

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the procuring agency is T.JAG.

See Notes on Reverse Before Completing Form

NAME [Redacted]

GRADE [Redacted] SEN [Redacted]

LDNLT 661st MP Co., JDGG, JTF-GTMO

PAY (Basic & Sea/Foreign) 1,585.50

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: //

(See Continuation Sheet)

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you should not be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. // If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. // In deciding what you want to do you have the right to consult with legal counsel located at Fort Benning TDS, DSN-435-2175. You now have 48 hours to decide what you want to do. //

DATE 2 JUN 04 NAME, GRADE, AND ORGANIZATION OF COMMANDER [Redacted]

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (Initial appropriate blocks, date, and sign)

a. [ ] I demand trial by court-martial.
b. [ ] I do not demand trial by court-martial and in the Article 15 proceedings:
(1) I request the hearing be [ ] Open [ ] Closed. (2) A person to speak in my behalf [ ] is [ ] is not requested.
(3) Matters in defense, mitigation, and/or extenuation: [ ] Are not presented [ ] Will be presented in person [ ] Are attached.

DATE 2 JUN 04 NAME AND GRADE OF SERVICE MEMBER [Redacted] SIGNATURE [Redacted]

4. In a(s) [ ] Open [ ] Closed hearing // all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: // Reduction to E-1; Forfeiture of \$150.00 pay per month for two months.

6. You are advised of your right to appeal to the JTF-GTMO Commander within 5 calendar days after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE 2 JUN 04 NAME, GRADE, AND ORGANIZATION OF COMMANDER [Redacted] SIGNATURE [Redacted]

7. (Initial appropriate block, date, and sign)
a. [ ] I do not appeal b. [ ] I appeal and do not submit additional matters // c. [ ] I appeal and submit additional matters //

DATE 2 JUN 04 NAME AND GRADE OF SERVICE MEMBER [Redacted] SIGNATURE [Redacted]

8. I have considered the appeal and it is my opinion that:

DATE [Redacted] NAME AND GRADE OF JUDGE ADVOCATE [Redacted] SIGNATURE [Redacted]

9. After consideration of all matters presented in appeal, the appeal is:
[ ] Denied [ ] Granted as follows: //

DATE [Redacted] NAME, GRADE, AND ORGANIZATION OF COMMANDER [Redacted] SIGNATURE [Redacted]

10. I have seen the action taken on my appeal. DATE [Redacted] SIGNATURE OF SERVICE MEMBER [Redacted]

11. ALLIED DOCUMENTS AND/OR COMMENTS // // //
Report of Investigation (AR 15-6 dated 14 June 2004)...

**Continuation Sheet No. 1 DA Form 2627 RECORD OF PROCEEDINGS UNDER  
ARTICLE 15, UCMJ, [REDACTED], 661<sup>st</sup> MP Co., JDOG,  
USA, JTF-GTMO**

**ITEM #1 Continued:**

**Charge I: Article 92, Violation of a General Order or Regulation, UCMJ.**

**Specification:**

**In that you, did, at U.S. Naval Station, Guantanamo Bay, Cuba, on or about 18 January 2004, fail to obey a lawful general order, to wit: Camp Delta SOP, paragraph 1-7(2) dated 1 January 2004, by verbally harassing a detainee.**

**Max. Punishment: Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for six months.**

**Charge II: Article 128, Assault, UCMJ.**

**Specification:**

**In that you did, at U.S. Naval Station, Guantanamo Bay, Cuba, on or about 4 January 2004, unlawfully splash a detainee in the face with Pine Oil.**

**Max. Punishment: Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for six months.**

**Page 1 of 1**

00131

[redacted]  
26 JAN 64

Denies both phrases -

#1 Harassment <sup>already discussed</sup> <sup>what was heard?</sup>  
Shown/rec of [redacted] <sup>(of a hearing, whether rec/tee)</sup>

Denies making harassing comments including quote on [redacted]  
Worked well w/ Detainees

[redacted] statement: Did not hear anything  
Detainee was cross block talking from Lee & wouldnt stop; Lee  
cut rec short (had most of time coming); Detainee was made  
[redacted] has had attitude - manner;

#2. Personal <sup>accuse</sup>  
Detainee was led on blk & describing other; spit on by MIA 3K  
Complained to Blk NCO to go to decon

[redacted] - found personal remaining; stating these actions had help  
Anton told [redacted] not to do after his descent  
[redacted] (circumstances) success / shared in [redacted]

Statement to [redacted] about "not remembering of" was meant to reflect his  
inability to recall details after all this time; not that he did  
anything. When asked specifically, he denies because he would  
never do such a thing.




- not a model soldier
- 1st time already

ending -

#1 Not Guilty

#2 Guilty



Student v  Student  
(possible)

loved off black  
fold. in. did't remember, (Wanda)

FOIA(b)(7) - Exemption

00133

**SWORN STATEMENT**  
 For use of the form, see AF 180-45; the proponent agency is OCSOPS

**PRIVACY ACT STATEMENT**  
 The 10 USC section 3011; The 5 USC section 2881; E.O. 8387 dated November 22, 1943 (SSNO).  
 Your social security number is used as an additional/alternate means of identification for facilities flag and retrieval.  
 Disclosure of your social security number is voluntary.

**1. LOCATION:** 1. Block, Camp Delta, Guantanamo Bay Cuba  
**2. DATE (MM/DD/YY):** 07/18/15  
**3. TIME:** 1510  
**4. FILE NUMBER:** [REDACTED]

**5. DEDUPLICATION ON ADDRESS:** [REDACTED]  
**6. MILITARY POLICE:** [REDACTED]  
**7. CAMP DATA, GUANTANAMO BAY CUBA 09360:** [REDACTED]

**8. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:** [REDACTED]

**9. ON 18 January 2004 @ approx 0800 (MST) [REDACTED] returned to get voluntarily admitted to the [REDACTED] upon asking detainee [REDACTED] why the wanted SOG1 and PL1, and discover [REDACTED] who was wanted. He stated that [REDACTED] was wearing "Fuck you", "Eat shit" and kick your ass" under his breath while [REDACTED] used later in the shower area. The second MP for movement heard the end of the exchange, but stated to the block SGT that if [REDACTED] saw [REDACTED] that it [REDACTED] to hear. This was [REDACTED] of this time SOG1 was called and notified of situation. I had to be address this problem with [REDACTED] and that I would notify SOG1 the minute the situation was discussed and a solution found. The Arabic Interpreter for was notified and translated for [REDACTED] or what had happened in the [REDACTED]**

**10. EXHIBIT:** 11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] DATED: [REDACTED] TAKEN AT: [REDACTED] PAGES: PAGE 1 OF 2

**ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT [REDACTED] DATED [REDACTED] PAGES [REDACTED]**

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

STATEMENT OF

TAKEN AT 1511a

DATED 18 January 2004

STATEMENT (Continued)

sa. Upon pulling [redacted] into the guard shack, [redacted] stated that "I told the detainees that we would use the real one!" When asked about the "Kick your ass," "Fuck you" and "Eat shit" it was neither confirmed nor denied by [redacted]. During this time after leaving guard shack [redacted] told [redacted] that [redacted] have a problem with me" and walked away. SOG1 was notified and [redacted] was relocated off of the block.

End of statement [redacted]

**AFFIDAVIT**

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

[redacted]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 2004  
at Camp Delta, Guantanamo Bay Cuba 09360

[redacted]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]  
(Typed Name of Person Administering Oath)

Article 136 (b) (4) UCMJ  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

4CF 3, DA FORM 2623, DEC 1999

Processing Authority

00135

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**AUTHORITY:** This 10 USC Section 201; Title 5 USC Section 2881; 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: Block, Camp Delta, Guantanamo Bay Cuba  
2. DATE (YYYYMMDD): 20040118  
3. TIME: 1904 hours  
4. FILE NUMBER: [REDACTED]  
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]  
6. SSN: [REDACTED]  
7. GRADE/STATUS: [REDACTED]  
8. ORGANIZATION OR ADDRESS: 3B44 Military Police Battalion, Camp Delta, Guantanamo Bay Cuba (0346)

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

On or about 4 January 2004 at approximately 0530 hours I was assisting team members during Operation Clean Sweep when detainees started yelling for me to come to [REDACTED]. They were telling me that [REDACTED] had thrown pine oil in the face of [REDACTED]. Prior to seeing [REDACTED] [REDACTED] had told me that he was spit on by the detainee, but made no mention of the pine oil. I immediately sent him to medical. It remained unclear who did what first. I could see a liquid substance still dripping from the cell door. I wiped it with a glove and it smelled like pine-oil. The detainee could be seen rubbing his eyes intensely and moaning in pain. Upon finding out, I notified medical, who was currently on the block, and he had the detainee flush his eyes out with water. The Senior NCOIC of the operation stated to me that "this type of shit doesn't make our job any easier." He wanted [REDACTED] off the tier. I told [REDACTED] to stay off the tier and immediately notified the PL (then [REDACTED]) and informed him of the situation. He said it would be handled. [REDACTED] had expressed discontent about this detainee prior to this incident. // END OF STATEMENT //

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

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

STATEMENT OF

TAKEN AT

DATED

B. STATEMENT (Continued)

THIS PORTION NOT USED

**AFFIDAVIT**

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 2004  
at Camp Delta, Guantanamo Bay Cuba 09360

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)  
Article 136 (b) (4) UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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SEE 2, DA FORM 2623, 1 FEB 88

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**REPORT OF INVESTIGATION**

**(AR 15-6)**

**[REDACTED] 661<sup>ST</sup> MP COMPANY**

**AND**

**EVENTS OF JANUARY 2004**

**[REDACTED]  
INVESTIGATING OFFICER**

**14 JUNE 2004**

**OFFICE OF THE STAFF JUDGE ADVOCATE  
JOINT TASK FORCE - GUANTANAMO**

**00138**



DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GUANTANAMO  
GUANTANAMO BAY, CUBA  
APO AE 09300

JTF GTMO - JDOG

21 June 2004

MEMORANDUM FOR Brigadier General Jay W. Hood, Commanding General, Joint Task Force Guantanamo (JTF-GTMO), Guantanamo Bay, Cuba

SUBJECT: Endorsement of AR 15-6 Investigation of [REDACTED], 661<sup>st</sup> Military Police Company, and Events of January 2004

1. On 28 May 2004, I appointed [REDACTED] USA, as an investigating officer pursuant to Army Regulation (AR) 15-6, to investigate allegations concerning detainee abuse committed by [REDACTED], 661<sup>st</sup> Military Police Company, on 4 January 2004 and 18 January 2004, and the actions of the company-level chain of command in response to the alleged abuse.
2. I have reviewed the findings and endorse the recommendations of the investigating officer.
3. Point of contact is: [REDACTED] Staff Judge Advocate, at #5852.

[REDACTED]  
COL, MP  
Commanding

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DEPARTMENT OF DEFENSE  
 JOINT TASK FORCE GUANTANAMO  
 GUANTANAMO BAY, CUBA  
 APO AE 09360

JTF GTMO - SJA

14 June 2003

MEMORANDUM FOR Commander, Joint Detentions Operations Group, Joint Task Force  
 Guantanamo, Guantanamo Bay, Cuba, APO AE 09360

SUBJECT: Legal Review, Informal AR 15-6 Investigation, Allegations of Detainee Abuse by  
 [REDACTED] and 661<sup>st</sup> MP Co Chain of Command Responses

1. I have reviewed the informal AR 15-6 investigation initiated on 28 May 2003, to consider allegations of detainee abuse committed by [REDACTED] 661<sup>st</sup> MP Co., on 4 January and 18 January 2004, and the actions of the company-level chain of command in response to said allegations. The allegations against [REDACTED] were substantiated and the responses of the company-level chain of command, through the relevant platoon-leadership level, were found deficient. Action under the UCMJ was recommended against [REDACTED] and the platoon leader, [REDACTED]. Based upon information discovered during the investigation, further investigation was recommended against the field grade leadership allegedly involved, [REDACTED] 177<sup>th</sup> MP Bde.

2. I find no legal objection to this investigation. I find no error in the appointment of [REDACTED] the Investigating Officer in accordance with AR 15-6, paragraph 2-1. The findings and recommendations are suitable for consideration of final action.

3. The proceedings comply with all legal requirements of AR 15-6 and other applicable guidance (e.g., Article 31, UCMJ). No errors are apparent on the face of this investigation.

4. There is sufficient evidence to support the findings of the Investigating Officer. Witness interviews were conducted which lend credible support to the findings.

5. The recommendations are consistent with the findings. The Investigating Officer's recommendations provide sufficient suggested corrective action.

6. Point of Contact for this memorandum is the undersigned at 3637.

FOR THE STAFF JUDGE ADVOCATE:

[REDACTED]

CPT, JA  
 Assistant Staff Judge Advocate

00141

DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GUANTANAMO  
HEADQUARTERS, JOINT DETENTION OPERATION GROUP (JDOG)  
GUANTANAMO BAY, CUBA APO AE 0955



22 June 2004

JTF-GTMO-JDOG-XO

MEMORANDUM FOR RECORD

SUBJECT: Addendum to Recommendations and Findings for an AR 15-6 Investigation into allegations made against [redacted] of the 661<sup>st</sup> Military Police Company

1. Based on guidance from the Commander, Joint Task Force Guantanamo (JTF-GTMO), I have looked into the specific reporting requirements for suspected or actual excessive use of force by guards assigned to the Joint Detention Operations Group (JDOG). Three sources require reporting of excessive use of force: JTF-GTMO Commander's Critical Information (CCIR), JDOG-CCIR, and the JDOG Standard Operating Procedures (SOP).

- Section 1-7(4) of the SOP states "Report to C/DOG any excessive use of force as expeditiously as feasible."
- Section 1-8 of the SOP states "The inhumane treatment of detainees is prohibited and is never justified. Further, any one who treats a detainee inhumanely, or fails to report such an incident, is subject to punishment under the Uniform Code of Military Justice and/or other applicable laws and statutes."
- The JTF-GTMO and JDOG CCIR both include "Abuse of power or authority by guards or security force members" as an incident which requires immediate reporting to the Commander.

2. The following additional recommendations are made.

- That all company commander, platoon leaders, and field grade officers assigned to the JDOG MP force structure receive focused training on the CCIR's, reporting requirements, and Use of Force.
- That all NCO's assigned as Sergeants of the Guard (SOG) within the JDOG MP force structure receive focused training on the CCIR's, reporting requirements, and Use of Force.

**JTF-GTMO-JDOG-XO**

**SUBJECT: Addendum to Recommendations and Findings for an AR 15-6 Investigation  
into allegations made against [REDACTED] of the 661<sup>st</sup> Military Police Company**

**3. POC is the undersigned at DSN 660-3901/3731.**

[REDACTED]  
**MAJ, MP  
XO**

**Enclosures:**

- 1 - JTF-GTMO CCIR**
- 2 - JDOG CCIR**
- 3 - Chapter 1, JDOG SOP**

**00143**



DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GUANTANAMO  
HEADQUARTERS, JOINT DETENTION OPERATION GROUP (JDOG)  
GUANTANAMO BAY, CUBA APO AE 88388

JTF-GTMO-JDOG-XO

9 June 2004

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations pursuant to AR 15-6 Investigation into allegations of misconduct by [REDACTED] 661<sup>st</sup> Military Police Company

1. I was appointed the investigating officer for allegations made against [REDACTED] of the 661<sup>st</sup> Military Police (MP) Company and the actions of the company level chain of command in response to these allegations pursuant to an appointment letter from Joint Detentions Operations Group (JDOG) Commander, [REDACTED] given to me on Friday, 28 May 2004. The preponderance of the evidence indicates that [REDACTED] did twice mistreat detainees under his care and that his company chain of command was aware of these incidents and did not report them to the chain of command. Additionally, in one of the 2 cases, no corrective action was taken.

2. Guidance from the appointment letter: See appointment letter (Enclosure 1).

3. Findings.

ISSUE #1. Allegation that on 4 January 2004 at approximately 0330 hours [REDACTED] did throw Pine Oil at a detainee and that the Pine Oil landed on the detainee's face and eyes.

DISCUSSION. On the morning of 4 Jan 04 at approximately 0330 hours, the block NCO for M-block [REDACTED] 84<sup>th</sup> MP Bn) was called to see a detainee by the other detainees on the block. They called him because they claimed that an MP had thrown pine oil on a detainee. [REDACTED] in a Sworn Statement made on 18 Jan 04 (Enclosure 2) noted that although he did not see the MP [REDACTED] 661<sup>st</sup> MP Co) throw the pine oil, he did see "a liquid substance still dripping from the cell door." He then "wiped it with a glove and it smelled like pine oil." In addition, he saw "the detainee rubbing his eyes intensely and moaning in pain." He reported the incident to the Platoon Leader on Duty [REDACTED] 661<sup>st</sup> MP Co) (Enclosure 3).

The JDOG was conducting an Operation Clean Sweep on the night of 3 Jan 04 into the morning of 4 Jan 04. At the time of the incident, a Clean Sweep team had just arrived on M block. The team was waiting outside the tier while the team NCOIC (SSG Dean Johnson, 463 MP Co) walked the tier to assess the situation prior to moving the team in. He "smelled and stepped into a liquid substance on the tier...that appeared to be pine

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JTF-GTMO-JDOG-XO

SUBJECT: Findings and Recommendations pursuant to AR 15-6 Investigation into allegations of misconduct by [REDACTED] 661<sup>st</sup> Military Police Company

oil." He also notes that the detainee "was laying on his bunk moaning with a towel wrapped around his eyes." The other detainees on the block "stated that the block guard threw pine oil in his eyes." [REDACTED] reported the incident to his Platoon Leader [REDACTED] 463<sup>rd</sup> MP Co) and to the Field Grade officer on duty in the wire [REDACTED] 177<sup>th</sup> MP Bde) (Enclosure 4).

[REDACTED] reported the incident to the Platoon Leader on duty [REDACTED] 661<sup>st</sup> MP Co) and returned his focus to Operation Clean Sweep (Enclosure 5).

The company commander in charge of Operation Clean Sweep [REDACTED] 463<sup>rd</sup> MP Co) was informed of the incident by his soldiers. He ordered that any of his soldiers who saw the incident provide a statement (Enclosure 6). However, when he was informed that none of his soldiers were actual witnesses, he "then stated that they not write statements about something they did not witness." His intent was to inform the company commander on duty [REDACTED] 661<sup>st</sup> MP Co) who was the company commander for the soldier who allegedly threw the pine oil and let him handle the situation. However, he "cannot accurately recall whether that conversation took place" (Enclosure 7).

One of the Corpsmen from the Detainee Hospital who was assisting with Operation Clean Sweep [REDACTED] was attending to a detainee in the back area of M block when he "noticed an MP pick up a cup of pine oil and walked into the block. When he returned the cup was empty." He did not flush any detainee's eyes in relation to this incident (Enclosure 8).

[REDACTED] decided to move [REDACTED] off the block for the remainder of the shift.

When questioned about the incident, [REDACTED] answers that he does not remember if he ever threw pine oil at a detainee. He remembers that on the night of the Clean Sweep he got spat on and had bodily fluids thrown on him.

**FINDING.** That [REDACTED] threw pine oil at a detainee, and the pine oil landed on the detainee's face and eyes.

**ISSUE #2.** Investigate the actions of the company level chain of command in response to **ISSUE #1.**

**DISCUSSION.** [REDACTED] recalls receiving a call from [REDACTED] to go to M block in regards to detainees' allegations that [REDACTED] had thrown pine oil on a detainee's face. When he got to the block, he "spoke to the detainee and I saw that he was rinsing

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JTF-GTMO-JDOG-XO

SUBJECT: Findings and Recommendations pursuant to AR 15-6 Investigation into allegations of misconduct by [REDACTED], 661<sup>st</sup> Military Police Company

his face. There was pine oil on the cell door." He thinks that he "briefly discussed the incident with [REDACTED], at the time he was the CO." [REDACTED] believes that from his experience with this soldier "it was possible [REDACTED] threw the pine oil." However, at the time of the incident, he decided "to ascertain whether [REDACTED] actually did throw the pine oil." He felt that he "had no proof other than the word of a detainee" (Enclosure 9).

[REDACTED] does not recall being told of the incident or even hearing about the incident until just prior to the 661<sup>st</sup> departure from GTMO (Enclosure 10).

**FINDING.** That [REDACTED] was informed that one of his soldiers, [REDACTED] had thrown pine oil at a detainee, that there was physical evidence to support the allegation, that he knew the soldier's temperament was in accord with the allegation, and that he did not take any action or report the incident up the chain of command.

**ISSUE #3.** During the course of the investigation, it has come to light that the Field Grade Officer on duty in the Wire was aware of the situation and did not take action or report the incident up the chain of command.

**DISCUSSION.** Since [REDACTED] stated that he had reported the incident to [REDACTED], I contacted [REDACTED] who is home on terminal leave and informed him that I needed to talk to him. Rather than him coming back to Guantanamo, I went to Michigan. His only concern was orders being cut which the J1 worked out with Ft Dix. I set an appointment for the morning of 7 June 04. When I arrived in Detroit on 6 June 04, I called [REDACTED] to confirm our appointment for the following morning. At this time he informed me that he would not come to the Armory unless he had orders. I asked for directions to his house and explained that I would be glad to drive up to talk to him. He would not give me directions, explaining to me that he was on leave now and "not playing Army any more." I contacted the commander, 177<sup>th</sup> MP Bde (BOMhch de Etaire) who convinced [REDACTED] to come down to the Armory. When he arrived, he was very combative in tone and demeanor. When he asked about his orders, I explained to him that Ft Dix was working on moving his date on his DD 214 one day to the right but that he was still an active duty soldier. He walked out saying that he should be home with his family, not here and that he might call the IG. When he came back, he again confronted me about his orders and I asked him if he was ready we could go ahead and get started. He pointed at me and said "You're costing me money." When I asked him to calm down he said "You're not going to get me to calm down." I asked again if he was ready to get started and he stormed out of the room again. When he came back, I read him the privacy act statement which clearly points out that this is an informal investigation in accordance with AR 15-6. He signed this form. I then read him his rights statement (as I did for everyone else I interviewed) explaining that we were going to discuss a situation which occurred during Operation Clean Sweep in January and

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SUBJECT: Findings and Recommendations pursuant to AR 15-6 Investigation into allegations of misconduct by [REDACTED] 661<sup>st</sup> Military Police Company

that he did not have to incriminate himself in the area of dereliction of duty. He asked me "Who ordered this debacle?" I showed him the privacy act statement which states that this investigation is on behalf of the Commander, JDOG. At this time he invoked his rights to a lawyer which terminated the interview.

**FINDING.** That [REDACTED] Field Grade Officer on duty on the night of 3 Jan 04 has knowledge of the events and may have failed to take action or report the incident to the chain of command.

**ISSUE #4.** Allegation that on 18 January 2004 at approximately 0800 hours [REDACTED] did swear at a detainee, telling the detainee to "eat shit" or word to that effect, and that he [REDACTED] would "kick his ass" or words to that effect.

**DISCUSSION.** SigActs #69155 in DIMS dated 1/18/04 1:59:31 PM reflects that a detainee in Hotel Block alleged that "[REDACTED] was harassing him by saying that he eat shit and MP would kick ass, and fuck you." The SigAct further reflects that the Block SGT [REDACTED] (384<sup>th</sup> MR Bn) notified the SOG [REDACTED] (661<sup>st</sup> MP Co), that [REDACTED] was removed from the block, and that an Arabic Interpreter was called and helped calm the detainee (Enclosure 11). Sworn Statements from [REDACTED] dated 18 Jan 04 (1516 hours), 30 May 04, and 3 June 04 attest to these facts (Enclosure 12). In a Sworn Statement given on 31 May 04 [REDACTED] (119 FA) who was on duty on 18 Jan 04 recalls hearing [REDACTED] say "something to the detainee in the shower" but he was not near enough to hear the content. He recalls that the comments "upset the detainee" (Enclosure 13).

In a Sworn Statement given on 2 June 04 [REDACTED] members that there had been an incident between [REDACTED] and [REDACTED] in which [REDACTED] failed to follow instructions given by [REDACTED] (Enclosure 14). In a Sworn Statement given on 2 June 04, [REDACTED] who was PL on shift states that he does not remember any incident of [REDACTED] swearing at a detainee (Enclosure 15).

**FINDING.** The weight of the evidence indicates that it is credible that [REDACTED] did swear at a detainee, causing him to become agitated.

**ISSUE #5.** Investigate the actions of the company level chain of command in response to ISSUE #4.

**DISCUSSION.** In a Sworn Statement dated 2 June 04, [REDACTED] (quod leader, 661<sup>st</sup> MP Co) recalls that [REDACTED] had called him from work about an incident of [REDACTED] disobeying her orders. He took immediate action and was present during a counseling session between [REDACTED] and [REDACTED] (Enclosure 16). The counseling statement from 18 Jan between [REDACTED] and [REDACTED]

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[REDACTED] clearly outlines [REDACTED] behavior as causing a detainee to become agitated by speaking to him. It also addresses disrespect to an NCO (Enclosure 17). In a sworn statement dated 3 June 04 [REDACTED] (661<sup>st</sup> MP Co) states that the catalyst to the Company-grade Article 15 imposed on [REDACTED] in Feb 04 was the incident of 18 Jan 04. Although the specific statement was not in the SJA files for the Article 15, [REDACTED] states that he gave his ISG a stack of statements and that JAG selected the ones which would be included in the Article 15 (Enclosure 18). In a phone conversation on 2 June 04, [REDACTED] (former head of Military Justice, JTF-GTMO) informed me that any statement that he used for a case would be in the SJA files and that if he did not use a statement it would have been returned to the company. The Article 15 in question was for two counts of failure to be at place of duty, two counts of disrespect to an NCO, and two counts of provoking language.

[REDACTED] was removed from duty on the blocks as of 18 Jan 04 and only returned to the blocks approximately 1 1/2 months later. His ISG made an appointment for him at Combat Stress. [REDACTED] went to his appointment but did not stay to discuss anything.

**FINDING:** [REDACTED] was not disciplined for swearing at a detainee but he was removed from working on the blocks and referred to Combat Stress.

#### 4. Recommendations.

- a. Two allegations against [REDACTED] are substantiated: Recommend that action under the UCMJ (for example, Article 93 or Article 128) be initiated against him.
- b. Allegation that [REDACTED] was derelict in his duties on 4 Jan 04 is substantiated: Recommend that action under the UCMJ (for example, Article 92) be initiated against him.
- c. An issue that arose during the course of the investigation, but not specifically addressed in the appointment letter, is the allegation that [REDACTED] had knowledge of the detainee abuse on the morning of 4 Jan 04. Based on the credible statement by [REDACTED] and in light of [REDACTED] refusal to cooperate with this investigation, recommend that his actions on the morning of 4 Jan 04 be further investigated as an independent issue to determine if action under UCMJ is appropriate.

FOUO/Secret/Restricted

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5. POC is the undersigned at DSN 660-3981/3731. .

[REDACTED]  
MAJ, MP  
XO

Enclosures:

- 1 - Appointment Letter
- 2 - Sworn Statement, [REDACTED] dated 20040118
- 3 - Sworn Statement, [REDACTED] dated 20040530
- 4 - Sworn Statement, [REDACTED] dated 30 May 04
- 5 - Sworn Statement, [REDACTED] dated 30 May 04
- 6 - Sworn Statement, [REDACTED] dated 30 May 04
- 7 - Sworn Statement, [REDACTED] dated 20040530
- 8 - Sworn Statement, [REDACTED] dated 04 June 04
- 9 - Sworn Statement, [REDACTED] dated 2 June 04
- 10 - Sworn Statement, [REDACTED] dated 4 June 04
- 11 - DIMS report SigActs #69155
- 12 - Sworn Statements, [REDACTED] dated 20040118, 20040530, and 20040603
- 13 - Sworn Statement, [REDACTED] dated 31 May 04
- 14 - Sworn Statement, [REDACTED] dated 2 June 04
- 15 - Sworn Statement, [REDACTED] dated 2 June 04
- 16 - Sworn Statement, [REDACTED] dated 2004 June 2
- 17 - Developmental Counseling Form for [REDACTED] dated 18 January 2004
- 18 - Sworn Statement, [REDACTED] dated 3 June 04

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**REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS**  
 For use of this form, see AR 15-6; the preparing agency is STJAG.  
 IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

**SECTION I - APPOINTMENT**

Appointed by [REDACTED] **Commander Joint Detentions**  
*(Appointing authority)*  
**Operations Group, JTF-GTMO**  
 on **28 May 04** *(month include 1: Letter of appointment or summary of oral appointment date.) (See para 3-11, AR 15-6.)*

**SECTION II - SESSIONS**

The investigating officer/board commenced at **Bldg 1, Camp Della** \_\_\_\_\_ = **2000 hrs**  
*(Place) (Time)*  
 on **28 May 04** *(if a formal board was for more than one session, check box . Indicate in an addendum the time each session began and ended, the place, persons present and absent, and explanation of absence, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)*

*N/A*

The following persons (members, respondents, counsel) were absent: *(Include brief explanation of each absence.) (See paras 3-3 and 3-6a, AR 15-6.)*

*N/A*

The investigating officer/board finished gathering/hearing evidence at **1400 hrs** \_\_\_\_\_ = **9 June 04**  
*(Time) (Date)*  
 and completed findings and recommendations at **1645 hrs** \_\_\_\_\_ = **9 June 04**  
*(Time) (Date)*

**SECTION III - CHECKLIST FOR PROCEEDINGS**

**A. COMPLETE IN ALL CASES**

*(Include: para 3-11, AR 15-6)*

- 1. Are the following included and numbered consecutively with Roman numerals: *(Attached in order listed)*
  - a. The letter of appointment or a summary of oral appointment date?
  - b. Copy of notice to respondent, if any? *(See item 9, below)*
  - c. Other correspondence with respondent or counsel, if any?
  - d. All other written communications to or from the appointing authority?
  - e. Privacy Act Statements *(Certification, if necessary provided orally)?*
  - f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered. *(e.g., absence of essential witnesses)?*
  - g. Information as to whether a formal board was included on page 1 of this report?
  - h. Any other significant papers *(other than evidence) relating to administrative aspects of the investigation or board?*

**FOOTNOTES:** 1. Rights of negative response as an attached item.  
 2. Use of this system constitutes a partial representation that the circumstances described in the questions did not occur in this investigation or board.

YES	NO	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**SECTION IV - FINDINGS (para 3-11. AR 15-6)**

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

*see attached memorandum*

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

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

*see attached memorandum*

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 below, indicate the reason in the space where his signature should appear.)



(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-12, AR 15-6)

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

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 3-5, AR 15-6)

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

Except Finding #3.







DEPARTMENT OF DEFENSE  
JOINT TASK FORCE GUANTANAMO  
GUANTANAMO BAY, CUBA  
APO AE 09360

JTF GTMO - JDOG

MEMORANDUM FOR: [REDACTED] Joint Detentions Operations Group, Joint Task Force Guantanamo, Guantanamo Bay, Cuba, APO AE 09360

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to Army Regulation (AR) 15-6, to investigate the following matters:

a. Allegations of detainee abuse committed by [REDACTED] on 4 January 2004 and 18 January 2004 (as detailed in the statements of [REDACTED] and [REDACTED] each dated 18 Jan 04).

b. The actions of the company level chain of command in response to the above allegations.

2. Utilize the 15-6 Investigation Officer Guide provided by OSJA, Military Justice, to assist you in the investigation.

3. Complete your investigation in accordance with the procedures set forth in AR 15-6. I may compel soldiers to provide sworn statements, however soldiers are not required to incriminate themselves. If, during the course of your investigation, you suspect that any individuals may have committed misconduct or criminal activity, you must advise them of their rights under Article 31, UCMJ, or the Fifth Amendment as applicable. Utilize DA Form 3881 as appropriate. You must also administer a Privacy Act statement before you solicit any personal information.

4. If in the course of your investigation you discover misconduct not covered by the guidance above you will notify us in writing of such misconduct.

5. This investigation takes precedence over your normal duty assignment.

6. You will consult with the [REDACTED] Office of the Staff Judge Advocate prior to commencing your investigation, and at any point during the investigation you feel is necessary.

7. Submit your findings and recommendations on DA Form 1574 to the Staff Judge Advocate for legal review no later than 9 June 2004.

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**JTF GTMO-JDOG**  
**SUBJECT: Appointment as Investigating Officer**

8. POC is [REDACTED] Chief of Military Justice, at ext. 3637.

Encl



**COL, USA**  
**Commanding**

**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 2051; 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 Block, Camp Delta, Guantanamo Bay Cuba	2. DATE (YYMMDD) 20040118	3. TIME 1904 hours	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 384th Military Police Battalion Camp Delta, Guantanamo Bay Cuba 09360			

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

On or about 4 January 2004 at approximately 0330 hours I was assisting team members during Operation Clean Sweep when detainees started yelling for me to come to [REDACTED]. They were telling me that [REDACTED] had thrown pine oil in the face of [REDACTED].

Prior to seeing [REDACTED], [REDACTED] had told me that he was spit on by the detainee, but made no mention of the pine oil. I immediately sent him to medical. It remained unclear who did what first. I could see a liquid substance still dripping from the cell door. I wiped it with a glove and it smelled like pine-oil. The detainee could be seen rubbing his eyes intensely and moaning in pain. Upon finding out, I notified medical, who was currently on the block, and he had the detainee flush his eyes out with water. The SSG [REDACTED] NCOIC of the operation stated to me that "this type of shit doesn't make our job any easier." He wanted [REDACTED] off the tier. I told [REDACTED] to stay off the tier and immediately notified the PL (then [REDACTED]) and informed him of the situation. He said it would be handled. [REDACTED] had expressed discontent about this detainee prior to this incident. /// END OF STATEMENT ///

10. EXHIBIT \_\_\_\_\_

11. SIGNATURE OF PERSON MAKING STATEMENT \_\_\_\_\_

PAGE 1 OF 2 PAGES

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

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

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

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**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and for signed a rights advisement.

Name:  
Rank/Branch:  
Title:

[REDACTED]

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**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 150-36; the preparing agency is DDCSOPS

**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 Guantanamo Bay, Cuba	2. DATE 20040530	3. TIME 1415 hrs	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS HHC 384th MP BN		
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 **Joint Task Force Guantanamo, Joint Detentions Operations Group** and wanted to question me about the following offense(s) of which I am suspected/accused:

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 proceeding further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

**WITNESSES (If available)**

- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE
- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE  
[REDACTED]

4. SIGNATURE OF INVESTIGATOR  
[REDACTED]

5. TYPED NAME OF INVESTIGATOR  
[REDACTED]

6. ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detentions Operations Group

**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 SUBMITTED BY THE SUSPECT/ACCUSED

DA FORM 3887, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.04

00158

PART II - RIGHTS WARNING PROCEDURE  
THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a court of law."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- 2 -

(For officials not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- a. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or to stop privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent, i.e., fewer than 30 days ago, obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either before being advised of his/her rights or some question arises as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in doing the proper rights advisement.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer,"), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you don't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

REVERSE OF DA FORM 3881

75494 12-81

00159

SWORN STATEMENT

For use of this form, see AR 190-48; the proponent agency is ODCSO

LOCATION  
PEB1, Guantanamo Bay, Cuba

DATE [redacted] TIME [redacted] FILE NUMBER [redacted]

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER [redacted]

GRADE/STATUS [redacted]

ORGANIZATION OR ADDRESS

HMC 344th MP-BN

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

When I assumed duties of M-block, everything started out normal. As I did paperwork, [redacted] and [redacted] took turns walking the tier. [redacted] stated that he had problems with [redacted] before, I told him if the problem recurs, to let me know. At approximately 0815 hours, clean sweep began and I had [redacted] walking the tier and [redacted] stationed in back. Between 0830 and 0845 hours detainees began yelling "block NCO, number [redacted]". At that point, I stopped what I was doing and ran to [redacted]. The detainees around and across from him said "MP throw pine oil on [redacted]". None of the MP's, nor myself had actually seen the incident. I then asked [redacted] if he had done it. He replied "I told you to spit on me" but did not deny throwing the pine oil. I don't recall being told about the spitting. If I had known of the spitting, I would have pulled [redacted] off the tier immediately. I then sent [redacted] to medical since I had approximately 20 MP's on the block anyway due to the clean sweep. I walked up to the gate and saw something dripping from eye level. I wiped it with a latex glove supplied on the blocks and it smelled like pine oil. The medic, who was on site because of clean sweep, looked at the detainee, shined a flashlight in the detainee's eyes and had the detainee flush his eyes with water. After doing this, the detainee calmed down. The medic said that the detainee looked alright and that if there were any more problems, to call. I checked on the detainee throughout the remainder of the night, there were no more problems. The NCOIC of clean sweep saw the same things I did. The detainees wanted [redacted] off of the tier so when [redacted] returned, I assigned him to the interior sally port gate. Even while he was assigned to the sally port [redacted] would set the Sally Key down or have someone let him out, or even let himself out without informing me. I then notified his PL, [redacted]. I explained to [redacted] the situation, and stated that it needs to be taken care of. [redacted] said that it would be taken care of and that the command has had problems with [redacted] before. I did not know if the situation had been addressed or taken care of and after discussing the situation with [redacted] and not having seen or heard of any action, I decided to write a DA Form 2828 about the situation. I gave the statement to [redacted] (male), his squad leader the same day I wrote it, 20010118. I was present for the counseling between [redacted]. I believe to place my own input of [redacted] behavior into the counseling. I addressed his causing unnecessary problems on the block and disrespect to an NCO by leaving his post. In March, I had noticed that [redacted] went from an E-4 to an E-2, and assumed it was due to his actions on the block. I recently discovered that it was due to other behavior issues. Once I realized that, and after [redacted] unit departed Guantanamo Bay, I once again began to wonder if anyone knew (outside of his command) of

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE [redacted]

00160

STATEMENT (Continued)  
the incident or if any action had in fact, been taken. Then,  
about one week ago I was called to the Inspector General's  
office on that very incident, and today being interviewed for the  
same. /// 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 1. 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 30<sup>th</sup> day of May, 2004 at P.F.B., Guantanamo Bay

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)  
Nathaniel 136, U.C.M.T.  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

00161



**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED] have read and understand the above Privacy Act statement, and /or signed a rights advisement.

Name:  
Rank/Branch:  
Title:

00162

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AF 180-30; the program agency is DDCEOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(d)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**PERMANENT USE:** 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 Guantanamo Bay, Cuba	2. DATE 30 MAY 01	3. TIME 1810	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS HQ 3RD MP CO J-DOL, GTMO		
7. GRADE/STATUS [REDACTED]			

**PART 1 - RIGHTS WAIVER/NOON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army - Joint Task Force Guantanamo, Joint Detention Operations Group and wanted to question me about the following offense(s) of which I am suspected/accused:

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 only 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 (arrange for at my 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.

**5. COMMENTS (Continue on reverse side)**

**Section B. Waiver**

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

**WITNESSES (If available)**

- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE
- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE

**3. SIGNATURE OF INTERVIEWEE**

**4. SIGNATURE OF WITNESSES**

**5. ORGANIZATION OF INVESTIGATOR**

Joint Task Force Guantanamo  
Joint Detention Operations Group

**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 3883) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

04 281

00163

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

WARNING - Inform the suspect/accused of:

- a. Your official position.
  - b. Nature of offenses.
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
- "Before I ask you any questions, you must understand your rights."
  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a court of law."
  - c. "For personnel subject to the UCMJ: You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer

can be provided you at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

"If you are not willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question(s).

"Have you ever contacted a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent, i.e., fewer than 30 days apart, obtain legal advice whether to continue the investigation. If the suspect/accused says "no," or if the prior request was not recent, ask whether the following question(s).

"Do you want a lawyer at this time?"

If the suspect/accused says "yes," stop the questioning and he/she has a lawyer. If the suspect/accused says "no," ask whether the following question(s).

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "yes," stop the interview and have him/her read and sign the non-waiver portion of the waiver certificate on the other side of this form. If the suspect/accused says "no," have him/her read and sign the waiver portion of the waiver certificate on the other side of the form.

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notation on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of a court investigation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INFORMING STATEMENTS:

- 1. If the suspect/accused has made spontaneous explaining statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

- 2. If the suspect/accused was questioned at each other without being advised of his/her rights or some question refers to the propriety of the type statement, the accused must be so advised. The officer of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper signed advice.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the investigation, the suspect displays indecision about requesting counsel. For example, "Maybe I should get a lawyer.", further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be obtained to discourage a suspect/accused from exercising his/her rights. For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney."

COMMENTS (Continued)

SWORN STATEMENT

For use of this form, see AR 190-46; the primary agency is GOC

LOCATION  
PEBL, CAMP DELTA

DATE: 30 MAR 04  
TIME: 1850

FILE NUMBER

LAST NAME FIRST NAME MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS  
463RD AVF CD, JDOG, GTMO

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
WHILE TAKING CHARGE OF A "CLEAN SWEEP" OPERATION IN JANUARY 04 (TIME + DATE UNKNOWN) ON "M" BLOCK, CAMP DELTA, I CAME ACROSS AN UNUSUAL OCCURANCE. WHEN I CAME ONTO THE BLOCK TO PREP FOR THE OPERATION I NOTICED A SOLDIER (E-4/NAME UNKNOWN) WALKING THE TIER. WHEN I ARRIVED AT THE END OF THE TIER, THE SOLDIER HAD ALREADY MADE HIS WAY TO THE MIDDLE OF THE TIER HEADING TO THE FRONT. I SMELLED + STEPPED INTO A LIQUID SUBSTANCE ON THE TIER BY CELL [REDACTED] THAT APPEARED TO BE PINE OIL. PINE OIL IS OFTEN USED TO CLEAN THE BLOCKS, BUT THIS WAS TOO STRONG OF A SMELL. [REDACTED] (WHO I BELIEVE WAS THE VICTIM) WAS LAYING ON HIS BUNK MORNING WITH A TOWEL WRAPPED AROUND HIS EYES. I ASKED WHAT WAS WRONG + HIS FELLOW DETAINEES STATED THAT THE BLOCK GUARD THREW PINE OIL IN HIS EYES. I ASKED IF HE NEEDED MEDICAL ATTENTION + WAS RESPONDED TO WITH "NO." I HAD MEDICAL FLUSH HIS EYES ANYWAY. I THEN WENT TO THE BLOCK NCO (UNKNOWN) AND TOLD HIM WHAT HIS SOLDIER HAD DONE + THAT THIS WAS NOT TO BE TOLERATED. I FURTHER STATED THAT I WOULD RELIEVE HIM OF DUTY + THAT I DID NOT WANT TO SEE HIM ON THE BLOCK WHILE I WAS HERE. [REDACTED] ON THE BLOCK. I THEN BRIEFED MY PL [REDACTED], MY ISG [REDACTED] AND ANYONE ELSE WHO WOULD LISTEN TO ME ABOUT THE INCIDENT. I WAS TOLD "GOOD JOB GETTING HIM OFF THE BLOCK" BY ALL I TOLD. LATER I NOTICED THAT HE WAS SITTING IN THE GUARD SHACK AWAY FROM ME AND I NOTICED AT THE END OF THE BLOCK THE PINE OIL WITHOUT THE CAP ON IT. THIS IS NOT A COMMON OCCURANCES THAT TAKES PLACE ON THE BLOCKS. THIS PINE OIL COULD HAVE DAMAGED THIS DETAINEES SIGHT. THE ONLY REASON I DID NOT FOLLOW

EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES  
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

00165

MC 1710

PAGE 2 OF 2 PAGES

INITIALS OF PERSON MAKING STATEMENT

ORGANIZATION OR ADDRESS

Signature of Person Administering Oath  
11 Year, Name of Person Administering Oath  
Authority to Administer Oath

ORGANIZATION OR ADDRESS

Signature of Person Administering Oath

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30<sup>th</sup> day of May, 1970  
at Fort (over prison) for (over)

WITNESSES:

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

AFFIDAVIT

STATEMENT CONTINUED UP ON THIS INCIDENT IS THAT I HAD TO CARRY ON WITH PRIMARY MISSION/OPERATION AND THAT I REPORTED IT TO THE PROPER AUTHORITIES (PL, 1st Sgt, etc). I ALSO BELIEVE THAT I TOLD A MAJ (WHITE MALE, 6'2", GREY HAIR, MUSTACHE WORKS FOR J006) WHAT HAPPENED & THAT MY 1st Sgt STATED THAT THAT BLOCK GUARD WAS GOING TO GET HANDED FOR THE INCIDENT & THAT THE INCIDENT HAD BEEN REPORTED

END OF STATEMENT

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and for signed a rights advisement.

Name: [REDACTED]  
Rank/Branch: [REDACTED]  
Title: [REDACTED]

00167

00168

FORM 2881

EDITION OF NOV 84 IS OBSOLETE

DA FORM 2881, NOV 88

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT OR FORM 2839, SUBSEQUENTLY EXECUTED BY THE SUBJECT/ACCUSED

SIGNATURE OF INTERVIEWEE

1. Do you want to give up my rights?  I want a lawyer  I do not want to be questioned or my answers

Section C. Non-waiver

2. ORGANIZATION ON ADDRESS AND PHONE

3a. NAME (Type or Print)

2. ORGANIZATION ON ADDRESS AND PHONE

3a. NAME (Type or Print)

WITNESSES (If available)

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

Section B. Waiver

5. COMMENTS (Continue on reverse side)

1. I do not have to answer any questions or say anything. Before talking about me any questions about the offense(s), however, I have made a clear to me that I have the following rights: 2. Anytime I say or do anything or produce anything or in a written form. 3. Anything I say or do can be used as evidence against me in a criminal trial. 4. I have the right to stop answering questions at any time, or during questioning. This lawyer can be a qualified lawyer I arrange for at my expense or the Government or a military lawyer detailed for me at no expense to me. For civilian 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 and the 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 to talk privately with a lawyer before answering further, even if I sign the waiver below.

Section A. Rights

The investigator whose name appears below with me that names is with the United States Army Joint Task Force Guantanamo, Joint Detachments Operations Group and intend to question me about the following offense(s) of which I am suspected/accused:

1. LOCATION Guantanamo Bay, Cuba

2. DATE 02/14/04

3. TIME 09:15

4. REF NO. 1715

5. ORGANIZATION ON ADDRESS

6. STATUS

7. PART I - RIGHTS WAIVER/NO-WAIVER CERTIFICATE

AUTHORITY:

CRIMINAL PURPOSE:

DISCLOSURE:

This 10, United States Code, Section 2012(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 means of identification to facilitate filing and retrieval. Disclosure of your Social Security Number is voluntary.

DATA REQUIRED BY THE PRIVACY ACT

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AF 1800C the program agency is ODCORP

COMMENTS (Optional)

1. If the subject has made a statement, the following statements should be included in the report, and the subject should be advised of his rights before making any statement. If the subject has not made a statement, the following statements should be included in the report, and the subject should be advised of his rights before making any statement.

2. If the subject has made a statement, the following statements should be included in the report, and the subject should be advised of his rights before making any statement.

NOTE: If 1 or 2 rights, the fact that the subject was advised accordingly should be noted in the report on the subject's statement and included by the investigator.

WHEN SUBJECT DURING THE INTERVIEW PROCESS, A WAIVER OF RIGHTS SHOULD BE OBTAINED FROM THE SUBJECT. THE WAIVER OF RIGHTS SHOULD BE OBTAINED FROM THE SUBJECT BEFORE ANY STATEMENT IS MADE BY THE SUBJECT. THE WAIVER OF RIGHTS SHOULD BE OBTAINED FROM THE SUBJECT BEFORE ANY STATEMENT IS MADE BY THE SUBJECT.

SPECIAL INSTRUCTIONS

1. If the subject is a minor, the following instructions should be included in the report, and the subject should be advised of his rights before making any statement.

2. If the subject is a minor, the following instructions should be included in the report, and the subject should be advised of his rights before making any statement.

THE WAIVER

I, the undersigned, do hereby certify that the following individual has been advised of his rights and has voluntarily waived his rights.

I, the undersigned, do hereby certify that the following individual has been advised of his rights and has voluntarily waived his rights.

THE WAIVER

I, the undersigned, do hereby certify that the following individual has been advised of his rights and has voluntarily waived his rights.

I, the undersigned, do hereby certify that the following individual has been advised of his rights and has voluntarily waived his rights.

WARNING - Before the subject is interviewed:

1. The fact that he is a suspect.
2. His rights.
3. That he has the right to stop answering questions at any time.
4. That anything he says can be used as evidence against him.
5. That he has the right to stop answering questions at any time.
6. That he has the right to stop answering questions at any time.
7. That he has the right to stop answering questions at any time.
8. That he has the right to stop answering questions at any time.
9. That he has the right to stop answering questions at any time.
10. That he has the right to stop answering questions at any time.



DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

ADDITIONAL PAGES MUST CONTAIN THE HEADINGS: STATEMENT OF [NAME], [DATE], [LOCATION] CONTINUED. THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE PRINTED AS PAGE 1 OF [NUMBER] 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.

EXHIBIT: INITIALS OF PERSON MAKING STATEMENT: [REDACTED] PAGE 1 OF 2 PAGES  
I returned supervision of the door and was eventually called off  
black M, I informed him that one of his black guards very late from prison  
so to keep back on the black. When he on duty camp it made his marks out  
individual in question of the black while we were conducting the door camp  
interaction room. I spoke with the shift that had used another that to keep the  
and far had had a container of surface solution with the detainer should the  
The US Army staff captain on the shift with us contacted the detainer, raised his  
The detainer also complained that some of the pins will set in the end in bags.  
did not know if that was the issue for the pins will start throughout the black  
for the Camp Staff Sgt. However, I did not set if that maintenance was used so  
of itself is not uncommon, due to black maintenance occurring during the night shift  
detached me to search it. I did detect the scent of pine oil on the black, this in  
separately look pine oil from at all. He picked at places when the pine oil had  
that pine at the top of the black. When notified, I walked to the detainer who  
black in the early stages of the stoppage, I black in, when this incident reportedly  
because detainer had got a line up when he and I were at the front of the  
personnel and detainer that this had happened. I was told that this individual did so  
then set normally. I was informed by other people on the shift, but US Army  
black M, while here there is a cap of pine oil of a detainer. I did not witness  
Camp 2, Camp 20th, Garthman's Bay, etc. I was informed that a black guard on  
black M or about 20th, with conducting operation down sector II on black M.

SWORN STATEMENT  
For use of this form, see AF 180-45; the preparing agency is DDCSOS  
LOCATION: 20th, Garthman's Bay, etc.  
LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]  
ORGANIZATION OR ADDRESS: [REDACTED]  
AFFIDAVIT No. 51P-6710, 700 AS 02560  
WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
FILE NUMBER: [REDACTED]  
GRADE/STATUS: [REDACTED]  
DATE: [REDACTED]  
TIME: [REDACTED]  
SIGNATURE: [REDACTED]  
TITLE: [REDACTED]

STATEMENT (Continued)

Block 4, by the CO for the sweep, to begin the 2200 and 3000 for clean sweep. There were no further incidents on Block 4. Expect the majority of the remaining time of Operation Clean Sweep II is CO doing the necessary paperwork.

Should you say that it is unusual for a block guard to act out physically against a detainee?

A) Yes. In my time here at Camp 4, I would say it is unusual for a guard to physically respond in this matter to any kind of detainee action. I personally have been spit on and on numerous occasions though it is upsetting. I, personally, was retaliated against.  
/// 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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30<sup>th</sup> day of July, 1954, at Camp 4, Guantanamo Bay, Cuba

ORGANIZATION OR ADDRESS

[redacted]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 156-217 (A) USMST  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

A

PAGE 2 OF 2 PAGES

00171

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and /or signed a rights advisement.

Name:  
Rank/Branch:  
Title:



00172

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AF 120-20; the program agency is DDCS/PS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** This 10, United States Code, Section 2012(d)  
**LEGAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**CRITICAL 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**  
Quantico Bay, Cuba

**5. NAME LAST, FIRST, AND**

**2. GRADE/TITLE**

**3. DATE**  
30 May 1974

**4. FILE NO.**

**5. ORGANIZATION ON ADDRESS**  
376 Military Police Co  
376 Army  
APO AE OFFICE

**PART I - RIGHTS WAIVER/NO-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below and who hereby is with the United States Army Joint Task Force Quantico, Joint Detachment Operations Group and wishes to question me about the following statement of which I am independent:

- 1. I do not have to answer any question or any evidence.
- 2. Anything I say or do may be used as evidence against me in a criminal trial.
- 3. For an accused subject under 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. The lawyer can be a civilian lawyer I arrange for or no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

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 I can stop answering at any time. I understand that this lawyer can be one that I arrange for on my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

**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.

**Section C. Non-waiver**  
1. I do not want to give up my rights  I want a lawyer.  
2. I do not want to be questioned or any answering

**WITNESSES (if available)**  
1. NAME (Type or Print)  
2. ORGANIZATION ON ADDRESS AND PHONE  
3. TYPED NAME OF INVESTIGATION  
4. ORGANIZATION OF INVESTIGATION  
5. Joint Task Force Quantico  
Joint Detachment Operations Group

**ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT FOR FORM 2022, SUBSEQUENTLY EXECUTED BY THE SUBJECT/ACCUSED**

DA FORM 3881, NOV 69 EDITION OF NOV 64 IS OBSOLETE

**PART II - RIGHTS WARNING PROCEDURE**  
**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Name of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. "If you are arrested or subject to the UCMA, you have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

-or-

*For civilians not subject to the UCMA:* You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

3. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."  
Make certain the suspect/accused fully understands his/her rights.

**THE WAIVER**

"Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "no," stop the interview and have his/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

**SPECIAL INSTRUCTIONS**

**IN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, so in the case of street interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCUBATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned on such other without being advised of his/her rights or some question exists as to the propriety of the last statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisement.

**NOTE:** If 1 or 2 apply, the fact that the suspect/accused was advised accordingly should be noted in the comment section of the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

**COMMENTS (Continued)**

REVERSE OF DA FORM 3881

APR 63/01

00174

SWORN STATEMENT

For use of this form, see AR 150-46; the processing agency is ODCORPS

LOCATION  
GTMO

DATE  
30 MAY 2004

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS  
461st Military Police Company, APO AE 09360

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or about the 4th of January, I was performing duties as the 463rd Military Police Company Operation Sergeant. On this day our company was assigned clean sweep operations of Camp 1 through 4 and my responsibilities was to assist the Immediate Reaction Force (IRF) Team upon call entry. During the early morning hours I was standing between camp two and camp three and a soldier came off "Miler" blocks and stated that someone had thrown pine oil cleaner on one of the detainees. I proceeded on to the block and saw the cleaning team at the front of the block. On the far end of the block, on the right hand side, I saw [redacted] and two escorts remove a detainee from the cell. I proceeded to where [redacted] was standing and asked him what had happened. He stated that one of the block guards, from another company had thrown pine oil on one of the detainees. [redacted] also stated that he had called the medic. The detainee complained that his eyes were sore and [redacted] consented to assist the detainee. In pouring water in his face and peddling it with towels. [redacted] also ordered another soldier to go and get the detainee some fresh detainee clothing. At the time I also believed that [redacted] was going to get the escorts to take the detainee to the shower area. About that time [redacted] came down the block. I asked him where the soldier was that did this? He stated that he had ordered the soldier of the block to go and had [redacted] I found [redacted] and told him what happened. He stated that the situation had proceeded off the block and to go stand in the guard shack. I saw that [redacted] had occurred over the situation and proceeded off the block to go and had [redacted] I found [redacted] and told him what happened. He told me to go back to the area and get sworn statements from our soldiers. I proceeded back to "Miler" block and gave the detainee the plastic bottle to take back to his cell and told him if he had any more problems to continue using the solution or call him back on the block. I then told [redacted] that we needed sworn statements from all the soldiers. They stated that none of the 463rd soldiers had seen anything because they were all at the other end of the block. I went back to [redacted] and told him that we were not in the area at the time that it happened and none of our soldiers witness anything. [redacted] stated that he would notify their (661 MP Co) commander and state our soldiers did not witness the incident we did not need to do statements. Later that evening I was standing between Camps Two and Three when the "Miler" block sergeant came to the entrance of the block and asked if I saw one of his soldiers that had left over and hour ago. I stated "No" but about an hour later I saw a Puerto Rican National Guard soldier appear back on the block. By the Puerto Rican National Guard sergeant demeanor at the time, I believed this to be the soldier that also through the pine oil on the detainee.

End of Statement

Note  
Used

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

SUPersedes DA FORM 2823, 1 JAN 88, WHICH WILL BE USED.

UNLESS VOID

00175

Not  
Used

**AFFIDAVIT**

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

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30 day of May, 2014  
at Guantanamo Bay, Cuba

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)  
Antoine 136 NC.M.I.  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and I/af signed a rights advisement.

Name  
Rank/Branch  
Title

00177



**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
 For use of this form, see AR 150-32; the proponent agency is GDCSOPS

**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 Guantanamo Bay, Cuba	2. DATE 30 May 04	3. TIME 2217	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS 463rd Military Police Company JTF-67MO APO AE 09560		
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 **Joint Task Force Guantanamo, Joint Detachments Operations Group** and wanted to question me about the following offense(s) of which I am

accused/charged: **incidental night of 4 Mar 2004**

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.

8. 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)**

- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE
- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE

1. SIGNATURE OF INTERVIEWEE  
[REDACTED]

2. SIGNATURE OF INVESTIGATOR  
[REDACTED]

3. TYPED NAME OF INVESTIGATOR  
MAJ, MP

4. ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detachments Operations Group

**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 2623) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

51

00178

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Name of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

*(For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."*

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"As this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

SPECIAL INSTRUCTIONS

**IF SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRICK INCrimINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advice.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS HESITATION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays hesitation about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

REVERSE OF DA FORM 3881

APA VL21

00179

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 8387 dated November 22, 1943 (SSA).
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 1 Camp Delta FTMO
2. DATE: 2004 05 30
3. TIME: 2241
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: 462nd Military Police Company JTF GTMN APO AE 09760

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During the morning of 4 Jan 2004 my company was conducting
conducting operation Clean Sweep inside Camp Delta. While my company
was sweeping M Block in Camp 2/3 it was reported to me that a
soldier who was working the Block (not involved with cleansweep) had
thrown a cup of Pine oil (a cleaning solution) on a detainee. The
person who told me I cannot accurately recall. I then directed that
statements be taken from my soldiers who witnessed the act. None of
my soldiers directly witnessed the soldier throw pine oil on the detainee
I then stated that they not write statements about something they did
not witness. I told my soldiers that I would talk to the on duty CO
(who was the soldiers company commander). This was my intent because
I like to give other commanders the courtesy of handling their
problems because that is the courtesy that I would want in return.
I cannot accurately recall whether that conversation took place, but
that is my MA when it comes to situations like this. Other
personnel that may have knowledge would be the MPI section
C and S2E. MWD was present for the
operation but I had decided to discontinue use at 0330
that morning as the dogs escalated the situations on the blocks
making the clean sweep harder to accomplish. End Statement //

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

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

00180

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intentionally left  
blank.

00181

STATEMENT OF [REDACTED]

TAKEN AT Bldg 1, CPD, LIT DATED 20040530

B. 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 1. 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 30<sup>th</sup> day of May, 2004  
at Guantanamo Bay, Cuba

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

[REDACTED]  
*(Typed Name of Person Administering Oath)*  
Clifford 136 118 MT  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED] have read and understand the above Privacy Act statement, and /or signed a rights advisement.

Name: [REDACTED]  
Rank/Branch: [REDACTED]  
Title: [REDACTED]

00183

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the preparing agency is GDCSOPB

**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 retrieved.  
**USUAL 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 Guantanamo Bay, Cuba	2. DATE 09.10.04	3. TIME 2234	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS DET. HOSPITAL JTF-GTMO		
8. 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 **Joint Task Force Guantanamo, Joint Detentions Operations Group** and wanted to question me about the following offense(s) of which I am

suspected/accused:

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 only (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 children 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.

**8. 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)**

- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE
- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE

- SIGNATURE OF INTERVIEWEE  
[REDACTED]
- SIGNATURE OF INVESTIGATOR  
[REDACTED]
- TYPED NAME OF INVESTIGATOR  
[REDACTED]
- ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detentions Operations Group

**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 2622) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

00184

PART II - RIGHTS WARNING PROCEDURE  
THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offenses.
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a court of law."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

*(For persons not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."*

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning and advise him a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

**IF SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PNOR INCrimINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned on such other without being advised of his/her rights or some question arises as to the propriety of the line statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for instructions in drafting the proper rights advice.

**NOTE:** If 1 or 2 apply, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

REVERSE OF DA FORM 3881

HEADS V2 01

00185



SWORN STATEMENT

For use of this form, see AR 190-48; the procuring agency is CDCSOPS

LOCATION

CAMP DELTA

DATE

21 JAN 74

TIME

2242

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS

DETENTION HOSPITAL

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of 21 JAN 74 I remember being at 2/3 Camps for call searches. While I was attending to a detainee I noticed an MP pick up a cup of Pine Oil and walked into the block. When he returned the cup was empty. Since the MP was covered with fluids I assumed that someone had thrown something at him and he retaliated. After that the detainee was treated by another Corpsman. I think his name is [redacted]

End of Statement ///

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

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

USGPO 12-72

00186

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and I have signed a rights advisement.

Name:  
Rank/Branch:  
Title:

[REDACTED]

00187

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
For use of the form, see AF 1800C, the program agency's DCDFOP

DATA REQUIRED BY THE PRIVACY ACT

**AUTHORITY:** Title 10, United States Code, Section 2012(g)  
**GENERAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USER:** Your Social Security Number is used as an additional/better means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

4. FILE NO.

1. LOCATION: Guantanamo Bay, Cuba

2. DATE: 2 Jun 04 / PJA

3. TIME: 1724

4. ORGANIZATION ON ADDRESS: 66877 MP G

5. NAME (Last, First, and Middle): [REDACTED]

6. SSN: [REDACTED]

7. GRADE/TITLE: [REDACTED]

8. [REDACTED]

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

12. [REDACTED]

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

19. [REDACTED]

20. [REDACTED]

21. [REDACTED]

22. [REDACTED]

23. [REDACTED]

24. [REDACTED]

25. [REDACTED]

26. [REDACTED]

27. [REDACTED]

28. [REDACTED]

29. [REDACTED]

30. [REDACTED]

31. [REDACTED]

32. [REDACTED]

33. [REDACTED]

34. [REDACTED]

35. [REDACTED]

36. [REDACTED]

37. [REDACTED]

38. [REDACTED]

39. [REDACTED]

40. [REDACTED]

41. [REDACTED]

42. [REDACTED]

43. [REDACTED]

44. [REDACTED]

45. [REDACTED]

46. [REDACTED]

47. [REDACTED]

48. [REDACTED]

49. [REDACTED]

50. [REDACTED]

51. [REDACTED]

52. [REDACTED]

53. [REDACTED]

54. [REDACTED]

55. [REDACTED]

56. [REDACTED]

57. [REDACTED]

58. [REDACTED]

59. [REDACTED]

60. [REDACTED]

61. [REDACTED]

62. [REDACTED]

63. [REDACTED]

64. [REDACTED]

65. [REDACTED]

66. [REDACTED]

67. [REDACTED]

68. [REDACTED]

69. [REDACTED]

70. [REDACTED]

71. [REDACTED]

72. [REDACTED]

73. [REDACTED]

74. [REDACTED]

75. [REDACTED]

76. [REDACTED]

77. [REDACTED]

78. [REDACTED]

79. [REDACTED]

80. [REDACTED]

81. [REDACTED]

82. [REDACTED]

83. [REDACTED]

84. [REDACTED]

85. [REDACTED]

86. [REDACTED]

87. [REDACTED]

88. [REDACTED]

89. [REDACTED]

90. [REDACTED]

91. [REDACTED]

92. [REDACTED]

93. [REDACTED]

94. [REDACTED]

95. [REDACTED]

96. [REDACTED]

97. [REDACTED]

98. [REDACTED]

99. [REDACTED]

100. [REDACTED]

**PART I - RIGHTS WAIVER/WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below had the right to with the United States Army Joint Task Force Guantanamo, Joint Detachment Operations Group and wanted to question me about the following offense(s) of which I am suspicious: *disturbance of duty*

- I do not have to answer any question or give anything.
  - Anything I say or do can be used as evidence against me in a criminal trial.
  - For general subject only (GCSI), 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 my expense or a military lawyer detailed for me at no expense to me.
- or both.
- For civilian 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 it can be a lawyer and with me, a lawyer with no expense 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 speak privately with a lawyer before answering further, even if I sign the waiver below.

**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 here and without having a lawyer present with me.

**WITNESSES (if available)**

1. NAME (Type or Print): [REDACTED]

2. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

3. SIGNATURE OF INTERVIEWEE: [REDACTED]

4. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

5. NAME (Type or Print): [REDACTED]

6. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

7. SIGNATURE OF INTERVIEWER: [REDACTED]

8. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

9. NAME (Type or Print): [REDACTED]

10. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

11. SIGNATURE OF INTERVIEWEE: [REDACTED]

12. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

13. NAME (Type or Print): [REDACTED]

14. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

15. SIGNATURE OF INTERVIEWER: [REDACTED]

16. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

17. NAME (Type or Print): [REDACTED]

18. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

19. SIGNATURE OF INTERVIEWEE: [REDACTED]

20. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

21. NAME (Type or Print): [REDACTED]

22. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

23. SIGNATURE OF INTERVIEWER: [REDACTED]

24. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

25. NAME (Type or Print): [REDACTED]

26. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

27. SIGNATURE OF INTERVIEWEE: [REDACTED]

28. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

29. NAME (Type or Print): [REDACTED]

30. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

31. SIGNATURE OF INTERVIEWER: [REDACTED]

32. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

33. NAME (Type or Print): [REDACTED]

34. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

35. SIGNATURE OF INTERVIEWEE: [REDACTED]

36. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

37. NAME (Type or Print): [REDACTED]

38. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

39. SIGNATURE OF INTERVIEWER: [REDACTED]

40. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

41. NAME (Type or Print): [REDACTED]

42. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

43. SIGNATURE OF INTERVIEWEE: [REDACTED]

44. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

45. NAME (Type or Print): [REDACTED]

46. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

47. SIGNATURE OF INTERVIEWER: [REDACTED]

48. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

49. NAME (Type or Print): [REDACTED]

50. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

51. SIGNATURE OF INTERVIEWEE: [REDACTED]

52. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

53. NAME (Type or Print): [REDACTED]

54. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

55. SIGNATURE OF INTERVIEWER: [REDACTED]

56. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

57. NAME (Type or Print): [REDACTED]

58. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

59. SIGNATURE OF INTERVIEWEE: [REDACTED]

60. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

61. NAME (Type or Print): [REDACTED]

62. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

63. SIGNATURE OF INTERVIEWER: [REDACTED]

64. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

65. NAME (Type or Print): [REDACTED]

66. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

67. SIGNATURE OF INTERVIEWEE: [REDACTED]

68. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

69. NAME (Type or Print): [REDACTED]

70. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

71. SIGNATURE OF INTERVIEWER: [REDACTED]

72. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

73. NAME (Type or Print): [REDACTED]

74. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

75. SIGNATURE OF INTERVIEWEE: [REDACTED]

76. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

77. NAME (Type or Print): [REDACTED]

78. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

79. SIGNATURE OF INTERVIEWER: [REDACTED]

80. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

81. NAME (Type or Print): [REDACTED]

82. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

83. SIGNATURE OF INTERVIEWEE: [REDACTED]

84. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

85. NAME (Type or Print): [REDACTED]

86. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

87. SIGNATURE OF INTERVIEWER: [REDACTED]

88. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

89. NAME (Type or Print): [REDACTED]

90. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

91. SIGNATURE OF INTERVIEWEE: [REDACTED]

92. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

93. NAME (Type or Print): [REDACTED]

94. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

95. SIGNATURE OF INTERVIEWER: [REDACTED]

96. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

97. NAME (Type or Print): [REDACTED]

98. ORGANIZATION OR ADDRESS AND PHONE: [REDACTED]

99. SIGNATURE OF INTERVIEWEE: [REDACTED]

100. 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**

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

PART B - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Advise the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a court of law."
  - c. *For personnel subject to the UCMJ:* "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

*For civilians not subject to the UCMJ:* You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now talking to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question:

"Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the investigation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question:

"Do you want a lawyer at this time?"

If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question:

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.

SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street investigation, interrogation may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned on such matter without being advised of his/her rights or some question relates to the propriety of the fact statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advice.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the statement section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be used to discourage a suspect/accused from exercising his/her rights. For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney."

COMMENTS (Continued)

REVERSE OF DA FORM 3881

47201

00189

SWORN STATEMENT

For use of this form, see AR 180-48; the proponent agency is ODCSOPS

LOCATION

DATE

TIME

FILE NUMBER

27 Jun 04

18:54

LAST NAME FIRST NAME INITIAL NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS

CGIT MP Co, APO AE 09310

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 2 Jun 04 at approximately 1850hrs, I discussed the reported incident of [redacted] throwing pine oil in the face of a detainee on 4 Jan 04. On that date I received a call from [redacted] to go to M Block. [redacted] reported that a detainee told him [redacted] threw pine oil in his face. I spoke to the detainee and I saw that he was rinsing his face. There was pine oil on the cell door. I spoke to [redacted] and told him that would be a stupid thing to do. [redacted] said the detainee spit on him several times and may have even thrown a cup of urine or water on him. He never admitted to throwing the pine oil on the detainee.

I told [redacted] to prepare a 2823. Which he did. No one saw [redacted] throw the pine oil on the detainee. I think I briefly discussed the incident with [redacted] at the time he was the CO. My initial decision was to ascertain whether [redacted] actually did throw the pine oil. I had no proof other than the word of the detainee. As with other situations I encountered as CO and PL, I wanted more info before I made my final decision. I had the NCOs in the company monitor the block [redacted] worked. After an incident on a block with [redacted] we decided to remove him from the block altogether. [redacted] up until the pine oil incident. I was not aware of any problems on the block with [redacted]. We had [redacted] make an appointment for him with Combat Stress.

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

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

USGPO WASH

00190

PAGE 2 OF 2 PAGES

STATEMENT OF PERSON MAKING STATEMENT

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Typed Name of Person Making Statement  
14728 136 112MS  
Authority To Make Statement

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of June, 1954.

Signature of Person Making Statement

HAVE READ ON 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.

AFFDAVIT

STATEMENT (Continued)  
I tried to get the exact date, but Combat Stress said never stayed for his appointment. Therefore, they don't have the exact date and time. They do remember him coming. I further discussed with [redacted] that it was possible that at this point this is the only incident of this kind in the company. Also, that I don't believe these type situations are widespread. If they were, it would get to SDD level quickly. I told [redacted] that anything that happened was probably being handled at the company level. At the time of the incident, I did not recall the CO, or the Field Grade I in the line being present at Camp 2/3. They probably made their rounds before or after the incident. Enlistment

00192

Name: [REDACTED]  
 Rank/Branch: [REDACTED]  
 Title: [REDACTED]

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and for signed a rights advisement.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**ROTTINE ISSUES:** 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.

**PIRPOSE:** To be used in an informal investigation on behalf of the Joint Detachment Operations Group Commander in accordance with Army Regulation 15-6.

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is DDC30FB

**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 Guantanamo Bay, Cuba	2. DATE 4 Jan 04	3. TIME 1546	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS		
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 **Joint Task Force Guantanamo, Joint Detentions Operations Group** and wanted to question me about the following offense(s) of which I am

suspected/accused: *dereliction of duty*

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:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. If for personal subject only (OCMU) 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 my expense or the Government or a military lawyer detailed for me at its expense to me, or both.

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

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

**5. COMMENTS (Continue on reverse side)**

**Section B. Waiver**

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

**WITNESSES (if available)**

- 1a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE
- 2a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE  
[REDACTED]

4. SIGNATURE OF INVESTIGATOR  
[REDACTED]

5. TYPE NAME OF INVESTIGATOR  
MAJ, MP

6. ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detentions Operations Group

**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 3823) SUBSEQUENTLY EXECUTED BY THE INTERVIEWEE/ACCUSED

DA FORM 3851, NOV 89

EDITION OF NOV 84 IS OBSOLETE

00193



PART B - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a court of law."
  - c. "If you are not a subject to the UCMJ, you have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a private lawyer you arrange for at no expense to you, or the Government or a military lawyer detailed for you at no expense to you, or both."

can be a private lawyer you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

(For persons not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

4. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"  
If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question(s).

"Have you ever requested a lawyer after being read your rights?"  
If the suspect/accused says "yes," find out when and where, if the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the investigation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question(s).

"Do you want a lawyer at this time?"  
If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question(s).

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.

SPECIAL INSTRUCTIONS

**IF SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**FROM INCrimINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned on such either without being advised of his/her rights or some question pertains as to the propriety of the last statement, the command must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisement.

**NOTE:** If 1 of 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comments section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desired to waive counsel. The questioning may not be used to discourage a suspect/accused from exercising his/her rights. For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney."

COMMENTS (Continued)

REVERSE OF DA FORM 3881

**SWORN STATEMENT**

For use of this form, see AR 180-48; the procuring agency is ODCSOPS

LOCATION 77F HQ's  
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]

DATE 4 Jan 01 TIME 1951 FILE NUMBER [REDACTED]

ORGANIZATION OR ADDRESS 661

SOCIAL SECURITY NUMBER [REDACTED] GRADE STATUS [REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That I was not notified of any FIRE OIL incident that took place on the night of 4 Jan 04. It was brought to my attention by [REDACTED] that he had to go to work with the 2A sometime during the week before we left when 661st was working days. [REDACTED] did not tell me the night of 4 January 04 that this fire oil incident took place.  
Ending statement

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

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

FORM 2823

00195



00196

SWORN STATEMENT

For use of this form, see AR 190-48; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2961; E.O. 9387 dated November 22, 1943 (SSA).
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: Block, Camp Delta, Guantanamo Bay Cuba
2. DATE: 27 JAN 04
3. TIME: 1151P
FILE NUMBER:
4. GRADE/STATUS:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. ORGANIZATION OR ADDRESS: Camp Delta, Guantanamo Bay Cuba 09360

On 18 January 2004 @ approx 0800 [redacted] seemed to get extremely agitated while being escorted back from shower & UEC by [redacted]. Upon asking detainee why [redacted] was irritated. He stated that [redacted] was saying "Fuck you", "Eat shit and kick your ass" under [redacted] breath while [redacted] was still in the shower area. The second MP for movement heard the end of the exchange, but stated to the block SGT that it was low murder [redacted] and that it was hard to hear. This was stated by [redacted]. At this time SGT [redacted] was called and notified of situation. [redacted] had yet to address this problem with [redacted] and that [redacted] would notify SGT. The minute the situation was discussed and a solution found. The [redacted] interpreter was notified and translated for [redacted] on what had happened in the [redacted].

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT:
PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING 'STATEMENT' TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.
DA FORM 2822, DEC 1999 DA FORM 2822, JUL 72, IS OBSOLETE

00197



**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED] have read and understand the above Privacy Act statement, and for signed a rights advisement.

Name: [REDACTED]  
Rank/Branch:  
Title: Block NCO

00199

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see Air 100-66; the issuing agency is DECORS  
 DATA REQUIRED BY THE PRIVACY ACT

**AUTHORITY:** This 10, United States Code, Section 2012(g)  
**LEGAL PURPOSE:** To provide government and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an administrative means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION Guantanamo Bay, Cuba	2. DATE 30 May 2004	3. TIME 1318	4. FILE NO.
5. NAME AND TITLE [REDACTED]	8. ORGANIZATION OR ADDRESS [REDACTED]		
7. STATUS [REDACTED]	PART I - RIGHTS WAIVER/NO-WAIVER CERTIFICATE		

**Section A. Rights**  
 The investigator whose name appears below has read me that rights in with the United States Army John Task Force Command, Joint Detachment Operations Group and wanted to question me about the following statement of which I am understood:  
 Before making a statement I have the following rights:  
 1. I do not have to answer any questions or give any statement.  
 2. Anything I say or do can be used as evidence against me in a court of law.  
 3. I have the right to stop answering questions at any time, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer will be one that I choose for at my own expense, or I choose a lawyer and want one, a lawyer will be appointed for me before any questioning begins.  
 4. If I am now willing to answer the following questions, with or without a lawyer present, I have a right to stop answering questions at any time, or cease answering with a lawyer before answering further, even if I sign this waiver later.

**Section B. Waiver**  
 5. COMMENTS (Checking on reverse side)  
 I understand my rights as stated above, I am now willing to answer the questions under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.  
 I have the right to stop answering questions at any time, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer will be one that I choose for at my own expense, or I choose a lawyer and want one, a lawyer will be appointed for me before any questioning begins.  
 If I am now willing to answer the following questions, with or without a lawyer present, I have a right to stop answering questions at any time, or cease answering with a lawyer before answering further, even if I sign this waiver later.  
 I do not have to answer any questions or give any statement.  
 Anything I say or do can be used as evidence against me in a court of law.  
 I have the right to stop answering questions at any time, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer will be one that I choose for at my own expense, or I choose a lawyer and want one, a lawyer will be appointed for me before any questioning begins.  
 If I am now willing to answer the following questions, with or without a lawyer present, I have a right to stop answering questions at any time, or cease answering with a lawyer before answering further, even if I sign this waiver later.

**Section C. Interviewer**  
 1. I do not want to give up my rights.  I want a lawyer.  
 I do not want to be questioned or my answers.  
 I do not want to be questioned or my answers.

**Section D. Witness**  
 I understand my rights as stated above, I am now willing to answer the questions under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.  
 I have the right to stop answering questions at any time, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer will be one that I choose for at my own expense, or I choose a lawyer and want one, a lawyer will be appointed for me before any questioning begins.  
 If I am now willing to answer the following questions, with or without a lawyer present, I have a right to stop answering questions at any time, or cease answering with a lawyer before answering further, even if I sign this waiver later.

**Section E. Name**  
 Name: [REDACTED]  
 Title: [REDACTED]  
 Organization: [REDACTED]  
 Address: [REDACTED]

DA FORM 3881, NOV 88  
 ATTACH THE WAIVER CERTIFICATE TO ANY SWORN STATEMENT OR FORM WHICH SUBSEQUENTLY DEVELOPS BY THE SUBJECT/ACCUSED  
 EDITION OF NOV 84 IS OBSOLETE

**PART 2 - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/arrested of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that habeas is a suspended sentence.
2. **RIGHTS** - Advise the suspect/arrested of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal case."
  - c. (For persons subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to you, or ask."

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or ask."

- or -

*For persons NOT subject to the UCMJ:* "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

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

Make certain the suspect/arrested fully understands his/her rights.

**THE WAIVER**

"Do you understand your rights?"  
If the suspect/arrested says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/arrested says "yes," ask the following question(s):

"Have you ever requested a lawyer after being read your rights?"  
If the suspect/arrested says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the investigation. If the suspect/arrested says "no," or if the prior request was not recent, ask him/her the following question(s):

"Do you want a lawyer at this time?"  
If the suspect/arrested says "yes," stop the questioning until habeas has a lawyer. If the suspect/arrested says "no," ask him/her the following question(s):

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?"  
If the suspect/arrested says "no," stop the interview and have him/her read and sign the non-waiver portion of the waiver certificate on the other side of this form. If the suspect/arrested says "yes," have him/her read and sign the waiver portion of the waiver certificate on the other side of this form.

**SPECIAL INSTRUCTIONS**

**IN SUSPECT/ARRESTED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/arrested orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that habeas has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street investigations, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCrimINATING STATEMENTS:**  
1. If the suspect/arrested has made spontaneous incriminating statements before being properly advised of his/her rights habeas should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/arrested was questioned on such other without being advised of his/her rights or some question arises as to the propriety of the first statement, the subject must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advice.

**NOTE:** If 1 or 2 apply, the fact that the suspect/arrested was advised accordingly should be noted in the statement section on the waiver certificate and initialed by the suspect/arrested.

**WHEN SUSPECT/ARRESTED DISPLAYS HESITATION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERVIEW PROCESS:** If during the investigation, the suspect displays hesitation about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/arrested only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/arrested from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

REVERSE OF DA FORM 3881

USAPA 01-81



SWORN STATEMENT

For use of this form, use AR 150-45; the preparing agency is ODCSOPF

LOCATION

PF R1 Camp Delta Guantanamo Bay

DATE

24 Jan 14/15

FILE NUMBER

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 18 Jan 2004 [redacted] was on the block as an MP Guard. I [redacted] at the time am (E.S) was block Sgt. [redacted] pulled block Sgt aside and stated that [redacted] was saying "Kick ass" "Fuck you" and "eat shit" [redacted] had started this during an escort from shower and rec, and each time [redacted] passed cell [redacted] was second MP that escorted [redacted] back from shower and rec but did not hear exactly what was said. Due to [redacted] saying it under his breath. During a cell search (L) [redacted] watched [redacted] step, turn [redacted] head (R) say something to [redacted] then continue to the guard shack at the front of the block. Sgt was advised that [redacted] was adjusting [redacted] on purpose and that I wanted [redacted] removed off of the block. This was done for safety of the MPs on duty and that [redacted] would not adjust [redacted] for the remainder of the day. Interpreter was called [redacted] to the block to help calm detainee down. [redacted] got an attitude with one informant of detainee [redacted] and [redacted] stated

SUBJECT

INITIALS OF

SIGNATURE

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

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

FORM 2823

STATEMENT (Continued)

that "You have a problem with me". When  
Confronted in the guard shack about  
what was said to [redacted]  
[redacted] would neither confirm nor deny  
what [redacted] said. [redacted] was counseled  
by myself, [redacted] later  
that evening @ [redacted] house  
in [redacted]. I am sure that the Detainee  
was [redacted] due to having to call an  
interpreter, and physically talking to  
the detainee himself. To my knowledge  
[redacted] was off the blocks for approx  
1/2 hrs. Prior to 1601 MPCO leaving  
GTMO [redacted] was placed back onto  
the blocks. |||End of Statement||| [redacted]

**AFFIDAVIT**

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to  
administer oaths, this 30<sup>th</sup> day of May, 2004  
at P.O. Guantanamo Bay, Cuba

ORGANIZATION OR ADDRESS

[redacted]  
(Signature of Person Administering Oath)

[redacted]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]  
(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

[redacted] PAGE 2 OF 2 PAGES

**SWORN STATEMENT**  
 For use of the form, see AF 130-45; see also the instructions on the reverse side of this form.

LOCATION: **TEP 1 Camp Delta**  
 LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]  
 ORGANIZATION OR ADDRESS: **STF (TMO)**

On 18 Jan 2004, I was apprised about [REDACTED] 11-Block. SGT [REDACTED] was apprised about [REDACTED] and [REDACTED] SGT [REDACTED] was also been advised of an incident that happened prior to [REDACTED] being part of H-Block for the remainder of shift including the distribution of TP. This was minor and not the reason for [REDACTED] to be taken off of block. I heard all this again and was told to get back to work. Incident involving TP was not put into 2823 due to it being minor and just showing disrespect to another. Interpreter was called to block, [REDACTED] for three detainees on H-Block. One of these detainees was [REDACTED] interpreter explained what "kick ass" meant to [REDACTED] and help [REDACTED] down. Interpreter did take notes while talking to [REDACTED] and not with [REDACTED] or what has been done with [REDACTED] of do nothing that I put [REDACTED] on 2823 original due to am

EXHIBIT  
 INITIALS OF PERSON MAKING STATEMENT: [REDACTED]  
 PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADINGS "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTAINS."  
 AS PAGE [REDACTED] OF [REDACTED] PAGES. WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE COMPLETED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72  
 SUPPERS DA FORM 2823, 1 JAN 88, WHICH WILL BE USED

STATEMENT (Continued)

See that [redacted] is correct // End of Statement [redacted]

**AFFIDAVIT**

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of June, 19 2021 at Guantanamo Bay, Cuba

ORGANIZATION OR ADDRESS

[redacted] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted] (Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PAGE 2 OF 2 PAGES

FD-302 (Rev. 11-27-80)

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and for signed a rights advisement.

**Name:** [REDACTED]  
**Rank/Branch:** [REDACTED]  
**Title:** [REDACTED]

00206

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 150-30; the presiding agency is GDCSOPS

**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.  
**USUAL 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 Guantanamo Bay, Cuba	2. DATE 31 May 04	3. TIME 1710	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS [REDACTED]		
6. SSN [REDACTED]	7. GRADE/STATUS		

**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 **Joint Task Force Guantanamo, Joint Detention Operations Group** and wanted to question me about the following offense(s) of which I am suspected/accused:

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- If I am not a U.S. citizen, 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 -

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

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

**5. COMMENTS (Continue on reverse side)**

**Section B. Waiver**

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

**WITNESSES (If available)**

- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE
- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE

- SIGNATURE OF INTERVIEWEE  
[REDACTED]
- SIGNATURE OF INVESTIGATOR  
[REDACTED]
- TYPED NAME OF INVESTIGATOR  
[REDACTED]
- ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detention Operations Group

**Section C. Non-waiver**

- I do not want to give up any 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 2882) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 2881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

17-4a 2.01

00207

**PART II - RIGHTS WARNING PROCEDURE**  
**THE WARNING**

1. **WARNING** - inform the suspect/arrested of:
  - a. Your official position.
  - b. Nature of offenses.
  - c. The fact that he/she is a suspect/arrested.
2. **RIGHTS** - Advise the suspect/arrested of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. If you are arrested under the UCMJ "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

*For civilians not subject to the UCMJ: You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."*

- d. "If you are now willing to discuss the offenses under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."
- Make certain the suspect/arrested fully understands his/her rights.

**THE WAIVER**

"Do you understand your rights?"  
If the suspect/arrested says "yes," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/arrested says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"  
If the suspect/arrested says "yes," find out when and where. If the request was denied, (i.e., fewer than 30 days ago), obtain legal advice whether to continue the investigation. If the suspect/arrested says "no," or if the prior request was not recent, ask his/her the following question.)

"Do you want a lawyer at this time?"  
(If the suspect/arrested says "yes," stop the questioning until he/she has a lawyer. If the suspect/arrested says "no," ask his/her the following question.)

"At this time, are you willing to discuss the offenses under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/arrested says "yes," stop the interview and have his/her read and sign the non-waiver portion of the waiver certificate on the other side of this form. If the suspect/arrested says "yes," have his/her read and sign the waiver portion of the waiver certificate on the other side of this form.)

**SPECIAL INSTRUCTIONS**

**IF SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/arrested orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offenses under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of cross-examination, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIVILEGED INFORMATION STATEMENTS:**

1. If the suspect/arrested has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/arrested was questioned on such other without being advised of his/her rights or some question solely on to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for guidance in drafting the proper rights advice.

**NOTE:** If 1 or 2 applies, the fact that the suspect/arrested was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/arrested.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/arrested only concerning whether he or she desires to waive counsel. This questioning may not be utilized to discourage a suspect/arrested from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

**COMMENTS** (Continued)

REVERSE OF DA FORM 3881

11-20-80 107 01

00208

SWORN STATEMENT

For use of this form, see AR 190-48; this form is effective 1 OCTOBER 1972

LOCATION

Per 1  
LAST NAME FIRST NAME MIDDLE NAME

31 May 04 1753

FILE NUMBER

GRADE/STATUS

ORGANIZATION OR NUMBER

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 31 May 2004 at approximately 1718 in building Per 1 of Camp Delta, I had a conversation with [redacted] regarding a soldier who had been kicked off a block when myself and [redacted] were working with him. The soldier is [redacted]. The situation occurred when [redacted] supposedly made comments to a detainee and the comments upset the detainee. I didn't directly hear what [redacted] because I was at the top of the stairs near the rec yard as [redacted] said something to the detainee in the shower. [redacted] made me aware of the situation and asked if I heard what [redacted] said "I told .. I didn't". [redacted] was removed from the block, I'm not sure if any further action was taken with [redacted]. --- End of Statement ---

How long had you been working the blocks when this incident occurred?  
A - approximately one week  
Nothing follows!

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

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

USMPC V2.00

00209



**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersede this portion of the Privacy Act statement.

**CERTIFICATION:** I,  have read and understand the above Privacy Act statement, and /or signed a rights advisement.

**Name:**  
**Rank/Branch:**  
**Title:**



00210

4-204

DA FORM 3881, NOV 88

EDITION OF NOV 84 IS OBSOLETE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 3882) SUBSEQUENTLY EXECUTED BY THE SUBJECT/COMPLAINANT

7. SIGNATURE OF STATEMENTS

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

Section C. Non-Witness

9. ORGANIZATION ON ADDRESS AND PHONE

10. NAME (Type or Print)

9. ORGANIZATION ON ADDRESS AND PHONE

10. NAME (Type or Print)

WITNESSES (If available)

I understand my rights as stated above. I am now willing to discuss the offense/subject matter in question and make a statement without making a lawyer present and without having a lawyer present with me.

Section B. Witness

5. CHARACTERISTICS (Continue on reverse side)

For children and adults on the LDCAL, 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 the lawyer can be paid for by me or my own insurance, 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/subject matter in question, with or without a lawyer present. I have a right to stop answering questions at any time. I wish to discuss with a lawyer before answering further, even if I sign this waiver below.

The investigator whose name appears below told me that I have a right to stop answering questions at any time. I have the following rights: 1. Do not have to answer any questions or give any statements. 2. Anything I say or do can be used as evidence against me in a criminal case. 3. For government employees only (LDCAL) 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. The lawyer can be a military lawyer I request for at no expense to me or the Government or a military lawyer detailed for me at no expense to me, or both.

Section A. Rights

PART I - RIGHTS WAIVER/WAIVER CERTIFICATE

1. LOCATION: Quantico Bay, Calif. 2. NAME (Last, First, MI): [Redacted] 3. SSN: [Redacted] 4. DATE: 21 Nov 1988 5. ORGANIZATION ON ADDRESS: [Redacted] 6. TITLE: [Redacted] 7. ST. CENT, VI

1. AUTHORITY: ROUTE 4588, DISCLOSURE: To provide commanders and law enforcement officials with means by which information may be accurately identified. Your Social Security Number is used as an administrative means of identification to facilitate filing and retrieval. Disclosure of your Social Security Number is voluntary.

DATA REQUIRED BY THE PRIVACY ACT RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE For use of this form, see AF 100-20, the program agency's DISCLOSURE



SWORN STATEMENT

For use of this form, see AR 150-46; the previous edition is O

LOCATION  
Headquarters  
LAST NAME FIRST NAME MIDDLE NAME

DATE 20 Jan 04 1629  
GRADE/STATUS

ORGANIZATION OR ADDRESS

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

I had no knowledge of the incident that occurred on 4 January 2004 as it related to [redacted] throwing Pine Oil on a detainee. Yes, I was the SOG on duty, however the Block UCO, [redacted] did not report this incident to me. Neither did [redacted] report it at the AAR, nor did [redacted] report it to me the following day. My first knowledge of this incident occurring was when I asked [redacted] what was the reason for me being summoned back to QAF. [redacted] proceeded to tell me "Some incident relating to [redacted] throwing Pine Oil on a detainee." As for the other situation whereby [redacted] was removed from the Block while [redacted] was working with [redacted] I do recall being called to a block by [redacted] and [redacted] indicated that [redacted] had disobeyed an order to give a detainee "TP" Toilet Paper and at that point [redacted] felt [redacted] couldn't work with [redacted] anymore. [redacted] proceeded to tell me that [redacted] was going to write [redacted] up. I told [redacted] do what [redacted] had to do. [redacted] said [redacted] would check with [redacted] supervision and [redacted] would speak to [redacted] supervision "Squad leader" [redacted] who [redacted] interim Squad leader was due to the fact that [redacted] Squad leader was on a special assignment. [redacted] was removed from the [redacted]

EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES

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

DA FORM 2623, JUL 73 SUPERSEDES DA FORM 2623, 1 JAN 66, WHICH WILL BE 1 16 MAR 1988

PAGE 2 OF 2 PAGES

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

WITNESSES: [REDACTED]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of June, 2005, at [REDACTED] in [REDACTED] State of [REDACTED].

Signature of Person Making Statement [REDACTED]

Signature of Person Administering Oath [REDACTED]

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE 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 THREAT OR INTIMIDATION, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT, AND WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT, AND WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT, AND WITHOUT THREAT OF PUNISHMENT.

APPROVAL [REDACTED]

STATEMENT [REDACTED] block and put to work in a Sully. It and [REDACTED] I had no knowledge [REDACTED] of because the shift had ended and [REDACTED] did not work. I heard that [REDACTED] that yes [REDACTED] did do a some statement on [REDACTED] and [REDACTED]

folows [REDACTED]

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I , have read and understand the above Privacy Act statement, and/or signed a rights advisement.

Name:  
Rank/Branch:  
Title:



00215

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
 For use of this form, see AR 190-30; the proponent agency is GOCDOPE

**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 Guantanamo Bay, Cuba	2. DATE 7. Sept 2007	3. TIME 1320 hrs	4. FILE NO.
5. NAME (Type or Print) [REDACTED]	6. ORGANIZATION OR ADDRESS		
7. GRADE/STATUS			

**PART I - RIGHTS WAIVER/NO-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army **Joint Task Force Guantanamo, Joint Detention Operations Group** and wanted to question me about the following offense(s) of which I am suspected:

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:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. For purposes 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 my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

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.

8. 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)**

- 1a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE
- 2a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

[REDACTED]

4. SIGNATURE OF INVESTIGATOR

[REDACTED]

5. TYPED NAME OF INVESTIGATOR

6. ORGANIZATION OF INVESTIGATOR  
 Joint Task Force Guantanamo  
 Joint Detention Operations Group

**Section C. Non-waiver**

1. I do not want to give up my rights
- I want a lawyer

I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

ATTACH THE WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 3887) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3887, NOV 88

VERSION OF NOV 84 IS OBSOLETE

**PART 5 - RIGHTS WAIVER PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer any questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal case."
  - c. If you cannot afford a lawyer, one will be appointed for you before any questioning if you cannot afford a lawyer. This lawyer

can be a civilian, you arrange for it at no expense to the Government or a military lawyer detailed for you if no expense to you, or both."

- or -

"For subject not subject to the UCMJ: You have the right to talk to a lawyer for advice before we question you and to have him with you during questioning. This lawyer can be one you arrange for or your own counsel, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- c. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time. To speak privately with a lawyer before answering further, even if you sign a waiver certificate,"

Make certain the suspect/accused fully understands his/her rights.

**THE WAIVER**

"Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question(s).

"Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask whether the following question(s).

"Do you want a lawyer at this time?"

If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask whether the following question(s).

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver portion of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver portion of the waiver certificate on the other side of this form.)

**SPECIAL INSTRUCTIONS**

**IF SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of stress interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCrimINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question arose as to the priority of the line statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in advising the proper rights advice.

**NOTE:** If 1 or 2 apply, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the accused displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to dissuade a suspect/accused from exercising his/her rights. For example, do not make such comments as "If you don't do anything wrong, you shouldn't need an attorney."

COMMENTS (Continued)

REVERSE OF DA FORM 3881

00217



SWORN STATEMENT

For use of this form, see AR 190-48; the proper reporting agency is ODCSOPS

LOCATION: JTF. HQ. GTMO.  
LAST NAME, FIRST NAME, MIDDLE NAME

DATE: 2 Jan 04 TIME: 1345 hr  
SERIAL NUMBER: GRADE/STATUS:

ORGANIZATION OR AGENCY

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

that there was no time I was call to a brief of any problem with [redacted] the only time I remember there was a issue with giving out toilet paper to detainees.

Q: Do you remember the incident on 18 Jan 04 when [redacted] was alleged to have sworn at a detainee and you were on duty as PI 1?

A: NO

Q: Would you expect the SOG to report incidents of this nature to you?

A: Yes

Q: What was your leadership position within the 661st MP Company while deployed to GTMO?

A: Platoon leader.

// No thing follows --- //

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

SUPREDES DA FORM 2823, 1 JAN 68, WHICH WILL BE 1 INSTEAD

USMPC V2.00

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** [REDACTED] have read and understand the above Privacy Act statement, and /or signed a rights advisement.

Name: [REDACTED]  
Rank/Branch: [REDACTED]  
Title: [REDACTED]

00219

**RIGHTS WAIVING PROCEDURE/WAIVER CERTIFICATE**  
 For use of this form, see DA FORM 2012g, the previous agency's OIG 2007  
 DATA REQUIRED BY THE PRIVACY ACT

**AUTHORITY:** This 10, United States Code, Section 2012g  
**SPECIAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ATTN USES:** Your Social Security Number is used as an identification means of identification by location, time and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

**1. LOCATION:** Camarillo Bay, Calif.  
**2. DATE:** 2 June 2011 / 1457 Hrs  
**3. TIME:** 1457 Hrs  
**4. PALS NO.:**

**5. SIGNATURE:** [Redacted]  
**6. ORGANIZATION:** [Redacted]  
**7. TITLE:** [Redacted]

**8. SIGNATURE:** [Redacted]  
**9. ORGANIZATION:** [Redacted]  
**10. TITLE:** [Redacted]

**11. DATE:** 2 June 2011 / 1457 Hrs  
**12. TIME:** 1457 Hrs  
**13. PALS NO.:**

**Section A. Rights**  
 The investigator would name against below and was that include to with the United States Army Joint Task Force Command, Joint Detachment Operations Group and would to question the about the following of which I am  
 empowered:  
 Name include asking the any questions about the statements, however, include made to me or to any other I have the following rights:  
 1. I do not have to answer any questions at any time.  
 2. Anything I say or do can be used as evidence against me in a criminal trial.  
 3. For purposes of this act, 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 will be one that I choose 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 questioning at any time, or speak privately with a lawyer before answering further, even if I sign this waiver below.  
**Section B. Waiver**  
 I understand my rights as stated above, I am now willing to discuss the offense(s) under investigation and give a statement without a lawyer present and without having a lawyer present with me.  
**Section C. Witnesses (if available)**  
 1. NAME (Type or Print) [Redacted]  
 ORGANIZATION ON ADDRESS AND PHONE [Redacted]  
 2. NAME (Type or Print) [Redacted]  
 ORGANIZATION ON ADDRESS AND PHONE [Redacted]  
 3. NAME (Type or Print) [Redacted]  
 ORGANIZATION ON ADDRESS AND PHONE [Redacted]  
 4. NAME (Type or Print) [Redacted]  
 ORGANIZATION ON ADDRESS AND PHONE [Redacted]  
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**Section D. Signatures**  
 1. I do not want to give up my rights  I want a lawyer   
 2. I do not want to be questioned or my anything

**ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT DA FORM 2012g SUBSEQUENTLY EXCERPT BY THE SUBJECTS**  
**DA FORM 2012g, NOV 88**  
**EDITION OF NOV 88 IS OBSOLETE**

PART II - RIGHTS WAIVER PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a court of law."
  - c. For personnel subject to the UCMJ: "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

*(For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."*

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice in order to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask whether the following question.)

"Do you want a lawyer at this time?"

If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask whether the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "yes," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

**IF SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notation on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**FROM INCrimINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question arises as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in applying the proper rules advised.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comments section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS HESITATION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays hesitation about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may continue the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. For example, do not make such comments as "If you don't do anything wrong, you shouldn't need an attorney."

COMMENTS (Continued)

REVERSE OF DA FORM 3881

48a V2 D1

00221

**SWORN STATEMENT**

For use of this form, see AR 190-46; this form is agency is OD - 1-2-

LOCATION  
**JTF GTMO**

DATE: [REDACTED] TIME: [REDACTED] FILE NUMBER

LAST NAME FIRST NAME MIDDLE NAME

EXPIRES: 2 15 20 [REDACTED] Hrs

SOCIAL SECURITY NUMBER

GRADE STATUS

ORGANIZATION ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 18th of January at approximately 1630 hrs I, [REDACTED] had a counseling session with [REDACTED] of 384th [REDACTED] of my unit. The counseling was about: [REDACTED] not following the block sq orders. The block sq being [REDACTED] called me from work explaining [REDACTED] had kicked [REDACTED] off the block and that [REDACTED] wanted to let me know that [REDACTED] was writing him up. I told [REDACTED] to do what [REDACTED] had to do and that I would meet with [REDACTED] when [REDACTED] gets home to review [REDACTED] statement and counsel [REDACTED] at the same time. We all meet and the counseling began when [REDACTED] stated that [REDACTED] would not obey [REDACTED] board [REDACTED] told [REDACTED] to stop giving out TP but [REDACTED] ignored [REDACTED] when [REDACTED] approached [REDACTED] to correct [REDACTED] behavior. [REDACTED] said: [REDACTED] not mad and disrespected [REDACTED] After counseling [REDACTED] I made him apologize to [REDACTED] and told [REDACTED] I said it won't happen again. After the counseling with [REDACTED] who was at [REDACTED] house when I went over there to tell [REDACTED] I was ready to see [REDACTED] about [REDACTED] incident, told me that [REDACTED] had an incident with [REDACTED] on his block as well a few nights back. I told [REDACTED] no problem. Put it in writing right now and I will see you next. [REDACTED] did put [REDACTED] statement in writing and brought it over to my house. It was about a detainee spitting [REDACTED] to: [REDACTED] that [REDACTED] threw pine oil in [REDACTED] face. When I asked [REDACTED] about it [REDACTED] said [REDACTED] didn't do it. [REDACTED] said that the detainee kept spitting on [REDACTED] when [REDACTED] down to the end of the block, and that the detainees were spitting on everyone because of the operation clean sweep. [REDACTED] said that [REDACTED] told the block [REDACTED] that the detainee kept spitting on [REDACTED] and the block sq told [REDACTED] to go off the block to decommission [REDACTED] and not to come back on the block until [REDACTED] told [REDACTED] a [REDACTED]. [REDACTED] confirmed that was pretty much what he told [REDACTED] I [REDACTED] reminded [REDACTED] about the

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

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

STATEMENT [redacted] do's and don't's of the camp and told that if I ever hear of anything like this again [redacted] will be death with accordingly. [redacted] have had several incidents with [redacted] company during this deployment in which [redacted] has loss rank, pay, [redacted] received extra duty & confinement and if I'm correct a dishonorable discharge. But if I can say any good thing about [redacted] it would be that [redacted] knew his job well and [redacted] is a very good worker. To bad he has such a short temper. End of statement

Nothing Follows

**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 [redacted] REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE [redacted]

[redacted]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of June, 2004 at Guantanamo Bay, Cuba

ORGANIZATION OR ADDRESS

[redacted]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[redacted]  
Authority To Administer Oaths

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PAGE 2 OF 2 PAGES

DUPLICATE

**DEVELOPMENTAL COUNSELING FORM**

For use of this form, see FM 23-100; the proponent agency is TRADOC

**DATA REQUIRED BY THE PRIVACY ACT OF 1974**

**AUTHORITY:** 5 USC 301, Departmental Regulations; 16 USC 3013, Secretary of the Army and E.O. 9397 (SSN)

**PRINCIPAL PURPOSE:** To assist leaders in conducting and recording counseling data pertaining to subordinates.

**ROUTINE USES:** For subordinate leader development (AW FM 23-100). Leaders should use this form as necessary.

**DISCLOSURE:** Disclosure is voluntary.

**PART I - ADMINISTRATIVE DATA**

Name (Last, First, MI) [Redacted] | Rank/Grade [Redacted] | Social Security No. [Redacted] | Date of Counseling 18 JANUARY 2004

Organization 1st Lt MP Co

**PART II - BACKGROUND INFORMATION**

Purpose of Counseling: Leader states the reason for the counseling, e.g., performance/professional growth or event-oriented counseling, and includes the leader's facts and observations prior to the counseling. Situational 18 January 2004

**PART III - SUMMARY OF COUNSELING**

Complete this section during or immediately subsequent to counseling.

**Key Points of Discussion:**

[Redacted] It was observed by myself and fellow block NCOs that [Redacted] became very agitated with you on movement from the shower area back to cell [Redacted] Also each time you passed [Redacted] cell we became agitated you were observed passing [Redacted] cell and saying something to detainees, at this time the detainee would grow more agitated. This will not be tolerated by myself, [Redacted] or other block NCOs. You were removed from the block due to you <sup>potentially</sup> causing an hostile environment. Also, you will respect the NCOs that you are working with. There will be no questioning or confrontations with NCOs in front of Detainees on any block.

I am recommending that you no longer work around [Redacted] on H-Block.

**OTHER INSTRUCTIONS**

This form will be destroyed upon reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits consequences see local directives and AR 635-300.

DA FORM 4886, JUN 1989

EDITION OF JUN 85 IS OBSOLETE

USAPA V1.0

00224

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goals. The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)

I am recommending that you go to an ITC (Inter personal Communication Skills) Class at [redacted] your company.

I am recommending that you no longer work around [redacted] on H-Block.

Session Closing: (The leader, [redacted] the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees: [redacted] remarks if appropriate.)

Individual  I agree  disagree with the information above.

Individual counseled remarks:

Signature of Individual

[redacted signature]

Date: 1/15/04

Leader Responsibilities: (L

responsible in implementing the plan of action.)

Signature of Counselor:

[redacted signature]

Date: 18 Jan 04

PART IV / ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor:

Individual

Date of Assessment:

Note: Both the counselor and the individual counseled should retain a record of the counseling.



**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-32; the proponent agency is DCSOPS

**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  
Guantanamo Bay, Cuba

2. NAME (FOR MR)

3. GRADE/STATUS

4. DATE  
3/14/04  
5. TIME  
1922hr  
6. FILE NO.  
APO AF 0976D

**PART I - RIGHTS WAIVER/NO-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army Joint Task Force Guantanamo, Joint Detention Operations Group and wanted to question me about the following offense(s) of which I am

impeachment: *obstruction of justice*

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:

- 1. I do not have to answer any question or say anything.
- 2. Anything I say or do can be used as evidence against me in a criminal trial.
- 3. After 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 my expense to the Government or a military lawyer detailed for me at no expense to me, or both.

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

**WITNESSES (If available)**

- 1a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE
- 2a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE

- 3. ID
- 4. SIGNATURE OF INVESTIGATOR
- 5. FULL NAME OF INVESTIGATOR
- 6. ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detention Operations Group

**Section C. Non-waiver**

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

SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (SA FORM 3883) SUBSEQUENTLY EXCITED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USARH 2-61

FORM 2881

REVERSE OF DA FORM 2881

COMMENTS

**FROM INFORMATION STATEMENT:**

1. If the respondent has any questions concerning the information provided on this form, they should be referred to the person who provided the information. If the respondent is unable to contact the person who provided the information, they should contact the person who provided the information to the person who provided the information. If the respondent is unable to contact the person who provided the information, they should contact the person who provided the information to the person who provided the information.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases where a waiver certificate cannot be completed immediately, the respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate.

**NOTE:** If a respondent is unable to complete the certificate immediately, the respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate.

**NEW RIGHTS DURING THE INFORMATION PROCESS:** It is the policy of the Department of Defense to ensure that all individuals who are subject to the information process are aware of their rights. The Department of Defense will ensure that all individuals who are subject to the information process are aware of their rights. The Department of Defense will ensure that all individuals who are subject to the information process are aware of their rights.

SPECIAL INSTRUCTIONS

1. If the respondent is unable to complete the certificate immediately, the respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate.

2. If the respondent is unable to complete the certificate immediately, the respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate.

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2. If the respondent is unable to complete the certificate immediately, the respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate.

THE WAIVER

1. If the respondent is unable to complete the certificate immediately, the respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate.

2. If the respondent is unable to complete the certificate immediately, the respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate. The respondent should be advised of the reasons why and the steps that must be taken to complete the certificate.

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PART 5 - RIGHTS WAIVER PROCEDURE

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2822, 1 JAN 68, WHICH

ADDITIONAL PAGES MUST CONTAIN THE HEADINGS: STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATE [REDACTED] CONTINUED. THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS PAGE [REDACTED] OF [REDACTED] PAGES. WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF THIS FORM.

REPORT: INITIALS OF PERSON MAKING STATEMENT: [REDACTED] PAGE 1 OF 2 PAGES

On 3 Jun 04, at approx. 1936 hr, I discussed the following with [REDACTED] that [REDACTED] was indeed punished for an offense noted by [REDACTED] on a DA 2523 dated 18 Jan 04. [REDACTED] reported the offense to [REDACTED] Squad leader, [REDACTED]. [REDACTED] turned the documents over to myself or [REDACTED]. I instructed [REDACTED] to add it to [REDACTED] file and submit it to JSA for processing on an Art. 15. JSA rejected document from the file to be used for a Company Grade Art. 15. The offense JSA chose to use did not include the DA 2523 from [REDACTED]. The Art. 15 request was submitted on 23 Feb 04. I was unable to take any action until after I came back from my leave on 27 Jan 04. The reason [REDACTED] I initiated the Art. 15 proceedings were directly as a result of [REDACTED] series of instructions to include the DA 2523 from [REDACTED]. I checked with JSA hoping they kept copy of the document from [REDACTED] but they did not. I sent an email to the Senior JSA, [REDACTED] or one of [REDACTED] or subordinates recalled the DA 2523 from [REDACTED] in the evening in the packages. // End of Statement //

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: [REDACTED] PPN AF 109760

ORGANIZATION AND GRADE: [REDACTED] PPN AF 109760  
 LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]  
 LOCATION: [REDACTED]  
 TITLE NUMBER: [REDACTED]  
 DATE: 3 Jun 04  
 SOCIAL SECURITY NUMBER: [REDACTED]  
 GRADE: [REDACTED]

STATEMENT (Continued)

*Nothing Follows*

**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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of July, 192004 at Guantanamo Bay, Cuba

ORGANIZATION OR ADDRESS

[REDACTED]  
*(Signature of Person Administering Oath)*

ORGANIZATION OR ADDRESS

[REDACTED]  
*(Typed Name of Person Administering Oath)*  
Latina 136 UCM T  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

DD FORM 1300

00230



Name:  
Rank/Branch:  
Title:

CERTIFICATION: I, [redacted] have read and understand the above Privacy Act statement, and for signed a rights advisement.

DISCLOSURE: Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided herein is for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

FOIA/TIME 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.

PI/PURPOSE: To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

AUTHORITY: Title 5 USC Section 301 and Title 10 USC Section 3013.

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-20; the processing agency is ODCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**NCIPAL 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 Guantanamo Bay, Cuba	2. DATE Feb 8-04	3. TIME 5:47	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS		
6. TITLE [REDACTED]	7. GRADE/STATUS 661 M2 E2		

**PART I - RIGHTS WAIVER/NO-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator when asked appears below told me that he/she is with the United States Army **Joint Task Force Guantanamo, Joint Detachment Operations Group** and wanted to question me about the following offense(s) of which I am

**suspect/accused: turning of a rifle and throwing chewing solution at a detainee.**  
Before being asked any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
2. For personnel subject under 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.

- 07 -

For children 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.

**8. 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)**

1a. NAME (Type or Print)	2. SIGNATURE OF INTERVIEWEE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)	3. TYPE NAME OF ORGANIZATION [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	4. ORGANIZATION OF INVESTIGATOR Joint Task Force Guantanamo Joint Detachment Operations Group

**Section C. Non-waiver**

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

SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 3823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3821, NOV 88

EDITION OF NOV 84 IS OBSOLETE

00231

**PART B - RIGHTS WAIVER PROGRAM**  
THE WAIVER

1. WAIVED: Indicate the unrepresented is:
- Your official position.
  - Member of parliament.
  - The fact that he/she is a legislator.
2. RIGHTS - Advise the unrepresented of his/her rights as follows:
- Waiver 1 with you, any questions, you must understand your rights.
  - "You do not have to answer any questions or say anything."
  - "Anything you say or do can be used as evidence against you in a criminal trial."
  - One government subject to the USIAID "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer

**THE WAIVER**

"Do you understand your rights?"  
If the unrepresented says "Yes," determine what is not understood, and if necessary repeat the applicable rights statements. If the unrepresented says "Yes," ask the following questions:  
"Have you ever requested a lawyer other than being read your rights?"  
If the unrepresented says "Yes," list out others and others. If the request was recent. Ask, "How long ago did you request a lawyer other than to understand the investigation, if the unrepresented says "Yes," or if the other request was not recent, ask whether the following questions.)

**SPECIAL INSTRUCTIONS**

**UNREPRESENTED REFUSES TO SIGN WAIVER CERTIFICATE:** If the unrepresented readily declines his/her rights but wishes to sign the waiver certificate, you may proceed with the questioning. Make statements on the waiver certificate to the others that include the stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the criminal under investigation, and wishes to sign the waiver certificate.  
**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every other should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed in time, go to the next or next investigation, questioning may be immediately resumed. Notes should be kept of the circumstances.

**FROM RECOMMENDED STATEMENTS:**

1. If the representative has made statements describing statements which being properly advised of his/her rights, he/she should be said that such statements do not obligate him/her to answer further questions.

**COMMENTS: Change**

you to a station you arrange for or no response to the Department or a lawyer lawyer decided for you or no response to you, or both."

For children and adults of the USIAID "You have the right to talk to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer can be one you arrange for or your own lawyer, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."  
4. "If you are ever asked to discuss the criminal under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or again privately with a lawyer before answering further, even if you sign a waiver certificate."  
Have copies of the unrepresented his/her understand his/her rights.

**THE WAIVER**

"Do you want a lawyer at this time?"  
If the unrepresented says "Yes," stop the questioning until he/she has a lawyer. If the unrepresented says "Yes," ask whether the following questions.)  
"At this time, are you willing to discuss the criminal under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the unrepresented says "Yes," stop the interviewer and have his/her read and sign the non-waiver version of the waiver certificate on the other side of the form. If the unrepresented says "Yes," have his/her read and sign the waiver version of the waiver certificate on the other side of the form.)

2. If the unrepresented was questioned on each other without being advised of his/her rights or some question asked as to the propriety of the first statement, the second must be re-asked. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advice.

**NOTE:** If 1 or 2 apply, the fact that the unrepresented was advised accordingly should be noted in the criminal history on the waiver certificate and listed by the representative.

**UNREPRESENTED DISPLAYS ANXIETY ON EXERCISE HIS OR HER RIGHTS DURING THE INTERVIEW PROCESS:** It during the investigation, the request should be taken about requesting counsel for example, "Should I should get a lawyer," "I, another questioning name come immediately. At that time, you may question the unrepresented only concerning whether he or she wishes to waive counsel. The questioning may not be ended to develop a unrepresented from exercising his/her rights. If, for example, do not make such comments as "I will edit in anything wrong, you shouldn't read an attorney."

REVERSE OF DA FORM 38871

00232

**SWORN STATEMENT**

For use of the form see AR 190-48; the statement agency is ODCSOE

LOCATION

*71F Redwings Lodge*

DATE

*Jan 20 11:00 AM*

TIME

FILE NUMBER

LAST NAME OF PERSON MAKING STATEMENT

SOCIAL SECURITY NUMBER

GRADE/RANK

ORGANIZATION OR ADDRESS

*641 1st Lt*

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

*No 1/14/2004 I was assigned to H Block [redacted] was the  
Block Sgt. I don't remember Casan enoy [redacted] on the Block*

Q: Did you have a confrontation with [redacted] that day?

A: I don't remember [redacted]

Q: Did you get counseled about incidents on the block that day?

A: No.

Q: What do you remember about the night of 3 January?

A: Just with I Tell The [redacted]

Q: What happened night of 3 Jan 04?

A: Just with I Tell The [redacted] Head of Start

DOUBT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF [redacted] PAGES

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

DA FORM 2823, JUL 72

SUPersedes DA FORM 2823, 1 JAN 62, WHICH WILL BE USED.

00233



**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and /or signed a rights advisement.

Name:  
Rank/Branch:  
Title:

[REDACTED]

00234

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
For use of this form, see AR 190-20; the processing agency is GDCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**ORIGINAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**MAINTENANCE 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 Guantanamo Bay, Cuba	2. DATE 31 May 04	3. TIME 13:30	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS [REDACTED] / JDO5 S2 Nathan Ave. Guantanamo Bay Cuba Ft. Wainwright In 41607 / APO AF 09360		
6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]		

**PART I - RIGHTS WAIVER/NO-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army **Joint Task Force Guantanamo, Joint Detentions Operations Group** and wanted to question me about the following offense(s) of which I am **unsubstantiated**:

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:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
2. *For personnel subject only (UCMU)* 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 UCMU* 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.

3. **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)**

- 1a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE
- 2a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE  
[REDACTED]
4. SIGNATURE OF INVESTIGATOR  
[REDACTED]
5. TYPE NAME OF INVESTIGATOR  
[REDACTED]
6. ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detentions Operations Group

**Section C. Non-waiver**

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

SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 3823) SUBSEQUENTLY DISCLOSED BY THE SUSPECT/ACCUSED  
DA FORM 3881, NOV 88 EDITION OF NOV 84 IS OBSOLETE

00235

**PART 6 - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a court of law."
  - c. If you are a person subject to the UCMJ: "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a lawyer you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

can be a lawyer you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

"If you are not willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

This certifies the suspect/accused fully understands his/her rights.

**THE WAIVER**

"Do you understand your rights?"  
If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights instructions. If the suspect/accused says "yes," ask the following question(s).

"Have you ever requested a lawyer since being read your rights?"  
If the suspect/accused says "yes," find out when and where. If the request was recent, i.e., fewer than 30 days ago, obtain legal advice whether to continue the investigation. If the suspect/accused says "no," or if the prior request was not recent, ask whether the following question(s).

"Do you want a lawyer at this time?"  
If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask whether the following question(s).

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?"  
If the suspect/accused says "no," stop the lawyer and have his/her read and sign the non-waiver portion of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have his/her read and sign the waiver certificate of the waiver certificate on the other side of this form.

**SPECIAL INSTRUCTIONS**

**IF SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notation on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and wishes to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of repeat interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

**IF/ON INCrimINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the statement must be excluded. The office of the serving Staff Judge Advocate should be contacted for assistance in deciding the proper legal action.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS HESITATION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERVIEW PROCESS:** If during the investigation, the subject displays hesitation about requesting counsel for example, "Maybe I should get a lawyer.", further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive contact. The questioning may not be used to discourage a suspect/accused from exercising his/her rights. For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney."

COMMENTS (Continued)

REVERSE OF DA FORM 3881

00236

**SWORN STATEMENT**

For use of this form, see AF 100-42; the payment agency is ODCR/OPS

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 18 USC Section 304; Title 5 USC Section 2261; E.O. 9367 dated November 22, 1943 (ASIP).  
**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/bonus means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

**1. LOCATION:** Camp Delta GTMO Bay, Cuba  
**2. DATE:** 07/27/2004  
**3. TIME:** 13:30  
**4. FILE NUMBER:**  
**5. LAST NAME, FIRST NAME, MIDDLE NAME:**  
**6. ORGANIZATION OR AGENCY:** JTF GTMO, JPOS S2, GTMO Bay, Cuba APO AF 09360  
**7. GRADE/STATUS:**

**8. I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**  
On the night of Jan. 4 2004 I was the Intel (S2) representative working in Camp 2 during the Clean Sweep operation. I returned to Mike Block after a break and noticed a bit of confusion on the block. I asked the MPs on the block what the problem was. I was informed that an MP had supposedly thrown Pine Sol into the eyes of a detainee. I was then told that the detainee was under control. I did not think to ask further questions, as I believed it was just a detainee acting up and causing problems for the MPs on the block. The Clean Sweep operation then continued with me acting as the intel screener for detainee mail. /// End of Statement ///

Not Used

**10. EXHIBIT**  
**11. DETAILS OF PERSON MAKING STATEMENT**  
PAGE 1 OF 2 PAGES  
TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

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

STATEMENT OF

TAKEN AT

DATED

B. 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 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*

WITNESS:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of May, 2004 at Switzerland, Ariz. Cuba

ORGANIZATION OR ADDRESS

[REDACTED]

*Signature of Person Administering Oath*

[REDACTED]

*Typed Name of Person Administering Oath*

ORGANIZATION OR ADDRESS

*Capacity To Administer Oath*

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

PAGE 2, DA FORM 1522, DEC 1999

FORM 1522

00238

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and /or signed a rights advisement.

Name: [REDACTED]  
Rank/Branch: [REDACTED]  
Title: [REDACTED]

00239

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

**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 Guantanamo Bay, Cuba	2. DATE 31 May 04	3. TIME 13:09	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS JDOG AFD AE 09360		
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 **Joint Task Force Guantanamo, Joint Detentions Operations Group** and wanted to question me about the following offense(s) of which I am suspected/accused:

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.

8. 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)**

- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE
- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE  
[REDACTED]

4. SIGNATURE OF INVESTIGATOR  
[REDACTED]

5. TYPED NAME OF INVESTIGATOR  
[REDACTED]

6. ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detentions Operations Group

**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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

4 2 01

00240

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

For civilians not subject to the UCMJ: "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."
- Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the investigation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.

SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCrimINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advice.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCEDURE:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

REVERSE OF DA FORM 3881

USAPA V2.01



**SWORN STATEMENT**

For use of this form, see AR 190-46; the proponent agency is HRC20FS

**PRIVACY ACT STATEMENT**

Title 10 USC Section 201; Title 5 USC Section 205; E.O. 13526 dated November 22, 1943 (ESR).

**AUTHORITY:**

**PRINCIPAL PURPOSE:**

**ROUTINE USES:**

**DISCLOSURE:**

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/better means of identification to facilitate filing and retrieval. Disclosure of your social security number is voluntary.

**1. LOCATION**

JDOG, Guantanamo Bay

**2. DATE (MM/DD/YYYY)**

2004 05 31

**3. TIME**

1344

**4. FILE NUMBER**

**5. LAST NAME FIRST NAME MIDDLE NAME**

[REDACTED]

**6. SSN**

[REDACTED]

**7. ORGANIZATION**

[REDACTED]

**8. ORGANIZATION OF ADDRESS**

[REDACTED]

**I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

On Jan 4, 2004 I, along with 2 representatives from the JDOG S-2 shop were conducting "Operation Clean Sweep" in Camp Delta. My specific duties were to oversee the intelligence report portion of the operation. I assigned 1 NCO to each camp (2H: 1). During the night I spent some time on T block & O block, where the majority of the IRE's were conducted. I also visited C block in Camp 1. I may have visited other blocks to stamp items or check on my NCO's. I do not have any recollection of the events that took place on M block. I also do not recall visiting that block on Jan 4. I was unaware of this incident until it was brought to my attention on 31 May 04!!!

Nothing follows

**10. EXHIBIT**

**11. INITIALS OF PERSON MAKING STATEMENT**

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF"

SIGNED AT

DATE

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

STATEMENT OF



TAKEN AT

BTMO, J. Soc

DATED

2004 05 31

B. STATEMENT (Continued)

Nothing Follows



AFFIRANT

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



(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31<sup>st</sup> day of May, 2004 at Guatemala, P.R. Cuba



(Signature of Person Administering Oath)



(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT



PAGE 2 OF 2 PAGES

PAGE 2 OF FORM 2023, DEC 2000

00243

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and /or signed a rights advisement.

Name:  
Rank/Branch:  
Title:

[REDACTED]

00244

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the preparing agency is ODCSOFS

**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 Guantanamo Bay, Cuba	2. DATE	3. TIME	4. FILE NO
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS JDOG, MWD Section JTF-6TMO		
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 **Joint Task Force Guantanamo, Joint Detention Operations Group** and wanted to question me about the following offense(s) of which I am suspected/accused:

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:

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

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

**WITNESSES (if available)**

- 1a. NAME (Type or Print)
- 1b. ORGANIZATION OR ADDRESS AND PHONE
- 2a. NAME (Type or Print)
- 2b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE  
[REDACTED]

4. TYPED NAME OF INVESTIGATOR  
[REDACTED]

5. ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detention Operations Group

**Section C. Non-waiver**

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

SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2623) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

SAPR 91

PART II - RIGHTS WAIVER PROCEDURE

THE WARNING

Can be a civilian you arrange for or no response to the Government or a military lawyer decided for you in no response to you, or both.

For civilian not subject to the UCMJ: You have the right to talk to a lawyer for advice before we question you and to have a lawyer present with you during questioning. If you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins.

THE WAIVER

"Do you understand your rights?" If the suspect/accused says "yes," detailing when it is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "yes," ask the following question: "Do you want a lawyer at this time?"

SPECIAL INSTRUCTIONS

2. If the suspect/accused was questioned as such either without having advised of their rights or some question exists as to the accuracy of the last statement, the accused must be so advised. The effect of the prior rights advisement should be corrected for assistance in making the prior rights advisement.

NOTE: If 1 or 2 appear, the fact that the suspect/accused was advised accordingly should be noted in the waiver section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS NOCION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERVIEW PROCESS: If during the interview, the suspect displays indications about requesting counsel for example, "Maybe I should get a lawyer," further questioning must cease immediately. At that point, you may question the suspect/accused only regarding whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising further rights. For example, do not make such comments as "If you don't do anything wrong, you shouldn't need an attorney."

WARNING - before the suspect/accused of:

- 1. Your official position.
2. Name of attorney.
3. The fact that he/she is a suspect/accused.
4. Rights - Advise the suspect/accused of his/her rights as follows:
a. Before I ask you any questions, you must understand your rights.
b. You do not have to answer my questions or say anything.
c. Anything you say or do can be used as evidence against you.
d. You have the right to stop answering at any time.
e. If you answer without a lawyer present, you will still have a lawyer present with you during questioning. This lawyer is provided to a lawyer before, during, and after questioning and to help you understand the UCMJ. You have the right to talk to a lawyer for advice before we question you and to have a lawyer present with you during questioning. This lawyer will be appointed for you before any questioning begins.

"Do you understand your rights?" If the suspect/accused says "yes," detailing when it is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.

"Have you ever requested a lawyer after being read your rights?" If the suspect/accused says "yes," and not when and where, if the suspect/accused says "yes," ask the following question: "Do you want a lawyer at this time?"

IN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused refuses to sign the waiver certificate, you may proceed with the questioning. Make notation on the waiver certificate to the effect that he/she has refused to sign the waiver certificate. Do not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of great emergency, certificates may be temporarily prepared. Names should be kept on the certificates.

FROM INCARCERATING STATEMENTS:

1. If the suspect/accused has made statements notwithstanding statements before being properly advised of his/her rights he/she should be told that such statements do not differ thereby to answer further questions.

COMMENTS (Continued)

**REQUEST AND AUTHORITY FOR LEAVE**  
 This form is subject to the Privacy Act of 1974. For use of this form, see AF 600-8-10.  
 The proponent agency is ODCPER. (See instructions on reverse.)

1. CONTROL NUMBER

1205

**PART I**

2. NAME (Last, First, Middle Initial) [REDACTED]

3. SSN [REDACTED]

4. RANK SGT

5. DATE 19 NOV 03

6. ORGNL STATION AND PHONE NO.  
 JTF-JDOG, MWD  
 JTF-GTMO, Cuba  
 Ext. 3240 / 8399

7. TYPE OF LEAVE  
 ORDINARY  EMERGENCY  
 PERMISSIVE TDY  OTHER

8. LEAVE ADDRESS (Street, City, State, ZIP Code and Phone No.) [REDACTED]

9. ACCRUED 22

10. DATES  
 a. FROM 3 Jan 04  
 b. TO 16 Jan 04

11. REQUESTED 14

12. SUPERVISOR RECOMMENDATION/SIGNATURE [REDACTED]

13. SIGNATURE AND TITLE OF APPROVING AUTHORITY [REDACTED]

14. DEPARTURE  
 a. DATE 19 Nov 03  
 b. TIME 0600  
 c. NAME/TITLE/SIGNATURE OF DEPARTING AUTHORITY [REDACTED]

15. NUMBER DAYS 14

16. DATE APPROVED [REDACTED]

17. REMARKS

18. RETURN  
 a. DATE [REDACTED]  
 b. TIME [REDACTED]  
 c. NAME/TITLE/SIGNATURE OF RETURN AUTHORITY [REDACTED]

Chargeable leave is from \_\_\_\_\_ to \_\_\_\_\_

**PART II - EMERGENCY LEAVE TRANSPORTATION AND TRAVEL**

19. You are authorized to proceed on official travel in connection with emergency leave and upon completion of your leave and travel will return to home station (or location) designated by military orders. You are directed to report to the Aerial Port of Embarkation (APOE) for onward movement to the authorized international airport designated in your travel documents. All additional travel is chargeable to leave. Do not depart the installation without reservations or tickets for authorized space required transportation. File a no-pay travel voucher with a copy of your travel documents or boarding pass within 5 working days after your return. Submit request for leave extension to your commander. The American Red Cross can assist you in notifying your commander of your request for extension of leave.

**19. INSTRUCTIONS FOR SCHEDULING RETURN TRANSPORTATION:**

For return military travel reservations in CONUS call the MAC Passenger Reservation Center (PRC).  
 Should you require other assistance call PAF:

20. DEPARTED UNIT [REDACTED]

21. ARRIVED APOE [REDACTED]

22. ARRIVED APOE (return only) [REDACTED]

23. ARRIVED HOME UNIT [REDACTED]

**PART III - DEPENDENT TRAVEL AUTHORIZATION**

24.  (Space available or required each minimum/maximum)  ONE WAY  ROUND TRIP

25.  (Space available) TRANSPORTATION AUTHORIZED FOR DEPENDENTS LISTED IN BLOCK NO. 26

**DEPENDENT INFORMATION**

26. DEPENDENTS (Last name, First, MI)

a. RELATIONSHIP

b. DATES OF BIRTH (MM/DD/YY)

c. PASSPORT NUMBER

**PART IV - AUTHENTICATION FOR TRAVEL AUTHORIZATION**

27. ACCOUNTING CITATION

28. DESIGNATION AND LOCATION OF HEADQUARTERS

29. DATE ISSUED

30. TRAVEL ORDER NUMBER

31. ORDER AUTHORIZING OFFICIAL (Title and signature) OR AUTHENTICATION

DA FORM 21, SEP 83

EDITION OF 1 AUG 75 IS OBSOLETE

ORIGINAL 1

CLASS 16-80

00247

DOD 1

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, \_\_\_\_\_, have read and understand the above Privacy Act statement, and /or signed a rights advisement.

Name:  
Rank/Branch:  
Title:



00248

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

**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 Guantanamo Bay, Cuba	2. DATE	3. TIME	4. FILE NO
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

**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 **Joint Task Force Guantanamo, Joint Detention Operations Group** and wanted to question me about the following offense(s) of which I am suspected/accused:

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

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. After payment subject only 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 my expense or the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

**WITNESSES (if available)**

- 1a. NAME (Type or Print)
- 2a. ORGANIZATION OR ADDRESS AND PHONE
- 2b. NAME (Type or Print)
- 3b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE
4. SIGNATURE OF INVESTIGATOR
5. TYPED NAME OF INVESTIGATOR  
[Redacted] MAJ, MP
6. ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detention Operations Group

**Section C. Non-waiver**

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

SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 3623) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.81

00249





**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED] have read and understand the above Privacy Act statement, and /or signed a rights advisement.

Name:  
Rank/Branch:  
Title:

[REDACTED]

00251

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-32; the procuring agency is DDC/OPS

**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 Guantanamo Bay, Cuba	2. DATE	3. TIME	4. FILE NO
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
6. SSN	7. GRADE/STATUS		

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigators whose names appear below told me that he/she is with the United States Army **Joint Task Force Guantanamo, Joint Detachment Operations Group** and wanted to question me about the following offense(s) of which I am suspected/accused:

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- If I am personnel subject of the OCM 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 OCM)* 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.

**3. 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 consulting to a lawyer first and without having a lawyer present with me.

**WITNESSES (if available)**

- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE
- NAME (Type or Print)
- ORGANIZATION OR ADDRESS AND PHONE

- SIGNATURE OF INTERVIEWEE
- SIGNATURE OF INVESTIGATOR
- PRINTED NAME OF INVESTIGATOR  
MAJ, MP
- ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detachment Operations Group

**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 3881) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 88

EDITION OF NOV 84 IS OBSOLETE

1 2 81

00252

PART 2 - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
  - d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

After choice not subject to the UCMJ: You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."  
Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"  
If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question:

"Have you ever requested a lawyer after being read your rights?"  
If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask whether the following question:

"Do you want a lawyer at this time?"  
If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask whether the following question:

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "yes," stop the interview and have he/she read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "no," have he/she read and sign the waiver section of the waiver certificate on the other side of this form.

SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCrimINATING STATEMENTS:**  
1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such officer without being advised of his/her rights or some question arises as to the propriety of the first statement, the suspect must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in stating the proper rights advisement.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the summary section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights (for example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS /Continued

REVERSE OF DA FORM 3881

8APA V2.01

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED.

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES. WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCILED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72

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

USAMC FORM 2823

END of statement

I DIDN'T HEAR OR SAW ANYTHING ABOUT THAT

IN CAMP 4. IN REGARD TO THE 2 IN SOL INSERT.

before I had done the same task with other linguists

not in the same cell, but in different ones. The night

in the operation was with \_\_\_\_\_ I was with \_\_\_\_\_

I was assisting the MP with searching & camp &

the day of January 2001 at 0300 in the morning

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

LOCATION

LAST NAME, FIRST NAME, MIDDLE NAME

ORGANIZATION OR ADDRESS

DATE TIME

02-25-01 0950

SOCIAL SECURITY NUMBER

FILE NUMBER

GRADE/STATUS

SWORN STATEMENT

For use of this form, see AF 130-45. The reporting agency is DCSOPS

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 U.S.C. 552a)**

**AUTHORITY:** Title 5 U.S.C. Section 301 and Title 10 U.S.C. Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** [REDACTED] have read and understand the above Privacy Act statement, and for signed a rights advisement.

Name  
Rank/Branch  
Title

00255

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 160-30; the approving 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  
Guantanamo Bay, Cuba

5. NAME (Last, First, MI)  
[REDACTED]

6. [REDACTED]

7. GRADE/STATUS

2. DATE: 4 Dec 04  
3. TIME: 1154  
4. FILE NO.:  
5. ORGANIZATION OR ADDRESS:  
JTF-GTMO  
Detention Hospital  
Guantanamo Bay Cuba

**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 Joint Task Force Guantanamo, Joint Detentions Operations Group and wanted to question me about the following offense(s) of which I am suspected/accused:

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:

- 1. I do not have to answer any question or say anything.
- 2. Anything I say or do can be used as evidence against me in a criminal trial.
- 3. If I am not a subject under 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.

If I am a civilian 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.

8. 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)**

- 1a. NAME (Type or Print)
- 2a. ORGANIZATION OR ADDRESS AND PHONE
- 3a. NAME (Type or Print)
- 4a. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE  
[REDACTED]

4. SIGNATURE OF INVESTIGATOR  
[REDACTED]

5. TYPED NAME OF INVESTIGATOR  
[REDACTED]

6. ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detentions Operations Group

**Section C. Non-waiver**

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

SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 3823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 83

EDITION OF NOV 84 IS OBSOLETE

SAPA 2 01

PART B - RIGHTS WARNING PROCEDURE  
THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. If a person is subject to the UCMJ: "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

For civilians not subject to the UCMJ: "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."
- Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the investigation. If the suspect/accused says "no," or if the prior request was not recent, ask whether the following question.)

"Do you want a lawyer at this time?"

If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCrimINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in defining the proper rights advice.

**NOTE:** If 1 or 2 apply, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At this point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

REVERSE OF DA FORM 3881

DAFA VS 81

00257



SWORN STATEMENT

For use of this form, see AR 190-49; the presiding agency is GDCSOPS

LOCATION

Camp Delta

DATE

TIME

FILE NUMBER

9 JAN 04 1202

LAST NAME FIRST NAME MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE STATUS

ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of 3 Jan 04 to the morning of 4 Jan 04 I remember working as medical coverage for Camp 4, Sierra block, Tango block, and one of the Isolation blocks (possibly November) During which time I do not recall anything specifically out of the ordinary regarding the numerous IRF's that occurred nor the inspections of the cell blocks or that of Camp 4.

I do not recall responding to pinesoll being thrown on a DT. // End of Statement

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WAS RR 118271

USARMC V9-00

00258

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. USMC 9200

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

EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AF 100-68; the procuring agency is ODC/OPS

LOCATION: Camp Delta

LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]

ORGANIZATION OR ADDRESS: Detention Hospital

DATE: JAN 04 TIME: 2209

SOCIAL SECURITY NUMBER: [REDACTED]

GRADE/STATUS: [REDACTED]

FILE NUMBER: [REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of January 3rd + 4th I was participating in operation clean sweep. I was on camp 1 + camp 2-3. The only block I remember being on was Bravo. Bravo block was pretty calm for the most part. I did not hear anything about a detainee involving pine oil, nor heard about a craftsman involved. //

End of statement //

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** [REDACTED] have read and understand the above Privacy Act statement, and for signed a rights advisement.

Name:  
Rank/Branch:  
Title:

[REDACTED]

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-36; the promulgating agency is ODCDOPS

**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  
Guantanamo Bay, Cuba

2. DATE 200406-02 | 3. TIME 1411Z  
4. MLI NO.  
5. ORGANIZATION OR ADDRESS  
38610 MP Det  
APU AE 09360

6. [REDACTED]

7. [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 **Joint Task Force Guantanamo, Joint Detentions Operations Group** and wanted to question me about the following offense(s) of which I am suspected/accused:

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:

- 1. I do not have to answer any question or say anything.
- 2. Anything I say or do can be used as evidence against me in a criminal trial.
- 3. If/for personnel subject unto 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 -

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (if available)

- 1a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE
- 2a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE  
4. SIGNATURE OF INVESTIGATOR  
5. TYPED NAME OF INVESTIGATOR  
6. ORGANIZATION OF INVESTIGATOR  
Joint Task Force Guantanamo  
Joint Detentions Operations Group

**Section C. Non-waiver**

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

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2622) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED  
DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

00261

PART B - RIGHTS WARNING PROCEDURE  
THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offenses.
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer any questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. *(For personnel subject to the UCMJ)* "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

*(For civilians not subject to the UCMJ)* "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. The lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

5. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, at which point you will be asked to sign a waiver before answering further, even if you sign a waiver certificate."
- Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question:

"Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent - *i.e.*, fewer than 30 days ago, obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question:

"Do you want a lawyer at this time?"

If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question:

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.

SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notation on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, or in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCrimINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned in each other without being advised of his/her rights or some question arises as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advice.

**NOTE:** If 1 or 2 apply, the fact that the suspect/accused was advised accordingly should be noted in the statement section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

REVERSE OF DA FORM 3881

DA V2.81

00262

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

Title 10 USC Section 261; Title 5 USC Section 285; E.O. 13526 dated November 22, 2003 /CSM

**AUTHORITY:**

**PRINCIPAL PURPOSE:**

To provide communication and law enforcement officials with means by which information may be accurately identified.

**DOCTRINE USED:**

Your social security number is used as an additional means of identification to facilitate this statement.

**DISCLOSURE:**

Disclosure of your social security number is voluntary.

**1. LOCATION**

JTF-GTMO Hq Bldg

**2. DATE (AFFIRMED)**

2004-06-01

**2. TIME**

1430

**4. FILE NUMBER**

**6. LAST NAME, FIRST NAME, MIDDLE NAME**

[REDACTED]

**7. GRADE/STATUS**

[REDACTED]

**8. ORGANIZATION OR ADDRESS**

386th Military Police Det.

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON JUN 2, 04

I WAS interviewed by [REDACTED] who stated that she was conducting a 15-6 investigation into, where a detainee may have had some Pine Sol Cleaner thrown on him by a MP working on M-Block, Camp Delta on the 4th of Jan 04. I was working this night on ops Clean Sweep - I moved back and forth between Camps 1 and 2,3 thru out the night collecting DA Form 4187, from the MP teams that were doing the cell searches. I did not know of a detainee getting any Pine Sol Cleaner dished upon him. I first knew of a detainee getting something thrown on him by [REDACTED] of the 384th MP Co, on or about the 26th of May 2004. When I saw and talked with [REDACTED] out side of Sully Post 9, in Camp Delta, I ask her how she was and how are things going, she [REDACTED] stated that she had a pintment with the IG office, and she was on her way to his (IG) office, I ask [REDACTED] who [REDACTED]

**10. EXHIBIT**

**11. DETAILS OF PERSON MAKING STATEMENT**

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADINGS "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.

STATEMENT OF

TAKEN AT

1420

DATED

2004-06-01

6. STATEMENT CONTINUED

things ok, and [redacted] stated that a detainee had something thrown in his face and that's all she could say. I stated to [redacted] I knew nothing of this that nothing had come to my office, [redacted] stated, that it happened in JAN, and the IG was looking into it. I stated to [redacted] ok, and we both departed the area. I on May 27, 2004 departed GTMO for FT Dix, NS, on May 30 at Ft Dix, I was informed by FT Dix, Personnel that I was returning to GTMO Ref: Investigation; A long with some members of the 661 MP Co. the night around 18 to 1700 hours on 30 May, some members of the 661 MP Co in the hallway of the barracks at Ft Dix were talking about a member of their unit who had or was involved in throwing some cleaner into a detainee face, in JAN 03, I can not tell you or ID the soldiers in the hallway that were talking!

end of Statement!

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PAGE 2 OF 3 PAGES

STATEMENT OF



TAKEN AT

STF-HQ, 67MO

DATE

2 June 04

B. STATEMENT (Cont'd)

NOT  
US



**AFFIDANT**

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 2 day of June, 2004 at STF-67MO HQ Ft. Detrick

ORGANIZATION OR ADDRESS

**[REDACTED]**  
*Signature of Person Administering Oath*

ORGANIZATION OR ADDRESS

**[REDACTED]**  
*Typed Name of Person Administering Oath*  
Article 136 (4) (h) LtCMT  
*Authority To Administer Oath*

INITIALS OF PERSON MAKING STATEMENT



PAGE 3 OF 3 PAGES



**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

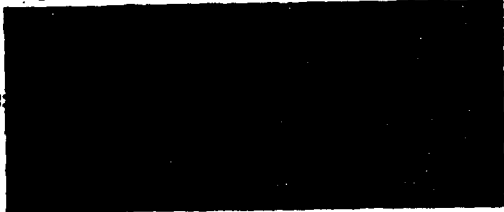
**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED] have read and understand the above Privacy Act statement, and for signed a rights advisement.

Name:  
Rank/Branch:  
Title:



00266

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-20; the governing 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 means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION Guantanamo Bay, Cuba	2. DATE 14 JAN 1974	3. TIME 1145	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS		
6. SSN [REDACTED]	7. [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 **Joint Task Force Guantanamo, Joint Detentions Operations Group** and wanted to question me about the following offense(s) of which I am suspected/accused:

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:

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(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 this waiver below.

8. COMMENTS (Carryover 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)**

- 1a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE
- 2a. NAME (Type or Print)
- b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE [REDACTED]
4. SIGNATURE OF INVESTIGATOR [REDACTED]
5. TYPED NAME OF INVESTIGATOR [REDACTED]
6. ORGANIZATION OF INVESTIGATOR Joint Task Force Guantanamo Joint Detentions Operations Group

**Section C. Non-waiver**

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

SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 3831) SUBSEQUENTLY EXECUTED BY THE SUBJECT/ACCUSED

DA FORM 3831, NOV 69

EDITION OF NOV 64 IS OBSOLETE

PA 2.01

00267

COMMENTS (Continued)

FROM INCARCIMATING STATEMENTS:

1. If the subject has made statements... such statements do not obligate him to answer further questions.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases... should be made to determine the nature and extent of any questioning.

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the... subject/accused may refuse to sign the waiver certificate.

NOTE: If 1 or 2 apply, the last one the subject was asked... immediately should be read in the terminal section of the waiver certificate and signed by the subject/accused.

WHEN SUBJECT/ACCUSED DISPLAYS RESISTANCE ON EXERCISING HIS OR HER RIGHTS DURING THE INVESTIGATION PROCESS: If during the... investigation, the subject displays resistance about requesting counsel for

SPECIAL INSTRUCTIONS

2. If the subject/accused was questioned on any other matter... if neither direct or some question arises as to the property of the law... the subject must be so advised.

"Do you understand your rights?"... necessary repeat the appropriate rights statement. If the subject/accused says "yes," ask the following question:

THE WAIVER

"Do you want a lawyer at this time?"... At this time, are you willing to discuss the offense under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?"

1. WARNING - Inform the subject/accused of: a. Your official position. b. Name of official. c. The fact that he/she is a suspect/accused.

PART 2 - RIGHTS WARNING PROCEDURE

THE WARNING

Get by a station you arrange for at the expense of the Government or a military lawyer detailed for you at no expense to you, or both.

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the probenent agency is ODCSOP

**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 Guantanamo Bay, Cuba	2. DATE 2 June 2004	3. TIME 1650	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS		
8. 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 Joint Task Force Guantanamo, Joint Detentions Operations Group and wanted to question me about the following offense(s) of which I am

suspected/accused: *incidents morning 4 Jan Camp Alpha.*

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:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *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 my own 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.

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

**WITNESSES (if available)**

- 1a. NAME (Type or Print)
- 1b. ORGANIZATION OR ADDRESS AND PHONE
- 2a. NAME (Type or Print)
- 2b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE [REDACTED]
4. SIGNATURE OF INVESTIGATOR [REDACTED]
5. TYPED NAME OF INVESTIGATOR [REDACTED]
6. ORGANIZATION OF INVESTIGATOR Joint Task Force Guantanamo Joint Detentions Operations Group

**Section C. Non-waiver**

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

6. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

MPA 7 01

00269



SWORN STATEMENT

For use of the form, see AR 190-48; the processing agency is ODCSOPS

LOCATION

JTF HQ's

DATE

TIME

FILE NUMBER

2 Jan 2004

1650

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE, STATUS

ORGANIZATION OR ADDRESS

661st MP Co

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That on the night of 4 January 2004 I was the  
Co on duty. On this night Operation Clean Sweep  
was also taking place. I had no knowledge  
of any incidents that took place. I have  
not seen any statements regarding any incidents  
that night. I visited the blocks and ~~was~~ was  
not informed of anything. I don't know if I  
walked [redacted] block before or after the Clean  
Sweep.

I remember [redacted] informing me that he  
had to talk with the IA regarding the alleged fire  
incident. This was sometime before we left while 661  
was working day shift. I told him that I wasn't  
even aware that there were statements written. I  
asked him what I did we (661) do. He stated that  
[redacted] was no longer working the blocks.

We did a change of command sometime in Jan. (3rd week)?  
After that time [redacted] took charge of the day to day  
operations of the Company. He kept me informed on  
issues as they came up.

end of statement

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

DA FORM 2823, JUL 72

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

USGPO 48-28

00271

DA FORM 2823, JUL 73 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

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

EXHIBIT [REDACTED] STATEMENT OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 2 PAGES

On the early morning of January 2004, I notified [REDACTED] of a pine-oil incident involving [REDACTED] during mid-shift. It is not uncommon to go directly to the PL due to SOG not being or answering a radio, he or she will answer the PL. Also on mid-shift, the PL will act as the SOG/PL of one camp while the SOG is SOG/PL of the other camp. I don't recall notifying the SOG, when [REDACTED] got to the block, I explained to him what had happened and in response, [REDACTED] just put his head down as if he was saying that he was not surprised. At that point, I was not given any further instructions by [REDACTED] but told that he [REDACTED] would address the situation and take care of it. I was not asked for a sworn statement by [REDACTED] regarding pine oil and its availability, the pine oil is kept in marked containers of one liter or more. It is kept to the rear of the block, next to the shower with the other cleaning supplies. This is something that only the block staff uses and is not accessible to detainees. To clean their cells, detainees are provided with a cleaning brush and either a bar of soap or shampoo, which the guards place on the brush. Block maintenance was not done that night due to the clean sweep. Maintenance was usually the last thing done prior to shift change so that the oncoming shift could see that it was done. I recall that the block was still a little bit messy when the oncoming shift arrived. During the clean sweep, I had [REDACTED] posted in back by the rear entrance of the cell area. Though I had no chance to talk to him, I did ask if he had seen anything and [REDACTED] said no. I had no issues or incidents with [REDACTED] to the front gate. There were several things I went to look for and [REDACTED] and [REDACTED] would be gone, having left or disappeared for short periods of time. Because of [REDACTED] the clean sweep, the team would assign one of his team members to man the gate. This would take away from [REDACTED] his (NCO) own manpower for the operation. An APR is conducted every day after shift, I felt that I did not need to bring it up since I had already spoken with [REDACTED] one more thing that I would like to add is that the training we have received here in Guantanamo Bay has always stressed that no matter what happens on the block, do not retaliate or use retaliatory tactics against detainees, it will just get you in trouble. Instead, leave the immediate area (tier) and go to the guard shack and wait for the block NCO. // END OF STATEMENT //

SWORN STATEMENT

For use of this form, see AF 180-45; the procuring agency is ODC/OPS

LOCATION: FEB 1 Guantanamo Bay, Cuba

LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]

ORGANIZATION OR ADDRESS: [REDACTED]

DATE: [REDACTED] TIME: [REDACTED]

FILE NUMBER: [REDACTED]

GRADE STATUS: [REDACTED]

SOCA SECURITY NUMBER: [REDACTED]

**DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**

**AUTHORITY:** Title 5 USC Section 301 and Title 10 USC Section 3013.

**PURPOSE:** To be used in an informal investigation on behalf of the Joint Detention Operations Group Commander in accordance with Army Regulation 15-6.

**ROI/TNE 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.

**DISCLOSURE:** Disclosure is mandatory. Failure to provide information could result in disciplinary action under the UCMJ. Information provided assists the Commander for his decision in this matter. You do not have to incriminate yourself. Article 31 rights advisement and the Fifth Amendment of the US Constitution supersedes this portion of the Privacy Act statement.

**CERTIFICATION:** I, [REDACTED], have read and understand the above Privacy Act statement, and for signed a rights advisement.

Name: [REDACTED]  
Rank/Branch: [REDACTED]  
Title: [REDACTED]

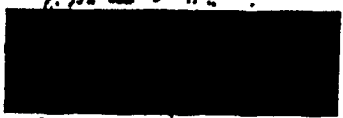
00273







12 June 2001



... of 10 yr. duty ... MP's ...  
... day ... no ...

... get ...  
... throw body liquid on MP,

... remember being ... from block  
... worked blps ...  
... period of time worked ... only (2 hrs  
... 1 month)  
... remember ... why that happened

10 mos on ground

tough to deal w/ ... - cursing in their language  
at MP - frustrating

walk out, smoke ...

relationship w/ ... (she is rude toward  
MP ... she can  
talk to MP any way she wants)

... MP should have respect to them

00276

Glenn was pretty much only one that had  
only worked 1/2 hr once

remembers quite a bit of  
dirt under upset - spitting & throwing  
upset inside pipe  
lots of people on bike

apt. 2 hours a piece - had thrown on skin  
told him that he had him to go get more  
when refused blk Sgt told him to stay outside  
blk Sgt = [redacted] (no problem? [redacted])

doesn't remember throwing anything in a  
distance  
more upset about it or like the distance  
didn't mind it (small too strong)

not in mol, mostly had a cup of tea to sit  
that the MP's  
no respect for the MP's  
up to word camp to work in  
when he came off of bike they were getting  
ready to come in to their work

different directions got spit on and were being  
blinded when came from

I was in fact - [redacted] -  
Apple was walking down [redacted]

doesn't know if anyone could hear get spit on  
people coming in + out

by the time he came back [redacted] told [redacted]  
to stay off [redacted] didn't tell [redacted] Apple  
assumed that he was not needed in there

when shift was over, [redacted] went back  
on [redacted]

doesn't remember anyone else being around

does not remember if he ever needed to look at  
a [redacted]  
does not remember if he ever stopped & stood  
at a distance while working [redacted]

had no conversation w/ [redacted] on night  
of 13<sup>th</sup>  
is not remembering getting [redacted] about it