statement and answer the following questions

Q Tell us about your "difficulty" with all the officers in your BTN

A I have had and continue to have a professional working relationship with all the officers within my Bn The difficulties I have experienced primarily encompass the following areas, my views of the use for a NCO Corp and the proper charge/support I believe officers should invest in the NCO Corp, the occasions when officers undermine the authority of NCO's, my perceived inability to effectively persuade officers within my Battalion to implement guidance/advice that I have recommended for action, some friction that is caused by the ambiguity of staff organization and span of control, disagreeing points of view on some established Bn policies, in one case disagreement with a punishment that was imposed as a result of non-judicial punishment I have attempted to convince some officers on occasion when they need something accomplished that they should not go straight to a soldier and not inform/charge with the NCO with the responsibility of getting the mission accomplished It is my belief that junior and mid-level NCO's should execute officers and senior staff NCO's plans An example of not allowing an NCO their proper charge is when a Company Commander or other officer goes direct to a group of soldiers assigning them an escort mission to pick up and escort a visitor and not notifying his ISG of the plan or charging him with the execution, this also occurs with NCO's An example of undermining the authority of an NCO is when Battalion Staff officers discuss the weakness of a senior NCO in the presence of soldiers and/or makes comments that he is weak in the presence of soldiers An example of undermining NCO charge is when I receive a tasking through the Brigade and tasked by my Battalion commander with assigning a mission to a company and to perform the duties of the S3 in the in his absence, the company commander choosing to disregard the tasking I have had occasional differing views on the best way to accomplish a mission or how to proceed in the absence of guidance Some of these differing views are regarding soldier uniform policy and the wearing of civilian clothes on a base camp while acting as the senior NCO in the Battalion in the absence of my CSM, the Battalion commander permitting a company commander not to accomplish a required tasking after I showed the BN CDR that the company had the assets available to complete it, the enforcement of discipline eveniv when necessary As a senior NCO I provide input to these policies and command decisions, I am loyal to the final decision if it is lawful although I may not always be in agreement I have had some friction with officers in other staff sections over confusion regarding Battalion organization, for example, we have an established SOP that is backed by doctrine that task organizes the Compound control teams directly under the S3 section, however, in practice, it has been accepted that they be tasked by the HHC I was unable to effectively persuade the officer staff and Bn commander to proceed with this organizational design I also believed it would be move effective to be able to directly task the Bn repair and utility section directly without having to task them through the Bn S4 or the HHC They have been task organized under Battalion staff and HHC at different points throughout the deployment I have recommended one NCO receive non judicial punishment for outright refusal to conduct pre-mission execution fueling of vehicles which almost resulted in mission failure I felt that the NCO should have received a lenient punishment but not as lenient as was given There has been friction on which section is responsible for coordinating detainee movement These are all doctrinal ambiguities and there are many ways to get a task completed I believe any friction that has existed is due to the Battalion being composed of soldiers from a combination of different units both within the Bn HQ and companies I believe many units have this level of "difficulty" especially at the staff level I believe the proper term should be growing pains

Q Tell us (or walk us through) your accountability process (I E from the time you get a detainee how are they processed, accounted for and reported-this means how head counts are done now and prior to 7 Feb 04 Do you line them up, do you sit them down- how do you count them and report those #'s

A We receive a tasking from Brigade to transport detainee's from BCCF 977 MP Co escorts buses to BCCF They verify and sign receipt for a ISN manifest to account for detainees and verify property by ISN when provided by transferring unit Bn S3 has previously planned what amount of detainees will be placed in which compound and notifies S1 processing line Bn S3

10 EXHIBIT	11 INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 6 PAGES
------------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING 'STATEMENT OF _____ TAKEN AT _____ DATED _____

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

STATEMENT OF [REDACTED] TAKEN AT Umm Qasr, Iraq DATED 20040220

9 STATEMENT (Continued)

S3 notifies US LNO to KBR DFAC to ensure meal is available BN S3 notifies CCT, SOG, CCT Supply Sergeant, S1 IF NCOIC of incoming detainees either in person or via FM/land line when working Detainees are delivered to a pre-staging area immediately outside the holding area comprised of metal stakes and engineer tape that acts as a sally port, are taken off bus by bus, searched, made to squat in column with the CS MP escort company responsible for security and with MWD conducting perimeter security and to demonstrate the MWD in order to increase the psychological deterrent of escape (demonstrations cannot be conducted due to lack of MWD demonstration equipment) Detainees then receive hasty process (as they are required to receive full process from BCCF) where processing personnel verify manifest and determine height, weight and general medical health status and ultimately prepare a movement manifest by ISN to a respective compound after verifying and uploading NDRS/BATS data onto their computer They are then placed in a holding area at which point they are fed, receive required uniforms and issue and directed to form lines and an interview is conducted by interpreters to determine NOK information At this point, the MP company responsible for IF security assumes security of detainees They are also notified of camp rules and schedule of calls by interpreter with a PA system drawn from TSC Doha until a PSYOPS is tasked to reproduce documents in Arabic This process is generally supervised by the Camp Commander, the S3, the S1, the SOG and the CTT NCOIC Once a movement manifest is created, the MP IF SOG signs for and is responsible to deliver/march the detainees under the security of roving patrols or foot to respective compound The CCT then searches the detainee, verifies the manifest, records the intake of detainees on a DA form 1594, briefs the detainees on IF rules and compound rules and then with the assistance of the compound representative ensures that they are lodged in a tent TOC battle NCO is notified by FM/land line if working when transfer is complete or in person by S1 NCOIC if not, records it on a 1594 The S1 IF NCOIC then updates the TOC detainee tracking board to reflect new detainee population Head counts prior to January 15th, 2004 were conducted the way the previous Bn, the 724th MP BN, handed off to this Battalion during the RIP Two established counts were conducted per day. One between 0700 and 0900 coinciding with feeding and one between 1430 and 1630 also coinciding with feeding They were counted standing as they exited the feeding pen after receiving their meal The exact method of conducting the count was delegated down to the I/R Control team NCOIC level The S1 NCOIC was again responsible to conduct quality control, reconcile changes in the numbers of detainees (re out at sick call, hospital, typographical error etc), retrieve the compound manifest and deliver it to the TOC in order to update the compound tracking board The S1 IF NCOIC then updates NDRS or BAT for the next count to reflect any changes and delivers it to the I/R control team NCOIC This Battalions goal was to standardize accounting procedures across compounds in order to pass off a standardized system with consideration of METT-TC and doctrine This Battalion has trained CCT on the difference between a head count and a roll call by ISN We currently conduct a roll call by ISN and match it to a NDRS manifest prior to food being served during morning meal We conduct a head count during evening meal and a roll call prior to a 2100 curfew that we have established The CCT is also required to conduct a second random headcount per 24 hour period and record it on a DA 1594 The standard to conduct a roll call is for a whistle to be blown (if available), detainees being required to squat in rows in ISN order behind a sandbag within the compound CCT then directs detainees by row by ISN to the entrance of the feeding pen within the compound where a ISN wristband is matched against an NDRS manifest (in otherwords, they are counted into the pen and not out of the pen) If the count is interrupted for any reason, it must be started from the beginning again Once all detainees are within the feeding pen, they are given meal During Fog plan, detainees are head counted into the feeding pen with aid of a mechanical counter if available as expeditiously as possible and then reported to the CCT NCOIC/SOG who report all accounted for to the TOC and then a manifest roll call is conducted while detainees squat in rows in the feeding pen Any uncertainty regarding any head count or roll call is immediately reported to the CCT NCOIC, SOG, TOC All compounds are locked down which means the fog plan head count/roll call procedure is utilized The Battalion S2 coordinates and receives information from the TOC supplied by the S1 NCOIC and submits in the form of an Intsum to 16th MP BDE Brigade S2 daily and CJTF-7 Battle Captain daily S1 also submits a Battalion detainee roll up to CJTF-7 NLT 2000hrs daily

Q Tell us about how your unit got here, what the unit did at each stage and what training they did at each stage to prepare the soldiers for the IR mission

A The 310th MP BN (I/R) was activated on 21 January 2003 It was filled to 100% strength with soldiers of the 812th MP CO (CS), the 423rd MP CO (CS) The unit prepared for deployment to Mobilization Station FT DIX, NJ The unit moved to mobilization station on 24 January 2004 and while at FT DIX received predetermined POI on CTT, weapons qualifications, cultural brief, by the 78th Training Division and unarmed self defense by SGM [REDACTED] from FT Leonard Wood The BN METL were trained by unit personnel who were 95B (no 95C instructors were on Ft Dix) and monitored by MATOPS who were not 95B This training was derived from individual and collective tasks supporting the approved METL tasks It consisted of individual tasks from STP 19-95C14-SM-TG dated March 1999, and collective tasks from ARTEP 19-546-MTP dated 10 APR 1999 and GPW The unit conducted unit individual task training at all skill levels and created SOP's which were reproduced The BN HQ was evaluated in what could best be described as a CPX as the companies that were tentatively identified to be assigned to the BN (the 79th MP CO and the 670th MP CO) were mobilized to a different mobilization site The unit also conducted training on 4th ID reporting procedures The unit was validated on or about March 17th and continued CTT training and developed SOP'S and tentative BN TTP s based on the current mission analysis The BN HQ deployed to Camp Wolf on 21 April 2003 It remained at Camp Wolf for 13 days and voluntarily assisted the CSH there in guarding wounded EPW

INITIALS OF PERSON MAKING STATEMENT

[Handwritten Signature]

PAGE 2 OF 6 PAGES

STATEMENT OF [REDACTED]

TAKEN AT Umm Qasr, Iraq

DATED 20040220

9 STATEMENT (Continued)

The unit moved to Camp Arifjan in early May and conducted base camp force protection, coordination with the 800th MP BDE in order to determine mission. It conducted port operations to recover unit equipment, theater ROE training and 800th MP BDE draft ROE training. The Bn was later assigned the 157th MP CO(G), the 755th MP CO (G), the 372nd MP CO (CS) and the 870th MP CO (CS). It was learned late May that CJTF-7 Frago # 11 to COMCFLCC OPORD 03-033 resulted in the "I MEF accept attachment of the 310 MP BN to I MEF NLT 061700MAY03 and the following MP Companies in order to establish a criminal internment facility in the I MEF zone" with the above companies joining upon their arrival in theater. The BN conducted reconnaissance of Al Hillah Prison and Diwanyah jail as we had been directed to use existing detention facilities for the mission. The BN HQ and the 157th MP CO moved to Ad Diwanyah on 6 June 2003. It assumed operational control of the Ad Diwanyah Jail with a stated capacity of maximum 200 detainees from a team assigned to the 977th MP CO (CS) on 8 June 2003. We coordinated for the improvement /construction of the facility to hold up to 2000 detainees. After coordination with MEF, the BN was further TACON to CSSG-11 14 June 2003 with the 157th MP CO (G). The 755th MP CO TACON to the 1st BN 7th MAR to conduct ASO and MMSO and PIO, the 870th to the 3rd BN, 7th MAR to conduct ASO, MMSO and PIO, the 372nd MP CO to the 1st BN 4th MAR. CJTF-7 Frago 360 to OPORD 03-33 Directed I MEF to release HHC, 310th MP BN, the 157th MP (G) and 870th MP CO (CS) to 800th MP BDE NLT 15 June 03 for the mission of assessing and determining the locations of prisons or hard sites suitable for criminal detention and assist OCPA with detainee operations and to train/monitor Iraqi corrections officers to facilitate handover of confinement operations to the Iraqi Government. On 17 June 2003, the 310th MP BN was tasked by CSSG-11 to additionally man TCP's in front of SA Edson and base camp defense. On 1 July 2003 1MARDIV decided to retain 870th MP CO and Frago Chops platoons of 870th MP CO (CS) to TACON TF 1/7 and 3/7. On 6 July 2003, the 310th MP BN is directed to establish command and control of the Al Hillah prison and upon CPA hiring guards conduct on the job training so they will be able to operate the jail with minimal US oversight. The BN developed an ad hoc academy program of instruction based on available military manuals, civilian correctional experience and the Geneva conventions centering on civil rights, prison administration, custody and control, unarmed self defense, cell extraction, emergency drills, instruction on available CPA policy and modified it as CPA came up with rules, standards and procedures and as theater guidance started. It graduated over 91 correctional officers in Diwanyah alone, created an inservice training program and key control procedures and initiated visitation policies for criminal detainees in Iraq. The 755th MP CO (G) is reattached to the BN from the MEF 29 July 2003. On this day, the BN is tasked with oversight of Al Kut Jail and the An Najaf Jail. With Marine support, the Bn begins implementation of the Biometric automated tracking system versus Army NDRS and introduces it to the 800th MP BDE and CJTF-7 to better account for Arabic detainees who do not possess identification numbers, know dates of birth, possess addresses and have a variety of names. On 24 August 2003, CJTF-7 issues Frago 749 creating a detainee procedure and defines security internee and criminal detainee. On 9 September 2003, the 310th MP BN HQ, the 157 MP CO and the 755 MP CO move from SA [REDACTED] to Medical University in Ad Diwanyah and become responsible to share with the Dominican Republic responsibility for base defense and shifts priority of support from I MEF to MND-SC. About 18 November, 157th MP CO redeploys and the Battalion is tasked with the additional mission of monitoring Samawah jail and oversight of construction of the An Nasiriyah Prison. On 1 December 39 MP from BN HQ redeploy due to rule 10 USC double tap policy and the BN HQ is at 56% strength with numerous MP vacancies and critical vacancies in S2, Engineer Officer, S4 and unit physician. On 15 December, 755th MP CO is released and attached to the 530th MP BN. The BN HQ is directed to move to Camp Bucca NLT 22 Dec 2003 and assume control of Bucca NLT 2 Jan 04. 18th MP BDE releases 977/988 MP CO (CS).

AFFIDAVIT

[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6 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 20 day of FEB 2004 at: CAMP BUCCA

310th MP BN
ADU BE 09375
ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136 D4 UNITS
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 6 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1 LOCATION Camp Bucca Umm Qasr, Iraq	2 DATE (YYYYMMDD) 20040110	3 TIME 1800	4 FILE NUMBER
5 LAST NAME, FIRST NAME MIDDLE NAME [REDACTED]	6 SSN [REDACTED]	7 GRADE/STATUS E-8/USAR	

8 ORGANIZATION OR ADDRESS
310th Military Police Battalion, Camp Bucca Umm Qasr, Iraq APO AE 09375

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

on 9-10 Jan 04 The 988 MP CO (CS) and the 977th MP CO (CS) leaderships initially received an informal briefing on IR operations at Camp Bucca by both battalion commanders, they received information regarding reported accusations of detainee abuse and warned that it would not be tolerated at Camp Bucca They were informed of some prohibited conduct to pass on to their soldiers, for example, not to photograph detainees Previous to that, I emailed copies of 800th MP BDE ROE with attached vignettes for unit training to be conducted prior to their arrival In accordance with a BDE Frago that training ROE training be conducted and recorded by companies NLT 31 December 2003, I requested JAG assistance Companies were provided with a copy of a troops to task breaking down anticipated mission tasking per CO that I had created pending approval of the BN CDR BDE SJA conducted ROE/GPW training in late December/early January and again returned on or about 24 January to conduct further training Commanders were directed to have all MP attend BN CDR guidance was to learn the way operations were currently conducted at the camp and mirror that as much as possible within manpower restraints A 5 day right seat ride and a 5 day left seat ride was conducted with the 724 MP BN HQ MP and the 310th MP HQ MP on CCT operations Soldiers received OJT on 724th MP BN verbal and written SOP regarding accountability, feeding procedures, fog plan procedures 977/988 MP CO conducted an approximately 3 day RIP coordinated between company leadership of incoming and outgoing companies. The 977/988 MP CO and CTT assumed control of their mission on or about 13 January, BN TOA was 15 January 2004 Since TOA, company leadership have received copy of BN SOP's, AR 190-8, and FM 3-19.40 Continued training has primarily been by discussion with company leadership on various provisions of GPW and through operations meetings. Conducting a training plan while conducting mission has been a challenge due to increasing operational tempo, man power requirements and limited expertise of available personnel to conduct training

Q Tell us about every escape, escape attempt, abuse of detainees, alleged cases of abuse that you or any member of your unit has heard about or has any level of knowledge of

A I am aware of a two successful escapes incidents at Camp Bucca while under the command of the 724th MP BN One was from within the IF during heavy fog that occurred during the RIP and one was during a transport of detainees from BCCF to Camp Bucca also during the PIP I cannot provide much detail as I was not involved in any investigation or AAR conducted by the 724th MP BN I do know that three detainees were captured outside the IF during the escape attempt but I recall that 7 attempted escape This BN has had one escape incident that occurred between January 26/27 during heavy fog Four detainees escaped by low crawling from within compound 9, under one set of triple strand concertina and avoided setting off a trip flare, over triple strand razor wire and then over a berm avoiding exterior trip flares The escape was investigated by CPT [REDACTED] I was told that other escape attempts were made under the command of another BN prior to the 724th at Camp Bucca I was focused on prison rebuilding efforts in MND-SC and I MEF sector and I did not have much involvement in IR operations I was told of other attempted/successful escapes during intel briefings at BCCF, I can not provide details as my focus was CPA operations and not IR operations I am aware of two instances of use of force which may be considered abuse In the first, it is alleged that a SPC [REDACTED] struck a detainee in the medical tent at Camp Bucca I do not know if it was a justified use of force but I do know that he was ordered not to return to the IF by a MAJ [REDACTED] and I was told that the matter was under investigation by the HHC Commander and BN I am also aware of use of force that may be considered abuse by a PFC [REDACTED] I was told that an allegation was made that PFC [REDACTED] was conducting an interrogation of a detainee for unknown reasons under unknown authority by himself with the exception that he had an interpreter present I was told that this allegation was first reported by the detainee to ICRC during interview ICRC reported it to the BN CDR I was told SFC [REDACTED] questioned the interpreter who at first denied and then made a statement supporting the allegation after being further questioned I am also told that this detainee was involved in a detainee disturbance in which he was hit in the eye by another detainee I was told that CPT [REDACTED] BN S-3 was appointed to investigate the matter, that PFC [REDACTED] has received non judicial punishment and cannot return to the IF

10 EXHIBIT
11 INITIALS OF PERSON MAKING STATEMENT
PAGE 4 OF 6 PAGES

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

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

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

STATEMENT OF [REDACTED] TAKEN AT Umm Qasr, Iraq DATED 200720

9 STATEMENT (Continued)

I was told by CPT [REDACTED] and SFC [REDACTED] of conduct where a SPC [REDACTED] displayed a neck chain of a star of David to detainees while at work and was removed from the compound by SFC [REDACTED]. CPT [REDACTED] directed me to look into the matter which I did. After SPC [REDACTED] admitted the conduct, told me why he did it and stated that he was not sure if he would do it again, I recommended to the HHC Company Commander that he receive a immediate command referred to mental health. I backbriefed CPT [REDACTED]. SGT [REDACTED] turned in a incident report at the end of her shift about the occurrence. I have not witnessed any incident that would cause me to conclude that any detainee had been abused. I was not immediately informed about either allegation. These incidents were first reported to Commanders. I have skimmed the headlines of news paper articles regarding alleged cases of detainee abuse by Marines and by members of the 800th MP BDE but did not read them. I would imagine that the Command Staff may have some higher level of knowledge or details about uses of force that when investigated or adjudicated may be determined to be a abuse.

Q How would we improve the ability to do this mission?

A Regarding training, ensure units that are tasked with this mission receive MP school instructor training in MOS 95C and are certified. I would ensure units are not constantly realigned or reassigned so that they may better operate as an effective team. When mobilizing reserve units, I would cause companies assigned to Battalions to train with Battalions and be assigned to the same mobilization site in order to develop SOP's and TTP and learn of their strengths and weaknesses. Further, I would recommend training in use of force, levels of force, what constitutes abuse of force and what constitutes authorized use of force. I would request or direct training to define proportional use of force and least amount of force necessary to stop an escape in layman terms to soldiers without law enforcement background. I have requested and would recommend assigning JAG to Bucca to provide continuous military legal training in order to teach when to use force and better articulate authorized uses of force. Task JAG to assist in developing legally sound use of force SOP's. Train non MP on what constitutes reasonableness in determining whether or not to make an apprehension, instruct them on how to effectively articulate the details of an offense and preserve evidence and establish crime scenes. afford detainees the right to a preliminary hearing or arraignment in order to determine if there is legally sufficient evidence to hold them and do it within a reasonable amount of time to provide due process. Regarding escapes, recognize that the detainees currently being captured are not demoralized captured soldiers looking to wait out a war, that many of them are idealistic and some are professional criminals and require hard modern prisons to effectively prevent escape. Ensure security measures are provided for their safety and the safety of MP. Increase availability in theater of Oleoresin capsicum to offer a lesser means of force or a level of force that is commonly perceived as less abusive than physical force. Recognize that this type of detainee requires higher MP to detainee ratio than a IR mission. It should be based on greater ratios than assigned to US military prisoners (one Guard Company per 500 prisoners) due to the nature of the acts that these detainees are accused of. Regarding detainee abuse, cause recorded CCTV or hand held video cameras to be installed in the facility or hand carried to support or refute allegations of abuse. Cause professional investigators such as CID to investigate alleged crimes. Provide this camp with the details of the crimes accused by the detainees in its custody in order to better assess their individual security requirements and immediate access to case status or a mechanism where detainees can find out about the status of their case. Assign a TOE 19643L000. Assign TOE 19543LD or 19543LH to increase the Brigade span of control. Assign I/R processing squad TOE 19543LC who are more familiar with processing. A Psyop slice is needed at Bucca to translate required documents into Arabic to comply with GPW, to gain intel on notes that are passed from compound to compound by attaching them to rocks and throwing them, to set up a PA system and Arabic instructions on tape. We need MI assets and CA assets. We should have more MWD according to the 2 MWD handlers that we have just been able to get on site in order to increase the deterrent factor of attempting escape. We need better and more portable communications equipment as it is difficult if not impossible to communicate with the compounds.

/// END OF STATEMENT ///

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 5 OF 6 PAGES

STATEMENT OF [REDACTED] TAKEN AT Umm Qasr, Iraq DATED 20040220

9 STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6 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
[REDACTED]
211st MP BN
CDR AF 09375
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me a person authorized by law to administer oaths, this 20 day of Feb, 2004 at Camp Asra, Iraq
[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)
ART 136 b 4 UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]