

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by COL Teddy R. Spain, Commander, 18th MP BDE, Baghdad, Iraq, APO AE 09302
(Appointing authority)

on 12 June 2003 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp Cropper, Baghdad, Iraq at 1500
(Place) (Time)

on 9 June 2003 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor)

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

The (investigating officer) (board) finished gathering/hearing evidence at 1800 on 20 June 03
(Time) (Date)
and completed findings and recommendations at 1240 on 21 June 03
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)			X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?	X		
	e. Privacy Act Statements (Certificate, if statement provided orally)?	X		
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	X		

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

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

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

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

See attached Memorandum.

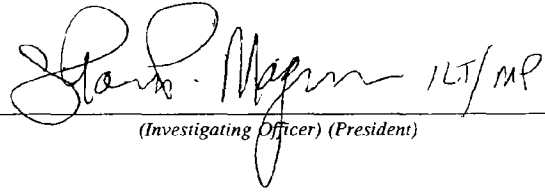
SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

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.)

 ILT/MP

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

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

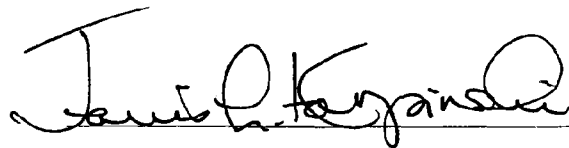
(Member)

(Member)

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

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

Implement corrective actions as delineated in the Report of Investigation, para. 6 a-e.



MEMORANDUM THRU Staff Judge Advocate, 800th Military Police Brigade, ATTN: LTC James O'Hare.

MEMORANDUM FOR Commander, 800th Military Police Brigade, BG Paul Hill.

SUBJECT: Legal Review of AR 15-6 Investigation – Riot and Subsequent Shootings of 9 June 2003

1. On 12 June 2003, COL Teddy R. Spain, Commander, 18th Military Police Brigade, appointed 1LT Shawn Patrick Magowan to conduct an informal investigation into the riot and subsequent shootings of five civilian internees at Camp Cropper Corps Holding Area on 9 June 2003.

2. On June 20, 2003, the 115th Military Police Battalion was returned to the 800th Military Police Brigade. LTC O'Hare, 800th Military Police Brigade Staff Judge Advocate advises that BG Paul Hill, Commander 800th Military Police Brigade, is the appropriate appointing authority. A courtesy copy of the DA 1574 and attachments was furnished to COL Teddy R. Spain, but the original was directed to be turned over to BG Hill and the undersigned was directed by LTC O'Hare to complete the legal review of the AR 15-6 investigation. The DA 1574 and supporting documentation was timely submitted on 23 JUNE 03 by the IO.

3. Under AR 15-6, paragraph 2-3b, I reviewed the investigation and make the following determinations:

a. The investigation complies with legal requirements for an AR 15-6 investigation.

b. There are no procedural errors or irregularities that invalidate the investigation.

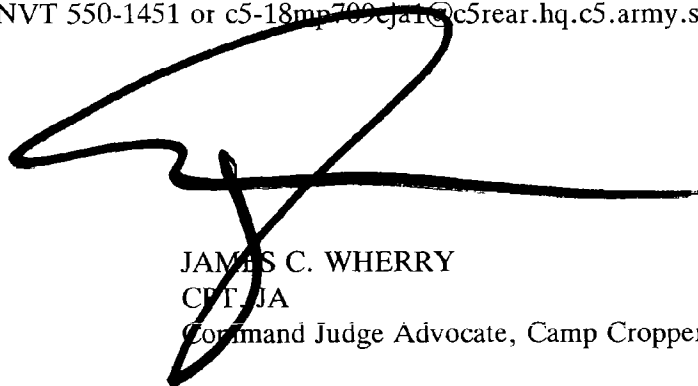
c. Sufficient evidence supports the investigating officer's findings.

d. The investigating officer's recommendations are consistent with his findings. The original scope of work did not specifically ask whether or not the ROE was followed, but it is the advice of the undersigned that ROE was followed. Lethal force was used in response to a credible threat of death or serious bodily injury against U.S. soldiers by detainees who had removed tent poles from their compound and were attacking military police officers at the main compound. There are a number of specific recommendations that 1LT Magowan has made. Many of these have been put into practice. Counsel recommends that BG Hill request a written review from LTC

AETV-MP-JA

SUBJECT: Legal Review of AR 15-6 Investigation – Riot and Subsequent Shootings of
9 June 2003.

4. I am the POC at DNVN 550-1451 or c5-18mp709cjar@c5rear.hq.c5.army.smil.mil.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

JAMES C. WHERRY
CPT, JA
Command Judge Advocate, Camp Cropper



DEPARTMENT OF THE ARMY
115TH MILITARY POLICE BATTALION
APO AE 09335

REPLY TO
ATTENTION
OF:

AETV-MPB

21 June 2003

MEMORANDUM FOR COL Teddy R. Spain, CDR, 18th Military Police, Baghdad, Iraq, APO AE 09302.

SUBJECT: AR 15-6 Investigation into the riot and subsequent shooting at Camp Cropper Corps Holding Area on 9 June 03.

1. On 9 June 2003, a riot occurred at the Camp Cropper Corps Holding Area on the BIAP. During the disturbance, detainees threw objects at camp MP's including rocks, bottles, shoes and attacked guards with tent poles. In response, MP's fired seven shots, and five detainees injured.
2. The undersigned was appointed by COL Teddy R. Spain, Commander of the 18th MP BDE to conduct a 15-6 investigation into these events and to answer specific questions regarding the riot and subsequent shootings. Prior to that, the Camp Commander, LTC Ronald Chew had ordered a Commander's Inquiry and evidence had been gathered in support of that inquiry, some of which is incorporated into this final memorandum. An investigation was conducted and all relevant persons known to the undersigned were interviewed.
3. Attached to this memorandum are the following:
 - a. DA 2823, sworn statement of SPC Sellman
 - b. DA 2823, sworn statement of SGT Harris
 - c. DA 2823, sworn statement of SGM Cottman
 - d. DA 2823, sworn statement of SSG Durand
 - e. DA 2823, sworn statement of SPC Gross
 - f. DA 2823, sworn statement of SPC Reyonlds
 - g. DA 2823, sworn statement of SFC Chalmers
 - h. DA 2823, sworn statement of SGT Erickson
 - i. DA 2823, sworn statement of SGT Bietsch
 - j. DA 2823, sworn statement of SGT Dovenboger
4. Conclusion
 - a. The escalation of the disturbance could have been prevented by better lines of communication between CHA MPs, external security MPs, and the NCOIC for the QRF. Clearly defined lines of command and improved equipment for handling detainee disturbance for each compound MP in the CHA could have reduced the size and scope of the disturbance.

AETV-MPB

SUBJECT: Corps Holding Area Disturbance and Subsequent Shooting of Detainees

b. The focus of the CHA MPs was to control the individuals in the compounds that first started throwing rocks, bottles and various items at the MPs. Before the QRF was deployed, the detainees in several compounds overwhelmed CHA MPs and began to breach the individual compounds. The MPs pulled back to the sally port area to reorganize their forces. Before the withdrawal was complete shots were fired from atop a water truck to protect an MP's life.

c. The seven shots fired were justified to save U.S personnel from death or serious injury. However, the shots fired show a breakdown in communication, facility construction and command and control.

5. Summary of Incident

a. The Camp Cropper CHA is a rectangular fenced area measuring roughly the size of a football field. At the time of the incident, it is divided up into approximately 14 occupied compounds, arranged alphabetically. The fourteen occupied compounds ranged in size of between eight and two hundred detainees and varied in size. The smaller compounds were segregated areas for juveniles or EPW's or other individuals who needed special segregation. The larger compounds held detainees accused of common crimes.

b. On the morning of 9 June 2003, the CHA was manned inside the wire by MP's from the 115th HHC and the 443rd MP CO. Soldiers from the 186th MP CO had the perimeter and were stationed outside the wire at points around the compound.

c. Eight personnel from the 443rd made up the QRF for the day shift. The QRF was located in the warehouse adjacent to the CHA. The person who is responsible for calling the QRF out is the OIC or the NCOIC in the compound. Even though the QRF is stationed outside the compound, they are not "perimeter" security, but "internal" security.

d. All soldiers inside and outside the wire had come on duty at approximately 0400 and were scheduled to work until 1600, that day.

e. SFC Mitchell was the NCOIC inside the perimeter. There is no OIC or NCOIC outside the perimeter. Any outside NCOIC did not regularly interface with the NCOIC inside the compound.

f. Shortly after 1000 on 09 June 03 SPC Gross entered B compound to recover a water jug.

g. As he was exiting B compound, SPC Gross was confronted by a number of detainees. SGT Erickson stepped into B compound to assist SPC Gross when a punch was thrown in his direction by one of the detainees. Several MPs entered B compound to subdue and remove the detainee.

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SUBJECT: Corps Holding Area Disturbance and Subsequent Shooting of Detainees

h. After removing the instigator from B compound, several detainees from C compound began throwing rocks and bottles, and began chanting.

i. SFC Chalmers, NCOIC for the HVD compound, left his area of operation when he heard loud chanting coming from the CHA. After he reached the CHA, SFC Chalmers secured his M16A2 rifle and took a position on a water truck overlooking J compound.

j. SGT Erickson, SPC Gross, and SPC Sellman entered C compound to subdue and remove several detainees.

k. After removing several detainees from B and C compound SFC Mitchell instructed SGT Erickson, SPC Gross, and SPC Sellman to leave the CHA because SFC Mitchell thought they were the focus of detainee anger. SFC Mitchell believed this would help to restore order.

l. Upon departing from the CHA SPC Sellman was seen removing his DCU top and flexing in front of B compound in a taunting manner. This action didn't assist in de-escalating the situation in the CHA.

m. B, C, and D compound continued to throw rocks and bottles and several MP were struck. SGM Cottman responded to the CHA at 1030. He spoke with several detainees to determine the reason for the disturbance.

n. The detainees in B compound began to charge the gate shortly after SGM Cottman arrived. SFC Chalmers motioned to SPC Robben (186th MP) to leave his post to obtain a better vantage point to provide cover for the MPs in the CHA. The MPs near B compound tried to hold the line but the detainees pulled tent poles and breached the gate. At this point, detainees from almost all of the compounds in the CHA were throwing rocks and bottles and detainees from B, C & D compounds had come outside of their compounds into the main compound.

o. SFC Mitchell instructed all MPs to pull back to the sally port area. During the pull back some of the MPs were cut off near D compound because SGM Cottman instructed them to hold their ground. SFC Chalmers witnessed several detainees with tent poles leaving B, C, and D compound. SFC Chalmers witnessed a detainee about to strike an MP in the head with a tent pole. Fearing for the MP's life, SFC Chalmers fired one shot. SPC Robben fired a 2-3 round burst from his M249 to protect the MPs departing the B, C, and D compound area. Before a cease-fire command could be called SPC Robben fired a second 2-3 round burst. Seven rounds were fired and 5 detainees were wounded.

6. Questions presented by the appointing authority.

a. How did the prisoners escape? There was no escape involved in this incident. If the prisoners were attempting to escape by storming the compound, the escape had just begun.

AETV-MPB

SUBJECT: Corps Holding Area Disturbance and Subsequent Shooting of Detainees

b. What steps could have been taken to prevent these escapes? There were no escapes, but see paragraph 6, below, as to what could have happened to prevent the situation from escalating.

c. What was the response of the Military Police on duty? The summary of facts stated above shows the following response to the riot:

1.) The detainee who first attacked the soldier was identified and extracted from B compound.

2.) The detainees in C compound that were throwing rocks were also identified and extracted.

3.) SFC Mitchell asked several MP's to leave the area in an effort to quite the detainees.

4.) The QRF was not called out because the commotion happened in a split second. SGM Cottman (BN S-3 shop) had just arrived and conferred with SFC Mitchell and they were trying to speak to the detainees when the tent polls were grabbed.

5.) MP's were instructed to pull back to the sally port area. During the pull back, some of the MP's were cut off near D compound because they were instructed to hold their ground.

6.) An MP witnessed several detainees with tent polls leaving B, C & D compounds. That MP witnessed a detainee about to strike an MP in the head with a tent poll. Fearing for the MP's life, the MP fired one shot. The second MP fired two 2-3 round bursts to protect the MP's departing the B, C & D compound area. These bursts were also aimed at one or more detainees attempting to injure the withdrawing MP's.

d. Was the response of the Military Police on duty reasonable, or was excessive force used? The force used was not excessive in light of the circumstances and many of the things that were done were reasonable, but there were lapses in the reaction and deployment of MP's to quell the situation. These are discussed in the "recommendations" section, below.

e. Is there an SOP in place to deal with this situation, and if so, was it followed? Yes, there is an SOP in place. The core SOP as it is written was followed. The overall SOP identified core operational tasks, but not specific sub-tasks for each MP function, either internal or external MP's. The SOP should be revised because of this incident by NCOs and reviewed on a bi-weekly bases.

f. Is there additional training that needs to be implemented to cover these situations? Yes. Training is great to keep soldiers prepared for situational response, but structural improvements to the CHA will assist with controlling detainees and reducing potential riots or escapes.

AETV-MPB

SUBJECT: Corps Holding Area Disturbance and Subsequent Shooting of Detainees

However, there needs to be more QRF training and actual response time training. There also needs to be marksmanship training with non-lethal ammunition.

g. What actions, if any, were taken by the QRF? None.

6. Recommendation

a. The CHA needs communication at all levels of operations. The NCOIC of the CHA needs communication with all compound MPs, sally port, processing area, QRF NCOIC and external security post. This should be hand held radios and the battery power to operate them.

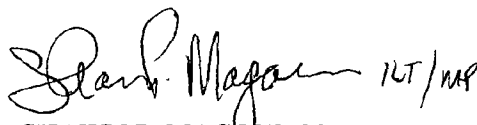
b. A clear chain of command should be developed with defined responsibilities for CHA operation. There was no reason for SGM Cottman to come down to the CHA. If SFC Mitchell was in charge of CHA operations, then he should have been able to function as NCOIC of the CHA.

c. External security post should be built for better line of sight and a clear presence of force. Right now, the outer perimeter guards are positioned on Humvees at various locations outside the CHA. Because of the tents and position of the Humvees, outer perimeter guards cannot really see into the compound. Line of sight is lost. The CHA needs guard towers that are 12' to 18' high that the detainees can see.

d. The non-lethal equipment was not distributed to the current MP Company tasked with the QRF mission. The non-lethal equipment is now distributed, but more could be made available for training purposes. The MP's in the compound should be provided with non-lethal means such as OC pepper spray.

e. An SOP for CHA operations should be NCO developed and reviewed bi-weekly to update operational changes.

7. Point of contact is the undersigned 1st Platoon Leader, 443D Military Police Company.

Handwritten signature of Shawn P. Magowan in black ink, with the initials "1LT/MP" written to the right of the signature.

SHAWN P. MAGOWAN

1LT, MP

Platoon Leader

Attachments



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
18TH MILITARY POLICE BRIGADE
Baghdad, Iraq APO AE 09302

AETV-MP-JA

12 June 2003

MEMORANDUM FOR 1LT Shawn Patrick Magowan, 125-52-2856, Platoon Leader, 1st Platoon, 443rd MP CO, 115th MP BN.

SUBJECT: Appointment as an AR 15-6 Investigating Officer

1. Reference: AR 15-6, Procedure for Investigating Officers and Boards of Officers, 11 May 88, with Change 1, 30 Oct 96.
2. You are hereby appointed to conduct an investigation concerning the escape attempts and shootings at Camp Cropper on 9 Jun 03. You may incorporate the results of any Commanders Inquiry that has been begun on these escapes.
3. You are to investigate all details concerning these escapes, attempted escapes, and the responses by the Military Police that were on duty at those times. You are directed to specifically address the following questions:
 - a. How did the prisoners escape?
 - b. What steps could have been taken to prevent these escapes?
 - c. What was the response of the Military Police on duty?
 - d. Was the response of the Military Police on duty reasonable, or was excessive force used?
 - e. Is there an SOP in place to deal with this situation, and if so, was it followed?
 - f. Is there additional training that needs to be implemented to cover these situations?
 - g. What actions, if any, were taken by the QRF?
4. During the course of your investigation, you will record all interviews on DA Form 2823 (Sworn Statement). If, during any interview, you suspect a violation of the UCMJ by the person you are interviewing, you are required to stop the interview, and advise the interviewee of their Article 31(b) rights, using a DA Form 3881 (Right Warning Waiver Certificate). You may continue to interview that person if they agree to make further statements. If they do not, terminate the interview and contact your legal advisor. If you have any questions about whether or not the person made a knowing and valid waiver, terminate the interview and contact your legal

AETV-MP-JA


SUBJECT: Appointment as an AR 15-6 Investigating Officer

advisor. You will advise all persons being interviewed that their statements can be discovered under the Freedom of Information Act, and you will further advise them that any actions taken in reprisal against them for making a statement should be reported immediately to their Commander, the Office of the Inspector General, or to the Office of the Staff Judge Advocate. Per Article 136.b.(4) and 136.b.(6) of the UCMJ, you are authorized, as an Investigating Officer, to swear people in.

5. You are authorized to investigate any issue(s) that arise during your investigation that are related to the primary purpose of your investigation. CPT Jim Wherry, HVD/CHA Judge Advocate, will serve as your legal advisor for this investigation. The completed investigation will be turned in to CPT Michael Banks for legal review.

6. This is your primary duty until you complete it, and you will submit a chronology of your actions along with your completed report. The report of investigation will be submitted to the appointing authority NLT 23 Jun 03. Requests for extension must be made in writing to the undersigned.

7. The POC for this memorandum is CPT Michael Banks, 18th MP BDE Judge Advocate, DNVT 559-5110, SIPR: c5-18mpcja@c5rear.hq.c5.army.smil.mil, NIPR: Michael.d.banks@us.army.mil.


TEDDY R. SPAIN
COL, MP
Commanding

INDEX OF EXHIBITS

EXHIBIT A	DA 2823, sworn statement of SPC Sellman
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EXHIBIT D	DA 2823, sworn statement of SSG Durand
EXHIBIT E	DA 2823, sworn statement of SPC Gross
EXHIBIT F	DA 2823, sworn statement of SPC Reynolds
EXHIBIT G	DA 2823, sworn statement of SFC Chalmers
EXHIBIT H	DA 2823, sworn statement of SGT Erickson
EXHIBIT I	DA 2823, sworn statement of SGT Bietsch
EXHIBIT J	DA 2823, sworn statement of SGT Dovenboger

A

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE (YYYYMMDD) 2003 06 09	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Sellman Kevin Darren Jr.	6. SSN [REDACTED]	7. GRADE/STATUS E-4/SPC	
8. ORGANIZATION OR ADDRESS HHC 115 th MP Bn			

9. I, Kevin D. Sellman Jr., WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On June 9, 2003 we (HHC 115th MP's onshift at the Cha) were involved in a riot situation. The way that I saw it is as follows. I was filling water bottles for my DP's at Compound J when I heard an uproar coming from Compound B. When I turned and looked I saw an unknown DP taking swings at MP Sgt Erickson. I immediately secured my DP's filling water and ran to Compound B. Upon entering Compound B I saw DP's fighting MP's and running around the compound. I assisted with detaining the DP's that were fighting. As we began to exit the compound an unknown # of DP's began to throw objects, i.e. (meals, rocks, and tent poles). This created a chain reaction. DP's in Compounds C, K, D, and Juliet began to throw objects as well. While being assaulted with rocks, water bottles and fist, I continued to assist with the restraint of violent DP's at Compounds K, C, D. When I came out of Compound D, SFC Mitchell escorted myself and SFC Gross out of the entire Compound.

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large empty area for the statement content, with a diagonal line drawn across it.]

AFFIDAVIT

I, Kevin D. Sellman Jr., 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]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of JUNE, 2003 at CAMP CROPPER, IRAQ

ORGANIZATION OR ADDRESS

[Signature]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

EA. MILLES
(Typed Name of Person Administering Oath)
ART 136 (b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

KDS

PAGE 2 OF 2 PAGES

13

SWORN STATEMENT

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

LOCATION Core Holding Area Camp Cropper	DATE 9 June 03	TIME 1325	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME Harris, Colin Anderson	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E5 ARNG
ORGANIZATION OR ADDRESS 115th MP BN. Camp Cropper, Iraq			

I, Sgt. Harris, Colin A., WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I, Sgt Harris, Colin A., was working at the core holding area in Camp Cropper on 09 June 03. At approximately 1000 hrs., civilian detainees from within B compound began throwing water bottles and rocks at the MP's working interior security. Myself, Sgt. Mator, Sgt. Noboa, SPC Sellman, and a number of others unmentioned then went into the compound in force to remove those throwing projectiles and try to calm the situation. When we subdued one individual in compound B, another compound began to uprise, throwing projectiles and chanting. Upon our entering that compound to try to de-escalate the situation, another compound began to carry on. This continued on for at least an hour with our jumping from one compound to another. At this point, several MP's had been struck with rocks and CI's were now breaching the gates of the individual compounds, cutting off a number of MP's in the back of the camp from the main gate. Several CI's came at the MP's with tent poles. In reaction to this new threat, SFC Michael Chalmers of the 115th MP BN, located on the perimeter of the camp and armed with an M16, fired one round at one of the armed CI's threatening the MP's. Because I was closer to the salleyport, I didn't see where the CI was hit. Shortly after, rounds were fired by another individual on the perimeter. All of the MP's were now pulling back toward the salleyport. SGM Cottman, who was inside the camp, instructed the 5-10 remaining MP's to hold their ground against the masses of detainees breaching the gates of the rear compounds. Gradually, the masses were calmed down, and the wounded were evacuated to medical. This basically concluded the incident I have described. // END OF STATEMENT //

~~NOT USED~~

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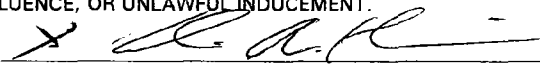
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED ____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE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

STATEMENT (Continued)

NOT USED

AFFIDAVIT

I, Sgt. Harris, Colin A., 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.

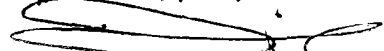


(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of JUNE 2003

at CAMP COPPER, IRAQ



(Signature of Person Administering Oath)

ERIK A. MILLER
(Typed Name of Person Administering Oath)

ART 154 (4)(4) UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

LOCATION CAMP CROPPER	DATE 9 June 2003	TIME 1030Hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME COTTMAN BRUCE M	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-9 OP SGM
ORGANIZATION OR ADDRESS			

I, BRUCE M COTTMAN, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 9 June 03 at App: 1030 hours, I SGM Cottman responded to a verbal disturbance that took place inside the CHA at Camp Cropper. When I approached the CHA the CI's were chanting very loudly (we want free), the MP's assigned were standing in the middle of the CHA observing the actions of the CI's. I spoke with SFC Mitchell about the situation, I was informed that a few CI's were extracted from the blocks for throwing rocks. Also SFC Mitchell informed me that he relieved some MP's out of the CHA for being unprofessional. The MP's pulled off post have been identified and are writing statements about their actions. I spoke with some of the English speaking CI's about what is causing the disturbance, mainly their complaint was the length of stay at the CHA, and not knowing their fate. During the communications with the CI's in D Block, the CI's started throwing rocks, boots, and water bottle filled with water and sand. At this time, by radio I informed the TOC (CPT Keen) of the situation. The CI's in B Block then charged the gate and attempted to exit the Block, MP'S were trying to keep the gate secure, then D and C Block started trying to exit their block an did. It was APP: 20 to 40 CI's out of their blocks, some had tent poles rushing towards the MP's. I informed the MP's to stay on line and pull back then I heard weapons fire. The MP's and I walked backwards to A Block, out of the range of the objects being thrown. The firing of the weapons caused some of the CI's to return back to the blocks, it also gave the MP's the advantage needed to regain order inside of the CHA. All of the CI's were returned to their blocks, the ones with injuries were taken to medical. All United States soldiers involved were checked and asked for injuries. It is my belief that the firing of the weapons is supported by of our ROE, there was a chance of great harm or loss of life for United States Soldiers. END OF STATEMENT

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

STATEMENT (Continued)

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AFFIDAVIT

I, Bruce M. Cottman, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE A. 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.

Bruce M. Cottman
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of JUNE, 192003 at _____

ORGANIZATION OR ADDRESS

Shawn P. Magowan
(Signature of Person Administering Oath)

Shawn P. Magowan
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 134(b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

BMC

PAGE 2 OF 2 PAGES

D

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Camp Cropper, Iraq	2. DATE (YYYYMMDD) 20030609	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME DURAND, ELIZABETH BRILEY	6. SSN [REDACTED]	7. GRADE/STATUS E-6	
8. ORGANIZATION OR ADDRESS HHC 115th MP BN			

9. I, Elizabeth Briley Durand, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On today's date at approximately 1030 hours a ruckus developed in Compound B requiring guards to go in. I was working at the far end of the Camp by Compound E and didn't see what the ruckus was about. As guards entered B, several rocks were thrown at the guards from C. C was entered and rocks were thrown from D. B & C were entered 2 or 3 times back & forth. All MP's eventually removed themselves. The detainees continued to chant, yell, and throw things. I had by this time ventured to the other end of the Camp due to the continued hostilities as directed by SFC Mitchell. I eventually ended up by the Sally Port. A few MP's had exited but there were at least 8 more still in the Camp when shots rang out. I remained at the sally port until the guards reentered at which time I was actually placed there because I was apparently, because I'm female, unciting the prisoners simply by walking by. During the initial scuffle a prisoner said that everyone was upset because they didn't understand why they were being held, why for so long, and why they are put in cells with so many others. EBP

----- End of statement -----

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT EBP	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

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

STATEMENT OF James Earl Ray TAKEN AT London, England DATED 09/25/68

9. STATEMENT (Continued)

Not used

INITIALS OF PERSON MAKING STATEMENT

FBR

PAGE 2 OF 3 PAGES

STATEMENT OF Elizabeth Bidau Durand TAKEN AT Camp Cropper DATED 2003.06.09

9. STATEMENT (Continued)

Not used

AFFIDAVIT

Elizabeth Bidau Durand, 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.

Elizabeth Bidau Durand
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of JUNE, 2003 at CAMP CROPPER, 1890

[Signature]
(Signature of Person Administering Oath)

E. A. MILLER
(Typed Name of Person Administering Oath)

ART 136(C)(4) WCA
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

EBD

PAGE 3 OF 3 PAGES

E

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

9. I, Spec Gross, Hadyn, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
That around 1030hrs I had entered my Bravo Compound to remove a Water Jug that was empty. At which time an unknown male ran up to me and started yelling at which time Sgt. Erickson stated to unknown male to get back and unknown male swung at Sgt. Erickson. At which time the unknown male was extracted & additional MPs entered the Compound for assistance. At which time unknown males from Charlie compound and unknown compound began throwing rocks and other objects at the MPs. At which time myself and the additional MPs exited Bravo compound and entered Charlie compound to ~~enter~~ remove a unknown male that threw rocks at the MPs. At this time the ~~entire~~ entire compound began to throw unknown items at the MPs and chanting certain unknown things, and we all exited Charlie compound and the camp started to uproar even more. At which time SFC Mitchell stated to myself and Spec Sellman to grab our gear and go wait in the warehouse. In which I did this action and witnessed no more until about an hour more, when I heard gunfire. This is the information that I recall to the best of my knowledge.

ADS END OF STATEMENT

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES

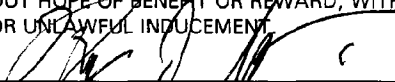
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

9. STATEMENT (Continued)

NOT
ADG
USED

AFFIDAVIT


I, Gross, Madyn Spec., 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 9 day of JUNE, 2003 at CAMP CROPPER, IRAQ

ORGANIZATION OR ADDRESS


(Signature of Person Administering Oath)

E. A. MILLER
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136(5)(4)UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

ADG

PAGE 2 OF 2 PAGES

F

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION CHA	2. DATE (YYYYMMDD) 20030609	3. TIME 1457	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Reynolds, Cheryl Lynn	6. SSN [REDACTED]	7. GRADE/STATUS E-4/SPC	
8. ORGANIZATION OR ADDRESS HHC 115th MP BN			

9. I, Cheryl L. Reynolds, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 030609 at approx 1000 compound B, C, D started chanting and protesting. It continued on and SFC Mitchell told me to take my belongings and to withdrawal from the camp because he believed things may get out of control. I took my items to the gate and walked into the medical warehouse. At that time I ran back to the gate and seen the detainees coming out of their compounds. I was told by SSG Durand to go get my weapons and gear. When I had returned the rioting had already stopped.

End of Statement

[Signature]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>[Signature]</i>	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Not used
CP

INITIALS OF PERSON MAKING STATEMENT

CP

PAGE 2 OF 3 PAGES

NOT used

AFFIDAVIT

I, Cheryl Lynn Reynolds, 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.

[Handwritten Signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of JUNE 2002 at CAMP COPPER LEAD

[Handwritten Signature]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

E. A. MILLER
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT

[Handwritten Initials]

G

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION <i>Camp Cropper, Iraq</i>	2. DATE (YYYYMMDD) <i>20030609</i>	3. TIME <i>1345</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>Chalmers, Michael, Carroll</i>	6. SSN [REDACTED]	7. GRADE/STATUS <i>E-7/SFC</i>	
8. ORGANIZATION OR ADDRESS <i>HMC 115th MP Bn</i>			

9. *1. SFC Michael C. Chalmers*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 29 Jun 03 while performing Day shift Plt. Sargent Duties, I left the MVD compound because I heard the CIA yelling. I went and drew my M16A2 Ser # 6189555 and 60-rds of 5.56mm Lot # LC 94. I saw SGM Cottman speaking to compound B. Being armed I climbed the white water truck behind compound J, to see all the CIA. I was there 30+ min. watching different compounds act up, charge the wire, drop their tents and charge the wire with the polls. SGM Cottman spoke to someone in the different compounds and made them put the tents back up. Compound J was acting up, I ordered them back in their tents and off the wire. I chambered a round in full view of J compound. J settled down for the most part (90%). Things started to calm down. So I sat on the white water truck. Ten min. later things started getting bad again. SGM Cottman radioed for the QRF to get ready. One of the 186th MP's Lt. was walking by me, I asked him to tell the QRF to get ready. The QRF had no commo with us. I then motioned for SPC. Robben, 186th MP CO, to leave his humvee and get on the brown water truck to my left, about ten feet away from me. He couldn't see anything from the Humvee, so he

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>~CC</i>	PAGE 1 OF <u>4</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF Chalmers, Michael, Carroll TAKEN AT Camp Cropper, Iraq DATED 20030609

9. STATEMENT (Continued)

came up with his M249. Five min. after that the compounds, (CHA) with over 900+ CI's rioted. B and C dropped their tents again. Armed themselves with tent poles, water-bottles filled with sand, rocks and the like. B opened their sallyport and came out, C then opened their sallyport and came out. The MP's were being attacked, hit with rocks and tent poles, by the CI's. D, C, B fully were attacking the MP's, the other compound did through rocks and some poles. Some MP's were cut off near D. I saw six CI's with tent poles from B, attacking MP's. I and SPC Robben had our weapons shouldered. We were ordering, yelling as loud as possible at the CI's to get back, get down, halt, halt, halt. I didn't have a clear shot to stop the attacking CI's, until 3 MP's cleared me. I saw a CI try to spear a black MP in the head with the tent pole. Fearing for that MP's life and having a clear shot I fired one round. The CI dropped, the tent pole missed the MP's head by inches. SPC Robben's then fired one burst from his M249 to protect the MP's attempting to exit the (CHA) compound. I ordered SPC Robben to cease fire as one MP from the 186TH had moved to cover the retreating MP's with his weapon. He moved into our line of fire. My cease fire came as the second burst was fired from the M249. I would have shot the CI's, SPC Robben shot, they were attacking unarmed MP's with tent poles trying to kill them. The only reason I didn't shoot them is because he shot them first, and I was yelling cease fire because of the MP's on the outside of the CHA in line with

INITIALS OF PERSON MAKING STATEMENT

mcc

PAGE 2 OF 4 PAGES

STATEMENT OF Chalmers, Michael, Carroll TAKEN AT Camp Coppe, Iraq DATED _____

9. STATEMENT (Continued)

US, SPC Robben fired seven rounds, I fired one. To the best ^{of} ~~know~~ ^{CC} of my knowledge I saw five CI's get hit by gunfire. We ordered the CI's back into their compounds. Most of the CI's returned to the compounds, but still threw rocks at myself and SPC Robben and the other MP's. After five min. the CI's closed their own gates, compound B and C. Delta was closed by an MP. The MP's in the CHA and SGM Cottman regained control of the compounds. //—End of Statement _____ //

INITIALS OF PERSON MAKING STATEMENT

MC

PAGE 3 OF 4 PAGES

STATEMENT OF Chalmers, Michael, Carroll TAKEN AT Camp Cropper, Iraq DATED 2003 06 09

9. STATEMENT (Continued)

not used
not used

AFFIDAVIT

I, Michael Carroll Chalmers, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. 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.

Michael Carroll Chalmers
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of JUNE, 2003 at CAMP CROPPER, IRAQ

ORGANIZATION OR ADDRESS

[Signature]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

E. A. MILLER
(Typed Name of Person Administering Oath)

ART 136 (2) (4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

H

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: CHA BIAP
2. DATE (YYYYMMDD): 20030609
3. TIME: 1445
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: Erickson Adam Nathaniel
6. SSN: [REDACTED]
7. GRADE/STATUS: E5
8. ORGANIZATION OR ADDRESS: HHC 115th MP Bn

9. I, Adam N Erickson, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
on 030609 at Appx: 1000hrs while working B compound of the CHA with SPC Gross the start of an uprising occurred. SPC Gross entered the compound to recover a water jug. On his exit a detainee of unknown number ran up behind him. I then grabbed that detainee who then pulled away to the right and swung at me with his left hand. After avoiding the punch I then pursued the detainee into the tent. As I entered the tent I knocked several detainees down that were grabbing at me. At this point several other MPs entered the tent and we located the instigator. After subducing and removing him from B compound some detainees in C compound threw several rocks. Several MPs then entered C compound to remove the rock throwers. At that time we got everyone to stop throwing rocks. SPC Sellman, SPC Gross and myself then left the cha under SFC Mitchell's order hoping that would calm down the detainees. This seemed to please them. I then worked the main gate to the cha. At about 1100-1130hrs the entire cha of detainees began throwing rocks and tent poles still in the cha. As the MPs with drew the detainees exited their compounds and continued throwing items at the MPs. I then heard rifle fire and the riot stopped. End of statement

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

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Not used
DWE

INITIALS OF PERSON MAKING STATEMENT

DWE

PAGE 2 OF 3 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

NOT USED
AWB

AFFIDAVIT

I, Adam N Erickson, 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.

[Signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of July, 2003 at Brac

[Signature]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

Heer, Chad B.
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

S-3
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

AWB

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I

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Baghdad Intl. Airport	2. DATE (YYYYMMDD) 2003 06 09 TMB	3. TIME 1230	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Bietsch, Timothy, Miller	6. SSN [REDACTED]	7. GRADE/STATUS SGT/E-5	
8. ORGANIZATION OR ADDRESS 443rd MP, Co.			

9. TMB
I, Timothy Miller Bietsch, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 I was working O&P on June 9, 2003 at approximately 1030 hrs, when I noticed a disturbance in the compound. I climbed the yellow ladder in the building to see a light skinned, black male, with the name of "Sellman" as a name tag on his DCU pants, throw his DCU top on the ground, while inside the compound, and taunt the prisoners by flexing and shouting at them. Right after this, a caucasian soldier, with what appeared to be a tribal tattoo on one arm, and another tattoo on his other arm, threw his DCU top on the ground and taunted the prisoners of compound "B" and "C" by similar means of flexing and shouting at them. This caused the prisoners to become extremely irate, and a short riot ensued that resulted in gunfire. // End of Statement //

TMB

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9 STATEMENT (Continued)

NOT USED

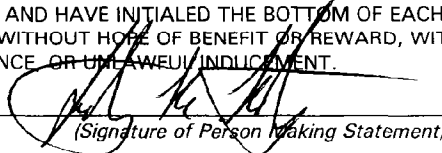
INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

AFFIDAVIT

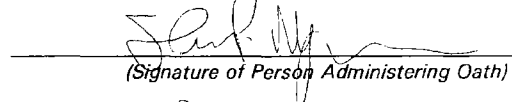
I, Timothy M. Bietz, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT.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


(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of JUNE, 2003 at CAMP CROSSER, IRAQ

ORGANIZATION OR ADDRESS


(Signature of Person Administering Oath)

Shawn P. Maynard
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

MI Platoon Leader
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Baghdad Airport Confinement Facility	2. DATE (YYYYMMDD) 20030609	3. TIME Approx 1000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Dovenberger, David Lee	6. SSN [REDACTED]	7. GRADE/STATUS E-5/AD	
8. ORGANIZATION OR ADDRESS 443 rd MP Co			

9. I, David L. Dovenberger, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 On the above date and approx. time I saw an American soldier inside the confinement facility walking around and waving his hands towards the inmates. Soon after that, the African-American, later identified as SPC Sellman, took his DCU top off and threw it on the ground. Then he began flexing his arms towards the inmates taunting them. This went on for approx 1-2 minutes and he then grabbed his top and chair and exited the compound. While SPC sellman was flexing, this was causing the inmates to get loud and started chanting. EOR

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT DLD	PAGE 1 OF 3 PAGES
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STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

NOT USED

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

AFFIDAVIT

I, David C. Dovenbarger, 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.

[Handwritten Signature]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of JUNE, 2003 at CAMP CROPPER

[Handwritten Signature]

(Signature of Person Administering Oath)

Shawn P. Magowan

(Typed Name of Person Administering Oath)

MP Platoon Leader

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES