



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS UNITED STATES ARMY FORCES COMMAND  
1777 HARDEE AVENUE SW  
FORT McPHERSON, GEORGIA 30330-1062

5 October 2004

APCG-JA

MEMORANDUM FOR Commander, USAEREC, ATTN: PCRE-RF-I, Fort Benjamin Harrison,  
Indiana 46249-5301

SUBJECT: Request for the Release of Certified Copies of OMPF Files for Purposes of Courts-  
Martial Proceedings

1. Request two copies of the Performance and Restricted portions of the following OMPF's be  
forwarded to the Headquarters, United States Army Forces Command, ATTN: Office of the  
Staff Judge Advocate (MAJ Dehn), 1777 Hardee Avenue SW, Fort McPherson, Georgia 30330:

a. Specialist Damien Marino Corsetti, A Company, 519<sup>th</sup> Military Intelligence  
Battalion, 525<sup>th</sup> Military Intelligence Brigade, XVII Airborne Corps, Fort Bragg, North Carolina  
28310.

b. Captain Carolyn Anne Wood, A Company, 519<sup>th</sup> Military Intelligence  
Battalion, 525<sup>th</sup> Military Intelligence Brigade, XVII Airborne Corps, Fort Bragg, North Carolina  
28310.

c. Sergeant ~~Salcedo, Selena M.~~ *Salcedo, Selena M.*, A Company, 519<sup>th</sup> Military Intelligence  
Battalion, 525<sup>th</sup> Military Intelligence Brigade, XVII Airborne Corps, Fort Bragg, North Carolina  
28310.

d. Sergeant Joshua Richard Claus, A Company, 519<sup>th</sup> Military Intelligence  
Battalion, 525<sup>th</sup> Military Intelligence Brigade, XVII Airborne Corps, Fort Bragg, North Carolina  
28310.

e. Specialist Glendale Clifton Walls II, A Company, 519<sup>th</sup> Military Intelligence  
Battalion, 525<sup>th</sup> Military Intelligence Brigade, XVII Airborne Corps, Fort Bragg, North Carolina  
28310.

f. Specialist Jennifer Nicole Higginbotham (Nelson), A Company, 519<sup>th</sup>  
Military Intelligence Battalion, 525<sup>th</sup> Military Intelligence Brigade, XVII Airborne Corps, Fort  
Bragg, North Carolina 28310.

g. Specialist Eric Hubert Barclais, HHS, 519<sup>th</sup> Military Intelligence Battalion,  
525<sup>th</sup> Military Intelligence Brigade, XVII Airborne Corps, Fort Bragg, North Carolina 28310.

2. The above named individuals are pending courts-martial proceedings. Their fiche will be  
used in preparation of the government's case.

3. POC is the undersigned at COM: (404) 464-3893 or DSN: 367-464-3893.

*J. D. Bradley*

JACK D. BRADLEY  
CW3, JA

## MAY-09-2008 08:21

Certified True Copy  
Helen B. Baumgard  
Baumgard, Helen B. CPT



**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, US ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS  
1733 PLEASANTON ROAD  
FORT BLISS, TEXAS 79916

REPLY TO

ATTENTION OF:

18 May 2005

ATZC-JA

MEMORANDUM FOR Commander, US Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916

SUBJECT: Advice on Disposition of Court-Martial Charges Against SGT Selena M. Salcedo

1. Purpose. I have reviewed the enclosed charges (Encl 1) and allied papers (Encls 2-3) in the case of SGT Selena M. Salcedo, Company A, 519<sup>th</sup> Military Intelligence Battalion, Fort Bragg, NC 28310, and attached to Headquarters, US Army Air Defense Artillery Center and Fort Bliss, TX 79916 for general administration of military justice and render this advice in accordance with Article 34, Uniform Code of Military Justice (UCMJ), and Rule for Courts-Martial 406.

2. Legal Conclusions. I have reached the following legal conclusions:

- a. Each specification alleges an offense under the UCMJ;
- b. The allegation of each offense is warranted by the evidence; and
- c. There is court-martial jurisdiction over the accused and each offense.

3. Chain of Command's Recommendations. The accused's chain of command recommends that you refer all charges and specifications to trial by special court-martial empowered to adjudge a bad-conduct discharge (Encl 4).

4. Recommendation. I recommend that you refer all charges and specifications to trial by special court-martial empowered to adjudge a bad-conduct discharge convened by Court-Martial Convening Order Number 25, this headquarters, dated 14 October 2004 (Encl 5).

5 Encls  
as

A handwritten signature in black ink, appearing to read "Mark A. Rivest", is written over the typed name.

MARK A. RIVEST  
COL, JA  
Staff Judge Advocate

ATZC-JA

SUBJECT: Advice on Disposition of Court-Martial Charges Against SGT Selena M. Salcedo

DIRECTION OF THE CONVENING AUTHORITY:

The recommendation of the Staff Judge Advocate is approved.



MICHAEL A. VANE

Major General, USA  
Commanding

VOLUME II OF II  
ORIGINAL COPYSUMMARIZED  
RECORD OF TRIAL 1

(and accompanying papers)

of

SALCEDO, Selena M.

(Name, Last, First, Middle Initial)

(Social Security Number)

SERGEANT/E5

(Rank)

Company A,519th Military Intelligence Battalion,  
Fort Bragg, North Carolina

(Unit/Command Name)

U.S. Army

(Branch of Service)

Fort Bliss, Texas

(Station of Ship)

By

SPECIALCOURT-MARTIAL

Convened by

COMMANDER

(Title of Convening Authority)

United States Army Air Defense Artillery Center and Fort Bliss

(Unit/Command of Convening Authority)

Tried at

Fort Bliss, Texas

(Place or Places of Trial)

on 17 June, 19 July, and 4 August 2005

(Date or Dates of Trial)

ACTION OF JUDGE ADVOCATE OR GENERAL COURT-MARTIAL CONVENING AUTHORITY (SPCM)/JAG (GCM)  
(RCM 1111 and 1112, MCM, 1984)

UNIT/COMMAND NAME	LOCATION OF JUDGE ADVOCATE OR GENERAL COURT-MARTIAL CONVENING AUTHORITY/JAG	DATE RECORD RECEIVED
ACTION	DATE	REMARKS
FINAL DISPOSITION		
Findings and sentence, as approved by convening authority, correct in law and fact; to file		
OR		
Findings and sentence, as modified or corrected (see remarks), correct in law and fact; to file		
Acquittal or sentence set aside (see remarks); to file		
Copies of CMO disposed of in accordance with departmental regulations		
JUDGE ADVOCATE OR LAW SPECIALIST		
SIGNATURE	RANK	DATE SIGNED

See inside back cover for instructions as to use, preparation and arrangement.

Salcedo II of II

RECEIVED  
JAG  
1800-001-000  
17 JUN 2005

# **RECORD OF PROCEEDINGS OF COURT-MARTIAL**

---



# **ERRATA CORRECTION SHEET**

United States v. SGT Selena M. Salcedo

## **Date Record of Trial**

Completed by <u>Reporter</u>			Submitted to <u>Trial Counsel</u>			Completed by <u>Trial Counsel</u>			Submitted to <u>Defense Counsel</u>			Completed by <u>Defense Counsel</u>			<u>Authentication</u>					
7 Sept '05			7 Sept '05						7 Sept '05											
Record Page	Line Nbr	Change by CR	Change from						To						Initials					
14	30	/	since her						since then						(M)					
20	4		commanders						commander						(M)					
24	24	/	I was out						I was put						(M)					



Sep-08-05 02:24P FORS OM OSJA

404 42357

P.02

**ERRATA CORRECTION SHEET**United States v. SGT Selena M. Salcedo

## Date Record of Trial

Completed by <u>Reporter</u>			Submitted to <u>Trial Counsel</u>	Completed by <u>Trial Counsel</u>	Submitted to <u>Defense Counsel</u>	Completed by <u>Defense Counsel</u>	Authentication
7 Sept '05			7 Sept '05	8 SEP 05	7 Sept '05		
Record Page	Line Nbr	Change by CR	Change From	To		Initials	
4	16	/	HIS	HER		CEE	
8	20	/	FORMER	FORMAL		CEE	
9	9	/	BEEN	BEING		CEE	
9	18	/	ON	IN		CEE	
9	33	/	IN	IN		CEE	
10	6	/	NEEDED	NEED		CEE	
15	23	/	ROUND	ROUNDS		CEE	
19	10	/	WARREN	LORING		CEE	
20	13	/	WORSE	WORST		CEE	
21	33	/	LIFE	LIVE		CEE	
21	43	/	UNITED	UNITED		CEE	
23	17	/	HUMIT	HUMINT		CEE	
24	18	/	THING	THINK		CEE	
24	41	/	ME	ME IN		CEE	
25	33	/	LOSING	LOSING		CEE	
26	11	/	ITCHING	BITCHING		CEE	

All changes with "/" in the "Change by CR" box have been incorporated in the record.

## RECORD OF TRIAL

of

SALCEDO, Selena M.

(Name, Last, First, Middle Initial)

(Social Security Number)

SERGEANT/E5

(Радк)

Company A,  
519th Military Intelligence Battalion,  
Fort Bragg, North Carolina

(Unit/Command Name)

U.S. Army

(Branch of Service)

Fort Bliss, Texas

(Station of Ship)

By

**SPECIAL**

COURT-MARTIAL

Convened by \_\_\_\_\_ COMMANDER

(Title of Convening Authority)

United States Army Air Defense Artillery Center and Fort Bliss

(Unit/Command of Convening Authority)

Tried at

Fort Bliss, Texas

(Place or Places of Trial)

on 17 June, 19 July, and 4 August 2005

(Date or Dates of Trial)

COPIES OF RECORD

\_\_\_\_\_ copy of record furnished the accused or defense counsel as per attached certificate or receipt.

\_\_\_\_\_ copy(ies) of record forwarded herewith.

## RECEIPT FOR COPY OF RECORD

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

(Signature of accused)

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

(Signature of accused)

1 For instructions as to preparation of copies of record, see back cover or appendices 13 and 14, MCM, 2000.  
2 If copy of record prepared for accused contains matters requiring security protection, see RCM 1104(b)(1)(D), MCM, 2000.

PROCEEDINGS OF A SPECIAL COURT-MARTIAL

The military judge called the Article 39(a) session to order at Fort Bliss, Texas, at 0843, 17 June 2005, pursuant to the following orders:

Court-martial Convening Order Number 25, Headquarters, United States Army Air Defense Artillery Center and Fort Bliss, Texas, dated 14 October 2005.

END OF PAGE

DEPARTMENT OF THE ARMY  
Headquarters, US Army Air Defense Artillery Center and Fort Bliss  
Fort Bliss, Texas 79916-0058

14 October 2004

COURT-MARTIAL CONVENING ORDER  
NUMBER 25

1. A special court-martial is convened with the following members:

COL JOHN E. SEWARD, AD, HHC, USASMA  
COL KENDAL W. CUNNINGHAM, AD, HHB, 6TH ADA BDE  
LTC JOSEPH A. SIMONELLI JR., AD, HHB, 5-52D ADA, 11TH ADA BDE  
LTC MICHAEL S. MALONEY, AD, HHB, 6TH ADA BDE  
MAJ KEVIN F. CIOCCA, AD, HHB, 31ST ADA BDE  
MAJ PAUL M. DAVIS, QM, HHB, USAADACENFB  
MAJ CAROLYN S. BIRCHFIELD, AD, HHB, 3-2D ADA, 31ST ADA BDE  
MAJ TINA L. HOLT, QM, HHB, 32D AAMDC  
CPT ROGER T. DELAHUNT, AD, HHB, 2-43D ADA, 108TH ADA BDE  
CPT AHMAD H. YASSIN, AD, HQ/A BTRY, 3-6TH ADA, 6TH ADA BDE

2. In all cases in which the accused submits a request pursuant to Article 25(c), UCMJ, that enlisted members serve on the court-martial panel, the court will be constituted as follows:


COL JOHN E. SEWARD, AD, HHC, USASMA  
COL KENDAL W. CUNNINGHAM, AD, HHB, 6TH ADA BDE  
LTC JOSEPH A. SIMONELLI JR., AD, HHB, 5-52D ADA, 11TH ADA BDE  
LTC MICHAEL S. MALONEY, AD, HHB, 6TH ADA BDE  
MAJ KEVIN F. CIOCCA, AD, HHB, 31ST ADA BDE  
CSM RICHARD S. CLEM, USA, HHB, 3-43D ADA, 11TH ADA BDE  
SGM PATRICIA A. MCNAIR, USA, HHC, USASMA  
SGM RYAN P. JONES, USA, HHB, 1-7TH ADA, 108TH ADA BDE  
1SG EVARISTO TORRES JR., USA, D BTRY, 3-43D ADA, 11TH ADA BDE  
1SG CHARLIE E. DAVIS, USA, 208TH SIG CO, 108TH ADA BDE

3. All cases referred to the special court-martial convened by Court-Martial Convening Order Number 15, this headquarters, dated 15 September 2003, in which the court has not yet assembled, and which are scheduled for trial on or after 15 October 2004, will be brought to trial before the court-martial hereby convened.

BY COMMAND OF MAJOR GENERAL VANE:

DISTRIBUTION:

1 - Each Panel Member  
1 - Reference Set  
1 - Record Set



ANITA FRANCIS  
WO1, USA  
Legal Administrator

PERSONS PRESENT

LIEUTENANT COLONEL MARK P. SPOSATO, MILITARY JUDGE;  
CAPTAIN ANTHONY SCHAEFER, TRIAL COUNSEL;  
CAPTAIN MARIO DeROSSI, DEFENSE COUNSEL.

PERSONS ABSENT

**Members.**

The accused, Sergeant Selena M. Salcedo, U.S. Army, was present in court.

The detailed reporter, Staff Sergeant Michelle A. Lane, U.S. Army, had previously been sworn.

The trial counsel announced his legal qualifications and status as to oaths and that he had been detailed by Colonel Mark Rivest, Staff Judge Advocate, Fort Bliss, Texas.

The trial counsel further stated that he had not acted in a manner which might tend to disqualify him.

The military judge informed the accused of the rights concerning counsel as set forth in Article 38(b) and R.C.M. 901(d).

The accused responded that she understood the rights with respect to counsel, and that she chose to be defended by Captain DeRossi.

The defense counsel announced his legal qualifications and status as to oaths and that he had been detailed by Lieutenant Colonel E.J. O'Brien, Regional Defense Counsel, Region IV.

The defense counsel further stated that he had not acted in a manner which might tend to disqualify him.

The military judge stated it appeared that counsel for the parties had the necessary qualifications and had been sworn. The military judge further announced his legal qualifications and status as to oaths and that he had been detailed to the court-martial by himself.

The trial counsel stated the general nature of the charges in this case.

1 The military judge stated that he was aware of no grounds for  
2 challenge against him. The military judge further stated for the  
3 record that he had been detailed for the companion cases,  
4 United States v. Cammack and United States v. Brand. Neither the  
5 prosecution nor the defense desired to voir dire or challenge the  
6 military judge for cause.

7  
8 The military judge advised the accused of her right to be tried  
9 before a court-martial composed of members, including, at the  
10 accused's request, at least one-third enlisted members; and that if  
11 the accused were found guilty of any offense, the members would  
12 determine any sentence to be adjudged.

13  
14 The military judge further advised the accused that she could request  
15 in writing, or orally in the court-martial, trial before military  
16 judge alone; and if such a request were approved, the military judge  
17 would determine the accused's guilt or innocence; and if the accused  
18 were found guilty, the military judge would determine any sentence to  
19 be adjudged.

20  
21 The accused indicated that she fully understood the differences  
22 between a trial by military judge alone and trial before members.

23  
24 The accused, through counsel, deferred selection of forum.

25  
26 The accused was arraigned on the following charges and  
27 specifications.

28  
29 THE CHARGE SHEET FOLLOWS AND IS NOT A NUMBERED PAGE.

30  
31 END OF PAGE

## CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) SALCEDO, Selena M.	2. SSN	3. GRADE OR RANK SGT	4. PAY GRADE E5
5. UNIT OR ORGANIZATION Company A, 519 <sup>th</sup> Military Intelligence Battalion, Fort Bragg, NC 28310		6. CURRENT SERVICE	
		a. INITIAL DATE 31 Aug 99	b. TERM 5 years
7. PAY PER MONTH BASIC \$2,066.70 SEA/FOREIGN DUTY None. TOTAL \$1,991.10	8. NATURE OF RESTRAINT OF ACCUSED None.	9. DATE(S) IMPOSED N/A.	

## II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 92.

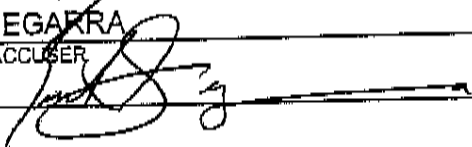
SPECIFICATION: In that Sergeant Selena M. Salcedo, US Army, who knew of her duties at or near Bagram Airfield, Afghanistan, on or about 8 December 2002, was derelict in the performance of those duties in that she willfully failed to conduct an interrogation of Dilawar (A.K.A. BT 421) according to authorized tactics, techniques and procedures as it was her duty to do.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 93.

SPECIFICATION: In that Sergeant Selena M. Salcedo, US Army, at or near Bagram Airfield, Afghanistan, on or about 8 December 2002, did maltreat Dilawar (A.K.A. BT 421), a person subject to her orders, by placing Dilawar in painful or stressful positions several times despite Dilawar's repeated complaints of having already suffered injury to his knees or legs.

(SEE CONTINUATION SHEET)

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) ERICK J. SEGARRA	b. GRADE O-3	c. ORGANIZATION OF ACCUSER HHB, USAADACENFB, FORT BLISS, TX
12. SIGNATURE OF ACCUSER 		d. DATE 13 MAY 2005

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 13<sup>TH</sup> day of May, 2005, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

CHRISTOPHER DANIEL CARRIER

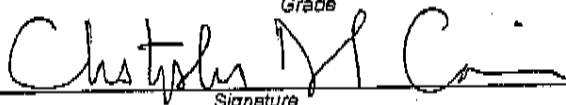
Typed Name of Officer

HHB, USAADACENFB, FORT BLISS, TX

Organization of Officer

O-4

Grade



Signature

JUDGE ADVOCATE

Official Capacity to Administer Oath

(See R.C.M. 307(b) - must be a commissioned officer)

2.

On 13 MAY, 2005, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

DAVID POLITE  
Typed Name of Immediate Commander

HQB, USAADACENFB, FORT BLISS, TX  
Organization of Immediate Commander

O-2

Grade

Signature

## IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

3.

The sworn charges were received at 1150 hours, 17 MAY, 2005 at 76<sup>TH</sup> MP BN, FORT BLISS, TX  
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE <sup>1</sup>

THOMAS T. KOESTERS  
Typed Name of Officer

COMMANDING  
Official Capacity of Officer Signing

O-5

Grade

Signature

## V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

HQ, USAADACENFBFORT BLISS, TX 7991618 MAY 2005

Referred for trial to the special court-martial convened by CMCO #25

dated 14 October 20 04, subject to the following instructions: <sup>2</sup> This

court-martial is empowered to adjudge a bad-conduct discharge.

By COMMAND of MAJOR GENERAL VANE  
Command or Order

ANITA R. FRANCIS  
Typed Name of Officer

Legal Administrator  
Official Capacity of Officer Signing

CW2

Grade

Signature

15.

On 19 MAY, 2005, I (caused to be) served a copy hereof on (each of) the above named accused.

CHRISTOPHER DANIEL CARRIER  
Typed Name of Trial Counsel

O-4  
Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.  
2 — See R.C.M. 301(e) concerning instructions. If none, so state.



CONTINUATION SHEET DD FORM 458, Sergeant Selena M. Salcedo, 557-65-9181, Company A, 519<sup>th</sup> Military Intelligence Battalion, Fort Bragg, NC 28310

Item 10, continued:

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 107.

SPECIFICATION: In that Sergeant Selena M. Salcedo, US Army, did at or near Bagram Airfield, Afghanistan, on or about 17 December 2002, with intent to deceive, make to Special Agent Randy M. Lighty, official statements, to wit: That she never hit Dilawar (A.K.A. BT 421); that she did not kick BT 421 in the genitals; and that she did not grab BT 421 by his ears, which statements were totally false, and were then known by the said Sergeant Selena M. Salcedo to be so false.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 128.

SPECIFICATION 1: In that Sergeant Selena M. Salcedo, US Army, did, at or near Bagram Airfield, Afghanistan, on or about 8 December 2002, unlawfully kick Dilawar (A.K.A. BT 421) in or about the groin with her shod foot.

SPECIFICATION 2: In that Sergeant Selena M. Salcedo, US Army, did, at or near Bagram Airfield, Afghanistan, on or about 8 December 2002, unlawfully grab and pull the ears of Dilawar (A.K.A. BT 421).

SPECIFICATION 3: In that Sergeant Selena M. Salcedo, US Army, did, at or near Bagram Airfield, Afghanistan, on or about 8 December 2002, unlawfully shove Dilawar (A.K.A. BT 421) repeatedly against a wall.

SPECIFICATION 4: In that Sergeant Selena M. Salcedo, US Army, did, at or near Bagram Airfield, Afghanistan, between on or about 15 October 2002 and on or about 15 February 2003, assault an unknown Person Under US Control ("PUC") by forcefully placing her shod foot on said PUC's neck while he was lying on the floor during an interrogation.

REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS AND HEADQUARTERS BATTERY**  
**UNITED STATES ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS**  
**1034B PLEASANTON ROAD**  
**FORT BLISS, TEXAS 79916-6812**

IMSW-BLS-HH

16 May 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Assumption of Command

The undersigned assumes command of the HHB, USAADACENFB (W0VH01 and W6CLAA), effective 0600 hours, Monday, 16 May 2005, through 0600 hours, Monday, 23 May 2005.



DAVID POLITE  
1LT, AD  
Commanding

DISTRIBUTION:  
COMMANDER, 76<sup>TH</sup> MILITARY POLICE BATTALION  
COMMANDER, GARRISON COMMAND

1 Major General Michael A. Vane, Commander, United States Army Air  
2 Defense Artillery Center and Fort Bliss, convened the court-martial  
3 and referred the charges and specifications to it.

4  
5 The accused, through counsel, deferred entry of pleas and motions.

6  
7 The military judge summarized the substance of an R.C.M. 802  
8 conference where the parties discussed potential trial dates. The  
9 trial date was set for 3-4 August 2005 with an Article 39(a) session  
10 set for 14 July 2005. The military judge further stated that he  
11 would sign a pretrial order in the case, which would be marked as  
12 Appellate Exhibit I. Neither counsel had anything to add to the  
13 record in regards to the R.C.M. 802 conference.

14  
15 The military judge explained to the accused the legal consequences of  
16 an arraignment, including her right to be present throughout the  
17 proceedings and that a voluntary absence on the trial dates could  
18 waive that right. The military judge further restated the dates of  
19 trial to the accused.

20  
21 The session recessed at 0848 hours, 17 June 2005.

22  
23 The session was called to order at 0920, 19 July 2005.

24  
25 The military judge stated that all parties to the trial were present  
26 as before, with the exceptions of a new court reporter, Specialist  
27 Bryan Ortiz, who had been previously sworn; and a new trial counsel,  
28 Captain Christopher Ellis.

29  
30 The trial counsel announced his legal qualifications and status as to  
31 oaths and that he had been detailed by Colonel Mark Rivest, Staff  
32 Judge Advocate, Fort Bliss, Texas; and that Captain Anthony Schaefer  
33 was now the assistant trial counsel, who was previously on the  
34 record.

35  
36 The trial counsel further stated that he had not acted in a manner  
37 which might tend to disqualify him.

38  
39 The military judge restated to the accused of the rights concerning  
40 counsel as set forth in Article 38(b) and R.C.M. 901(d).

41  
42 The accused responded that she understood the rights with respect to  
43 counsel and that she chose to be defended by Captain DeRossi.  
44

1 The military judge accounted for the appellate exhibits on the record  
2 at the time.

3  
4 The military judge stated, upon request by the trial counsel, that he  
5 would take judicial notice of Appellate Exhibits II and III.

6  
7 The defense counsel objected to the taking of judicial notice of  
8 Appellate Exhibit IV.

9  
10 The trial counsel presented argument on the motion.

11  
12 The defense counsel presented argument on the motion.

13  
14 The military judge stated that he would take judicial notice of  
15 Appellate Exhibit IV.

16  
17 The military judge ascertained from the defense counsel that both  
18 counsel had an agreement in reference to Appellate Exhibit V and that  
19 it was no longer an issue for the court.

20  
21 The military judge stated that Appellate Exhibit VII, a motion in  
22 limine, would be taken up next.

23  
24 The trial counsel presented argument on the motion.

25  
26 The defense counsel presented argument on the motion.

27  
28 The military judge stated that he would take the motion under  
29 advisement.

30  
31 The military judge stated that Appellate Exhibit VIII, a motion in  
32 limine, would be taken up next.

33  
34 The defense counsel presented argument on the motion.

35  
36 The defense counsel presented argument on the motion.

37  
38 The military judge stated that he would take the motion under  
39 advisement.

40  
41 The military judge stated that in the R.C.M. 802 conference both  
42 counsel had agreed on not ~~calling the witnesses~~ "victims" or  
43 "terrorists". *using the legal terms* <sup>was</sup>

44 <sup>was</sup>  
45 Neither counsel had any other motions to present.

1 The military judge re-advised the accused of her right to be tried  
2 before a court-martial composed of members, including, at the  
3 accused's request, at least one-third enlisted persons; and that if  
4 the accused were found guilty of any offense, the members would  
5 determine any sentence to be adjudged

6  
7 The military judge further re-advised the accused that she could  
8 request in writing, or orally in the court-martial, trial before  
9 military judge alone; and that if such a request were approved, the  
10 military judge would determine the accused's guilt or innocence; and  
11 if the accused were found guilty, the military judge would determine  
12 any sentence to be adjudged.

13  
14 The accused, when questioned by the military judge, stated that she  
15 elected to be tried by a panel consisting of one-third enlisted  
16 members.

17  
18 The military judge restated the suspense dates previously stated in  
19 the pretrial order signed on the case.

20  
21 Neither counsel had anything further to present for the session.

22  
23 The session recessed at 0958, 19 July 2005.

24  
25 The session was called to order at 0836, 4 August 2005.

26  
27 The military judge stated that all parties to the trial were present  
28 as before.

29  
30 The military judge stated the substance of an R.C.M. 802 conference  
31 held prior to the Article 39(a) session. The military judge further  
32 stated that the forum selection of the accused had changed. The  
33 military judge thereafter readvised the accused of her forum rights

34  
35 The accused indicated that she fully understood the differences  
36 between a trial by military judge alone and by a court-martial  
37 composed of members, and she stated he desired to be tried by  
38 military judge.

39  
40  
41 After ascertaining that the accused had consulted with defense  
42 counsel and had been informed of the identity of the military judge  
43 and of the right to trial by members, the military judge approved the  
44 accused's written request for trial by military judge alone, marked  
45 as Appellate Exhibit XX.

1 The military judge announced that the court-martial was assembled.

2  
3 The accused pled as follows:

4  
5 To Charge I and its Specification: Guilty.

6  
7 To Charge II and its Specification: Not Guilty.

8  
9 To Charge III and its Specification: Not Guilty.

10  
11 To Charge IV, Specification 1: Guilty, except the  
12 words, "in or about  
13 the groin", and  
14 substituting the  
15 words, "in the knees  
16 and inner thighs".

17 To Charge IV, Specification 2: Guilty, except the  
18 words, "and pull".

19 To Charge IV, Specification 3: Guilty, except the  
20 words, "shove  
21 Dilawar", and  
22 substituting the  
23 words, "pulled  
24 Dilawar up".

25 To Charge IV, Specification 4: Not Guilty.

26 To Charge IV: To the excepted  
27 words, Not Guilty; to  
28 the substituted  
29 words, Guilty.  
30

31 The military judge inquired into the providence of the accused's  
32 pleas of guilty. The military judge informed the accused of her right  
33 to plead not guilty and to be tried by a court-martial, and that at  
34 such a court-martial, the accused would have the right to confront  
35 and cross-examine witnesses against the accused as well as the right  
36 against self-incrimination; that by pleading guilty, the accused  
37 waived the rights to a trial of the offense(s), to confront and  
38 cross-examine witnesses, and against self-incrimination; further,  
39 that the military judge would question the accused under oath about  
40 the offenses to which the accused had pled guilty. The military judge  
41 further informed the accused that if she answered those questions  
42 falsely under oath, the accused's answers could be used against the  
43 accused in a prosecution for perjury or false statement. The accused  
44 stated that she understood these rights. The military judge, after  
45 examining Prosecution Exhibit 1 and ascertaining that the accused had

1 examined it, questioned the accused and determined that the pleas of  
2 guilty were voluntary and not the result of force or threats or  
3 promises other than those in the pretrial agreement.

4  
5 The accused was sworn.

6  
7 The military judge explained to the accused the elements of the  
8 offense(s) and all applicable legal definitions to which the plea(s)  
9 of guilty had been entered. In response to the questions of the  
10 military judge as to the offense(s) to which the accused had pled  
11 guilty, the accused responded under oath substantially as follows:

12  
13 In December of 2002, I was assigned to Alpha Company, 519th  
14 Military Intelligence Battalion, of Fort Bragg. We were stationed at  
15 Bagram Airfield in Afghanistan. At that time, I was assigned as  
16 counterintelligence, but my duties were to conduct interrogations.  
17 97B, counterintelligence agent, is an MOS that gets information from  
18 sources; and 97E is interrogation through direct questioning. I was  
19 generally familiar with interrogation techniques through talking to  
20 other interrogators about it. I did not have any formal training on  
21 tactics, techniques, and procedures for interrogations; I just  
22 observed other members of the unit conducting interrogations.

23  
24 On 8th December I was to interrogate Dilawar, who was a detainee  
25 held at the Bagram Collection Point. He was brought into the  
26 interrogation room. I had him on his knees; he was complaining about  
27 his knees and that he didn't want to be there. He was evading  
28 questions <sup>about</sup> ~~of~~ basic background data that I was asking him, like his  
29 name, his tribe, and his home. He kept smiling and laughing and  
30 smirking at me. When I questioned him on why he was doing that, he  
31 refused to answer me. He kept saying and later I found out that his  
32 knees hurt so bad that he just stood up during the interrogation. I  
33 asked him why did he stand up without me telling him to stand up and  
34 he said that his legs hurt.

35  
36 For this interrogation, Mr. Ahmadzai, the translator, and  
37 Specialist Walls were present. Dilawar was speaking in his dialect,  
38 but I am not sure which one, and Mr. Ahmadzai was able to translate.  
39 All questions to him were passed through Mr. Ahmadzai, to the best of  
40 my knowledge.

41  
42 I knew that I was authorized to position detainees on to safety  
43 positions such as kneeling and seating them on a wall and different  
44 uncomfortable positions. I wasn't authorized to use the physical  
45 force that I did use on him. The source of my understanding of the

1 procedures and tactics that were authorized was from observing other  
2 personnel of the unit conduct interrogations.

3  
4 The position of sitting against the wall is when a person stands  
5 up against the wall, puts their feet out about 12 inches or whatever  
6 it is uncomfortable for you to be in. It is like sitting in an  
7 imaginary chair with the back against the wall. Dilawar didn't say  
8 anything to me; some of the conversation with Mr. Ahmadzai wasn't  
9 being translated to me. Dilawar kept sliding down; he kept letting  
10 his feet slide out from underneath him or sit down on the floor.  
11 When he got all the way down to the floor, myself and Specialist  
12 Walls would take each an arm and pull him back up against the wall  
13 because he was leaning forward as he was sitting down, collapsing.

14  
15 The interrogation room was a small one. We were working at an  
16 old factory or warehouse at Bagram. I cannot give the dimensions,  
17 but it was a small room. It had a table, three chairs, and a window.  
18 This was in the evening.

19  
20 Dilawar had long handcuffs on. Only his wrists were bound.

21  
22 He was an Afghani. I know, through dealing with other  
23 detainees, that the Afghanis would disregard that I was in the room  
24 and speak only to the interpreter or the man in the room and that I  
25 had to gain focus and control to relay to the detainee that I was the  
26 one he was dealing with. I believe that's why Dilawar took his  
27 attention off of me and focused it on Mr. Ahmadzai. Myself and  
28 Specialist Walls were in civilian clothes during the interrogation.  
29 Dilawar's lack of focus on me was kind a frustration to me; this  
30 wasn't the first time that this had happened to me. I had been  
31 conducting interrogations at this time for roughly 2 months.

32  
33 I think I was derelict in my duties while interrogating him  
34 because I physically grabbed his face, to include his ears, to  
35 redirect his focus and attention to myself. Also, as he was sliding  
36 off the wall, I lifted him up; and while he was on his knees, I put  
37 my foot between his two knees and opened his legs up kicking the side  
38 of his knee to open up his legs. It was not authorized for me to  
39 touch the detainee, specifically Dilawar, in this manner. I knew at  
40 the time that harsh physical contact was not allowed.

41  
42 I was wearing loafer shoes that day. When I hit him with my  
43 shod foot he was on his knees, sitting on his knees in front of me.  
44 He had moved off the wall. I used my right foot to make contact with  
45 his knees and inner thighs. I just used enough force for him to



1 understand what I was trying to get him to do. As a result of my  
2 contact, his legs moved further apart.

3  
4 I understand the definition of assault consummated by battery  
5 read to me earlier. I don't think I had any justification or excuse  
6 to hit Dilawar on the thighs, and I understand that there needed not  
7 be an injury and that any touching that's offensive to the person is  
8 sufficient for this offense. I think what I did was an offensive  
9 touching.

10  
11 Dilawar was sitting along the wall. Mr. Ahmadzai was behind me,  
12 he wasn't up front with me and the detainee, and Dilawar was looking  
13 over my shoulder to look at him because they were having a  
14 conversation. Mr. Ahmadzai took himself out of the situation and  
15 Dilawar had to kind of look around to get eye contact with him  
16 because I was in front of him; I was the interrogator, I wanted him  
17 to look at me. We instruct the interpreters to mimic every motion  
18 that we make like yelling or talking low, so if I am going to be in  
19 front of the detainee the interpreter should be right there with me,  
20 and he backed himself away from the situation. In my opinion, I  
21 don't think that he was agreeing with the way that I was handling Mr.  
22 Dilawar. It was frustrating because Dilawar wasn't looking at me so  
23 I grabbed the side of his face, to include his ears, and I turned his  
24 head [the accused demonstrated with both open hands to each side of  
25 her face executing a head-turning motion] to make eye contact with  
26 him. I don't know how much force I used because it was so long ago,  
27 but it was enough for him to move his head. I didn't notice any  
28 injuries to him when I did that. I believe that by doing that I used  
29 unlawful force. I didn't have any justification or excuse to grab  
30 Dilawar's head and turn it; I was just frustrated.

31  
32 Once again, Dilawar was on the wall and he was sliding down. I  
33 grabbed his upper arm, underneath his armpit, and pulled and  
34 straightened him up and pushed him back against the wall into the  
35 seating position. I did that about four or five times. I had to use  
36 a little more force because he was heavy. Specialist Walls grabbed  
37 one side and I grabbed the other one. I was conducting the  
38 interrogation at that time. This was the first time that I  
39 interviewed Dilawar. I don't think I had any justification for  
40 putting Dilawar against the wall and I understand that it was an  
41 offensive touching of Dilawar. As far as I remember, the  
42 interrogation would have been maybe 40 or 45 minutes; it wasn't very  
43 long.

1 I had heard rumors before about Dilawar being combative, that he  
2 had previously attacked an MP. I am not sure who the MP was or what  
3 size he was but I know he was a man and I just wanted to make sure  
4 that if I was going to be a female lead interrogator I wanted him to  
5 know that he didn't have the opportunity to do that with me. In the  
6 beginning of the interrogation, when he was on his knees and he stood  
7 up, I was in the middle of questioning him and he just stood up on  
8 his own two feet and I asked him why he stood up and he said that his  
9 knees hurt and that he didn't like sitting on his knees. By him  
10 making such an action like that without my direction <sup>we</sup> intimidated me;  
11 I was scared, I was nervous about what he might be doing.

12  
13 The military judge examined DA Pam 27-9 and read to the accused the  
14 definitions of the defense of self-defense and defense of another.  
15 The military judge ascertained from the accused that she understood  
16 the defenses of self-defense and defense of another. The accused, in  
17 response to questions by the military judge and after conferring with  
18 her defense counsel, stated that she believed the defenses of self-  
19 defense and defense of another did not apply to her case.

20  
21 **The providency inquiry by the military judge continued as follows:**

22  
23 Dilawar did not make any move or gesture that I considered being  
24 a threat to myself or anyone in the room. None of the acts alleged  
25 on my part were in response to any physical, threatening act of  
26 Dilawar. They were just steps I took through the interrogation  
27 procedure. I did not see any physical injury resulting from any of  
28 the physical contact I had with Dilawar.

29  
30 The military judge informed the accused of the maximum punishment  
31 that could be imposed for the offenses, and the accused stated that  
32 she understood.

33  
34 The military judge ascertained that there was a pretrial agreement,  
35 which was marked as Appellate Exhibit XVIII. The quantum portion of  
36 the pretrial agreement was marked as Appellate Exhibit XIX. The  
37 military judge ascertained from both counsel and the accused that  
38 there were no agreements or understandings other than those contained  
39 in the pretrial agreement.

40  
41 In response to questions by the military judge, the accused indicated  
42 that she and defense counsel had originated the request for a  
43 pretrial agreement; that she had discussed its contents with defense  
44 counsel; and that she fully understood the workings of the pretrial  
45 agreement. The military judge fully explained each and every

1 provision of the agreement and ascertained that the accused fully  
2 understood all provisions of the agreement. Counsel for both sides  
3 stated that their understanding of the pretrial agreement comported  
4 with that of the military judge. The accused stated that she had not  
5 been pressured or coerced into pleading guilty and that she was doing  
6 so voluntarily and because he believed in her own mind that he was,  
7 in fact, guilty. Thereafter, the military judge accepted the  
8 agreement.

9  
10 The military judge stated that he would not review the quantum  
11 portion of the agreement, Appellate Exhibit XIX, until after  
12 sentencing; but he would, at that time, inquire as to the accused's  
13 understanding of the maximum sentence which could finally be approved  
14 by the convening authority.

15  
16 The military judge announced that he found that the pleas of guilty  
17 had been made voluntarily and with full knowledge of its their  
18 meaning and effect. He further specifically found that the accused  
19 had knowingly, intelligently, and consciously waived his rights  
20 against self-incrimination, to a trial of the facts by a court-  
21 martial, and to be confronted by and to cross-examine the witnesses  
22 against her. Accordingly, he found the pleas to be provident and  
23 accepted them.

24  
25 The military judge further advised the accused that subject to the  
26 discretion of the military judge, the accused could withdraw her  
27 pleas of guilty at any time prior to the announcement of sentence,  
28 and the accused acknowledged that she understood this

29  
30 The military judge ascertained from the prosecution that they would  
31 not be presenting any evidence as to Charges II and III and their  
32 Specifications and as to Specification 4 of Charge IV.

33  
34  
END OF PAGE

1 The military judge announced that in accordance with her pleas of  
2 guilty, the accused was found:

3		
4	Of Charge I and its Specification:	Guilty.
5		
6	Of Charge II and its Specification:	Not Guilty.
7		
8	Of Charge III and its Specification:	Not Guilty.
9		
10	Of Specification 1 of Charge IV:	Guilty, except the
11		words, "in the
12		groin", substituting
13		therefor the words,
14		"in the knees and
15		inner thighs".
16	Of Specification 2 of Charge IV:	Guilty, except the
17		words, "and pull".
18	Of Specification 3 of Charge IV:	Guilty, except the
19		words, "shove
20		Dilawar",
21		substituting therfor
22		the words, "pull
23		Dilawar up".
24	Of Specification 4 of Charge IV:	Not Guilty.
25	Of Charge IV:	Of the excepted
26		words, Not Guilty.
27		Of the substituted
28		words, Guilty. Of
29		Charge IV, Guilty.
30		

31 The court-martial recessed at 0934, 4 August 2005.

32  
33 The court-martial was called to order at 0949, 4 August 2005.

34  
35 The military judge stated that all parties to the trial were present  
36 as before.

37  
38 The military judge corrected the pay data as stated in the charge  
39 sheet. The military judge further ascertained that there were no  
40 other corrections or additions to the charge sheet.

41  
42 The military judge advised the accused of the meaning of unlawful  
43 pretrial punishment under Article 13, UCMJ. The accused, after  
44 conferring with her counsel, informed the military judge that she had

1 not been subject to any pretrial punishment in violation of Article  
2 13.

3  
4 The trial counsel offered Prosecution Exhibit 2 for identification  
5 into evidence. There being no objection by the defense counsel, the  
6 military judge received Prosecution Exhibit 2 into evidence.

7  
8 The prosecution had nothing further to offer.

9  
10 The defense counsel offered Defense Exhibits A and B for  
11 identification into evidence. There being no objection by the  
12 defense counsel, the military judge received Defense Exhibits A and B  
13 into evidence.

14  
15 MAJOR BRITTON HOPPER, U.S. Army, was called as a witness for the  
16 defense, was sworn, and testified in substance as follows:

17  
18 DIRECT EXAMINATION

19  
20 Questions by the assistant trial counsel:

21  
22 I am Major Hopper, from Operations Group B, Battle Command,  
23 Training Program, Fort Leavenworth, Kansas.

24  
25 Questions by the defense counsel:

26  
27 I know Sergeant Salcedo. I have known her since the beginning  
28 of 2002 when I was the battalion adjutant, and then later when I was  
29 the A Company commander and Sergeant Salcedo came to the company. I  
30 have known her since then. I was the commander for A Company from  
31 September of 2002 until the end of September of 2003 while we were in  
32 Afghanistan and Iraq. As a company commander, I observed her duty  
33 performance on almost a daily basis, both in Afghanistan and in Iraq  
34 in the capacities of a team leader of both interrogations and  
35 counterintelligence, a team sergeant, and a team leader.

36  
37 To this day I think highly of Sergeant Salcedo. I consider her  
38 trustworthy and reliable. I observed her and I went on different  
39 tactical HUMINT team missions with her in Iraq and I observed her  
40 performance in Afghanistan. Even after the event in question my  
41 opinion never changed. I think highly of her. I think she is a good  
42 soldier and she cared about the mission, she cared about her fellow  
43 soldiers, and she cared about people in general. She always wanted  
44 to collect the type of intelligence that would protect the United  
45 States and the Coalition Forces in both theaters. If I had to pick

1 somebody to go to war with, there is no doubt that I would pick  
2 Sergeant Salcedo.

3  
4 She went on numerous convoys in Iraq and I felt confident in her  
5 abilities. I felt very confident when I knew that she was one of the  
6 junior noncommissioned officers of the company on my convoy. I trust  
7 her with my life and I know that her fellow soldiers trust her as  
8 well.

9  
10 There was a mission that Sergeant Salcedo took part <sup>in</sup> ~~in~~ <sup>was</sup> in Kabul,  
11 Afghanistan. When I was directed to pull her out of the collection  
12 point, she was able to work, upon request from one of the warrant  
13 officers who was a tactical HUMINT team leader, and go to Kabul on a  
14 tactical HUMINT team mission. Because she is a female and one of the  
15 individuals that she needed to talk to was an Afghani female, she was  
16 the best person for the job. After getting an after-action report  
17 from my warrant officer, CW2 Rader, and some of the other team  
18 members in Kabul, they all said that she performed admirably. They  
19 actually wanted to keep her up there.

20  
21 I served in Iraq with Sergeant Salcedo, and we were involved in  
22 a mortar attack that took place on 20 September 2003. We received  
23 two 82-millimeter mortar rounds and they impacted within the  
24 compound. One specifically hit the communications tent and killed  
25 two soldiers. After that, the rest of the A Company soldiers were in  
26 the vicinity of the area. Sergeant Salcedo was spearheading that.  
27 She immediately grabbed combat lifesaver bags and immediately started  
28 rendering first aid to not only wounded soldiers but to wounded  
29 detainees as well. She, along with some other soldiers in the  
30 company, were instrumental in providing first aid and later helping  
31 with the evacuation of the wounded. I believe she was put in for an  
32 award for that incident.

33  
34 I believe she is still an asset to the Army and to the Military  
35 Intelligence Corps and the Noncommissioned Officer Corps. Like I  
36 said before, if I had to pick someone to go out on a tactical HUMINT  
37 mission, on a convoy, I would not hesitate to have Sergeant Salcedo  
38 go on that convoy with me.

39  
40 In 2002, she was operating as an interrogator. After the event,  
41 she was in the tactical HUMINT team. I knew that she was a  
42 counterintelligence soldier. This is an issue that I raised by my  
43 chain of command, but I was informed that 97Es, interrogators, were  
44 critically short, and since they had specific manning requirements at

1 the Bagram Collection Point we were going to use 97Bs as  
2 interrogators at Bagram.

### 3 CROSS-EXAMINATION

4  
5  
6 Questions by the assistant trial counsel:

7  
8 I had four teams of soldiers working in Afghanistan and another  
9 country. I had one tactical HUMINT team on Bagram; I had two in  
10 Kabul; one in Kaetus, Pakistan; and 19 interrogators at the Bagram  
11 collection point. My office was not located at the Bagram Collection  
12 Point. Seventeen soldiers at Bagram were actually conducting  
13 interrogations. The NCOIC was a trained 97E, but for the most part  
14 he did not participate in interrogations. I was responsible for  
15 administratively supporting all soldiers under my command, in  
16 Afghanistan and other countries. I would regularly travel to the  
17 locations where my soldiers were located and I would deliver their  
18 mail and care packages at the BCP. That was done usually in the  
19 mornings.

20  
21 I had no involvement with the interrogations at the BCP; there  
22 was a military police commander who was in charge of the guard  
23 operations. There was another military intelligence officer in  
24 charge of the interrogations. I never saw Sergeant Salcedo  
25 conducting interrogations. To the best of my knowledge, the OIC came  
26 up with a good on-the-job training program for the interrogators at  
27 the BCP. She had the soldiers training every Saturday; they brought  
28 in an Australian interrogator who would train them on different  
29 techniques and they had a psychologist come in to provide some  
30 training as well.

31  
32 In early November 2002, the interrogators were doing 24-hour  
33 operations, with two shifts of interrogators. Sergeant Salcedo was  
34 the night shift team leader.

35  
36 In December of 2002, two detainees died at the BCP. The first  
37 one died about the 3rd of December 2002, and after that occurred, I  
38 ordered that no interrogator would touch any detainees unless for  
39 self-defense. I don't know if any kind of order came down from J2 or  
40 anybody else.

41  
42 In both death cases CID did an investigation. I was never given  
43 a charge sheet about the allegations of misconduct of Sergeant  
44 Salcedo, but I know that the J2 suspended interrogations for a period  
45 of time. I do know there were allegations. Because of that

1 information, she was relieved of her duties as a team leader at the  
2 BCP; I was directed by the J2-OPS that I needed to remove her and the  
3 other soldier while the investigation was ongoing and that I needed  
4 to find another job for them. It is possible that they needed to  
5 find another team leader for the night shift; I was never informed  
6 that there were any issues with manpower shortages or pressure for a  
7 replacement. The interrogators never received a replacement for  
8 Sergeant Salcedo.

9  
10 After Afghanistan, the unit deployed to Iraq. We went back to  
11 Fort Bragg for approximately 45 days and then redeployed to Kuwait  
12 and then on to Iraq. My unit was called forward to set up a special  
13 interrogation facility on late July or early August at Abu Ghraib.  
14 The interrogations were set up to be performed with the flaps to the  
15 tents open.

16  
17 The witness was excused and assumed a seat in the gallery of the  
18 courtroom.

19  
20 MASTER SERGEANT JEFFREY NEAL, U.S. Army, was called as a witness for  
21 the defense, was sworn, and testified in substance as follows:

22  
23 DIRECT EXAMINATION

24  
25 Questions by the assistant trial counsel:

26  
27 I am Master Sergeant Jeffrey Neal.

28  
29 Questions by the defense counsel:

30  
31 I know Sergeant Salcedo. I came to Fort Bragg, probably my  
32 third time there, in July of 2002. I went through some small train-  
33 up with Sergeant Salcedo in August of 2002 and we deployed together  
34 in September of 2002 to Bagram, Afghanistan. At that time, I became  
35 her first sergeant and I was through our term in Bagram. We  
36 redeployed in late January of 2003 and then again to Iraq in March of  
37 2003. In May of 2003 I returned to the States on emergency leave and  
38 decisions were made at higher levels that I was to stay back and  
39 assume control of the rear detachment. I have seen her since that  
40 time. I later went to B Company, so I've seen Sergeant Salcedo until  
41 June of this year, at which time I PCSd here to Fort Bliss to attend  
42 the Sergeants Major Academy.

43  
44 During my tenure as a first sergeant, I observed her duty  
45 performance and I formed an opinion about it. Sergeant Salcedo



1 always has been, since I've known her as a specialist, a go-to  
2 individual when you need something to be done. She is what I refer  
3 to as a fire-and-forget NCO; you give her a task and you know as soon  
4 as you pass it on it is going to be accomplished.

5  
6 When we went to Iraq, we had a change of mission. When we first  
7 went there, we were told that we were going to be an interrogation  
8 element the entire time we were there. We were an interrogation  
9 element when we first got there up until about 2 months after we were  
10 there, at which point we were notified by the 205th Military  
11 Intelligence Brigade, our higher headquarters, that we were going to  
12 have a change of mission. We were going to transfer and start doing  
13 counterintelligence work. That threw in somewhat of a challenge for  
14 us and Sergeant Salcedo was relied upon heavily to conduct training  
15 for other 97Bs and 97Es within the company to get them up to speed so  
16 that we could conduct that mission at a certain level.

17  
18 Sergeant Salcedo is a counterintelligence soldier by MOS, but  
19 she was an interrogator at Bagram. After this incident, she was  
20 removed from her position as an interrogator. When we later deployed  
21 back to Iraq, she was put back to the role of interrogator.

22  
23 She was not extended in Afghanistan due to this incident. Major  
24 Hopper, at the time Captain Hopper, and myself believed that she was  
25 going to be extended. About 2 weeks before we redeployed, we were  
26 told that the investigation was closed and that she was free to re-  
27 deploy with us back to Fort Bragg.

28  
29 I am aware that Sergeant Salcedo has pled guilty today to  
30 dereliction of duty and assault. That does not change my opinion of  
31 her in any way. I believe she could overcome this and still be a  
32 productive soldier in the military. I believe that she has already  
33 shown that she has rehabilitated just in the fact that she's been  
34 flagged for a very long period of time, and even though some of her  
35 fellow soldiers that have been in similar circumstances have decided  
36 to shut down and do only what they are told, Sergeant Salcedo has  
37 continued to seek out leadership positions and be placed in areas of  
38 responsibility where she can make a difference as an NCO. I can tell  
39 you that, though I am at the Academy now, I hope to return to Fort  
40 Bragg as a command sergeant major; and if I do and get a chance to  
41 handpick a team to re-deploy with me, Sergeant Salcedo would be on  
42 it.

43  
44 END OF PAGE

**CROSS-EXAMINATION****Questions by the trial counsel:**

I did not personally conduct interrogations at Bagram. I did not supervise the accused while she performed interrogations; I did not see her conducting an interrogation but I did see her conduct a screening. I have no first-hand knowledge of her performance as an interrogator at Bagram, only what her supervisor, Staff Sergeant Loring, the NCOIC of the BCP, related to me. I know that she was pulled out from being an interrogator and she was removed, for a short period of time, from all duties related to interrogations at the BCP. The order to remove her came from my company commander, and it was due to protect Sergeant Salcedo until the investigation was complete and we knew exactly how to proceed from there.

The witness was excused and assumed a seat in the gallery of the court-martial.

**FIRST SERGEANT ROBERT MCBRIDE, U.S. Army, was called as a witness for the defense, was sworn, and testified in substance as follows:**

**DIRECT EXAMINATION****Questions by the trial counsel:**

I am First Sergeant Robert McBride of the 519th Military Intelligence Battalion.

**Questions by the defense counsel:**

I know Sergeant Salcedo from being her first sergeant for about 2 1/2 years. I observed her duty performance. She worked directly for me as an interrogation team leader for about 3 months and she was my driver in Iraq for about 4 months. For the last year and a half she's worked in my company in different positions. For the last 2 1/2 years she has been on the top 3 NCOs that I've had the privilege to work with. She does any mission that I ask her to do, she has a lot of initiative, she leads troops, she cares for troops, and I'd have her work for me for my entire career if I could.

I deployed to Iraq with her; I was her first sergeant while she was an interrogator over there. She also put about 20,000 miles with me TCing in convoys in the 519th.

1 I recall a mortar attack that took place in 2003; both of us  
2 were there. We had just done shift change; we heard a lot of  
3 explosions. We got mortared quite a bit. I was with the company  
4 commanders and we heard that the interrogations tent got hit. I was  
5 the NCOIC at the time; I was kind of directing traffic and looking  
6 for all of my soldiers and accounting for casualties. There was a  
7 certain amount of people that were working on individuals; Sergeant  
8 Salcedo was one of them. When I saw Sergeant Salcedo the first time,  
9 when we got hit, she was in the middle of the tent that got blown up.  
10 There were about three bodies in the tent, I believe. She was  
11 working with Chief Graham on one of the soldiers; she was looking for  
12 stuff, she was looking for a combat lifesaver, she was holding a  
13 wound. She was in the middle of the worst part of that. We put her  
14 in for an award after that. She was also involved in the clean up  
15 the day after. We had to pull the soldiers' equipment out of there  
16 and try to inventory it. There was, of course, blood everywhere.  
17 Myself, Sergeant Salcedo, and Sergeant Harrison were mainly doing the  
18 clean up.

19  
20 There was an RPG incident that took place on 3 November 2003 in  
21 which Sergeant Salcedo was involved. We were driving right outside  
22 of Samarra'. We were taking a couple of soldiers; we had two  
23 vehicles. We were in the back vehicle and Sergeant Salcedo was my  
24 driver. Specialist Kramis was on top with the M-249. We had a four-  
25 seater in front of us. We were the primary security for this four-  
26 seater and four ourselves; there were two people in the back of that  
27 vehicle. We heard shots. The vehicle in front of us jerked to a  
28 stop. Sergeant Salcedo pulled in front of the four-seater; there was  
29 a guy with an RPG aimed at us and the four-seater. Sergeant Salcedo  
30 blocked and protected the four-seater and the gunner opened fire.  
31 Everything worked out for us; we didn't have any casualties. Her  
32 action, I believe, saved that four-seater by bringing the machine gun  
33 in front of it and protecting it, allowing the machine gunner to open  
34 up. He was awarded with an ARCOM for valor for his actions that day.

35  
36 We were also involved in an IED incident. We had gone down to  
37 visit soldiers in Abu Ghraib. We had to stop for a long period of  
38 time because there was a succession of IEDs one after the other. We  
39 were kind of moving to the front of the line. We had a battalion  
40 commander with us at the time. I was rear security and she was my  
41 driver at the time too. We moved to the front of the line; there  
42 were some civilians and fuel tankers in front of us. As soon as we  
43 started off again, about 100 meters in front of us, there was a big  
44 IED explosion. Master Sergeant Small, as soon as he passed the  
45 vehicle that had been seriously disabled, he stopped the vehicle. We

1 stopped in accordance with that. There were Americans from the fuel  
2 tanker who were hit by the IEDs. We stopped to pull security. The  
3 battalion commander called in a med-evac and I pulled two machine  
4 gunners with me. Sergeant Salcedo was responsible of all the rear  
5 security. She had to stop all the traffic, she had to take the  
6 soldiers in, and she had to control the med-evac area.

7  
8 I recommended Sergeant Salcedo for an award for her duty  
9 performance in Iraq. She was not able to receive such award because  
10 she was flagged for the incident in Afghanistan.

11  
12 I was her NCO in garrison environment after we redeployed from  
13 Iraq. I was a sergeant first class when we were in Iraq. We had an  
14 actual first sergeant come in and I was her platoon sergeant for  
15 probably 4 months. Then we all shifted, so she was out of my  
16 supervision for about 3 or 4 months but then she came to the rear  
17 detachment, where she was again under my supervision.

18  
19 Our unit deployed again. She wasn't able to deploy; the  
20 battalion didn't let her deploy, but she volunteered. She asked me a  
21 hundred times; if her unit was going downrange, she wanted to go  
22 downrange with them.

23  
24 Since she couldn't deploy, we had her guarding a secure  
25 compound; she still had her TS-SCI through this, until recently, I  
26 believe. She guarded that with about four other people for about 1  
27 1/2 to 2 months until we could desensitize the stuff that was in the  
28 building. She also worked in the S2 office with the CW3 and another  
29 E5 getting stuff squared away for an inspection, in which we received  
30 all greens. She did security clearances for folks downrange where  
31 she fixed them or kicked them back for folks that were going  
32 downrange. I ran the S3 shop for a while back when the rear  
33 detachment was being established and I was a safety on convoy live  
34 fires. She was one of few people that I used for that.

35  
36 I put her in positions of responsibility since she's been in  
37 garrison and flagged; she's one of my best NCOs. I am aware that  
38 she's pled guilty to dereliction of duty and assault. That doesn't  
39 change my opinion of her at all.

40  
41 Myself and many officers and NCOs that worked with her would say  
42 that they would work with her today. She's an outstanding NCO in the  
43 United States Army and could be for the rest of her career. She is  
44 absolutely rehabilitative. She's served the Army before well and she

1 will continue to serve the Army if given the chance. I highly  
2 recommend it.

3  
4 **CROSS-EXAMINATION**

5  
6 **Questions by the trial counsel:**

7  
8 I wrote an NCOER for the period of December 2002 until November  
9 of 2003 for Sergeant Salcedo. There I wrote that she could be  
10 trusted to do what is right without supervision. I know detainee  
11 abuse is not right. I also wrote that she was the best  
12 interrogations team leader in three separate interrogation facilities  
13 in Afghanistan and Iraq. She was removed from her duties as a team  
14 leader, but under my supervision she was the best team leader that I  
15 had. I did not deploy to Afghanistan with her. I only have second-  
16 hand knowledge of her performance in Afghanistan.

17  
18 While in Iraq, she conducted interrogations; I was her senior  
19 NCO. These interrogations were in Abu Ghraib, where we used tents.  
20 The tent flaps would have to be open during interrogations. We did  
21 not take any actions to pull her security clearance.

22  
23 The witness was excused and assumed a seat in the gallery of the  
24 courtroom.

25  
26 **SERGEANT SELENA M. SALCEDO, U.S. Army, was called as a witness for**  
27 **the defense, was sworn, and testified in substance as follows:**

28  
29 **DIRECT EXAMINATION**

30  
31 **Questions by the military judge:**

32  
33 I am the accused in the case.

34  
35 **Questions by the defense counsel:**

36  
37 I am 24 years old. When I enlisted in the Army, I was 19 years  
38 old. That was in 1999. I am a 97B, a counterintelligence agent. I  
39 went to Fort Huachuca, Arizona, for AIT.

40  
41 When I enlisted, I had just completed 1 year of college. I  
42 believe I left the institution with 29 credits. I was studying  
43 sociology.  
44

1 When I was at Fort Huachuca, my drill sergeant said that we had  
2 slots available for airborne, one female and one male for each  
3 platoon, and in order to get the female slot I had to achieve the  
4 highest PT score and the highest classroom scores at the end of  
5 training. That's how I earned an airborne slot. My foreign jump  
6 wings I earned after Operation Toy Drop in North Carolina, which  
7 entailed bringing a gift to a child within Fayetteville and that  
8 gives you an airborne slot, which is jumpmaster of the Venezuelan  
9 Army.

10 After AIT and airborne school, I was at B Company, 519th  
11 Military Intelligence Battalion, at Fort Bragg. Before going to Fort  
12 Bragg, I had not had any training as an interrogator.

13 While at Fort Bragg, I deployed to JRTC before our deployment to  
14 Bosnia on September 17th, 2001. That was a 6-month deployment. I  
15 was a Tactical HUMINT Team member, which is a counterintelligence  
16 team where you go out into the town to collect information and  
17 recruit sources and try to gather force protection information to  
18 report higher up the chain of command. I did not conduct  
19 interrogations in Bosnia. I got the NATO medal, the Armed Forces  
20 Expeditionary Medal, and an AAM for going to Bosnia.

21 After Bosnia, I came back to Fort Bragg. I worked with B  
22 Company for a couple of months, but they immediately asked for  
23 volunteers to work in the ACE because A Company was deploying to  
24 Afghanistan and they were gathering intelligence information to  
25 better prepare. Our company was sent to go downrange to know the  
26 area and to know the parts of the city to be pointed out. An ACE is  
27 an analysis control element. I was at the XVIII Corps' ACE, for  
28 which I volunteered.

29 I deployed to Afghanistan on September 6th of 2002. I deployed  
30 with 325th, which is a National Guard Unit activated at Fort Bragg.  
31 They asked for volunteers to replace soldiers that weren't going to  
32 the deployment to Afghanistan and I volunteered. That's how I got  
33 deployed to Afghanistan. We didn't have a company-structured pre-  
34 deployment training. Most of the preparation was the SRP, the wills  
35 and the necessary documents to go. I didn't train on interrogations  
36 or interrogations techniques before deployment.

37 After we landed in Afghanistan, they were doing a roll call.  
38 The outgoing first sergeant knew who I was. She heard my name and  
39 she didn't know I was coming downrange, and she immediately grabbed  
40 me and took me with her. I didn't know what I was to be doing until  
41

1 the next day. I asked her what I was doing and she said that they  
2 needed females in the interrogation facility.

3  
4 While at Bagram, we did not receive training on interrogations  
5 or interrogations techniques. The former training was already over  
6 because they had done the hand-over from the unit before them, but I  
7 did hands-on training. I went in with the interrogators and I  
8 observed while they explained to me how it worked. I started  
9 conducting interrogations since the first night I was there.

10  
11 I remember we had a special operations psychologist come in and  
12 teach us about understanding the Afghanis, and we had an Australian  
13 interrogator sharing his interrogation examples from the Australian  
14 Army. I was told that there was training prior to my deployment to  
15 Afghanistan, it was conducted before I got there. I did not receive  
16 any legal training at Bagram that I know of.

17  
18 My duties in Afghanistan were to be an interrogator. I think I  
19 did from 200 to 250 interrogations in Afghanistan. I am not aware of  
20 any complaints about me besides the incident who brought me here  
21 today.

22  
23 I gave a statement to CID. I didn't think I was going to be  
24 extended in Afghanistan. I was put in for an award in Afghanistan,  
25 but I didn't receive it until redeployment because of the flag; it  
26 was the Joint Services Commendation Medal and it was after this  
27 incident.

28  
29 Major Hopper talked about the mission in Kabul. I was told that  
30 I had to pack my stuff because I was leaving in hours; I didn't know  
31 why and they didn't give me too much information. I packed my gear  
32 and on the way to Kabul they explained the situation to me. My  
33 supervisors were Mr. Rea and Mr. Rader.

34  
35 I redeployed from Afghanistan in January of 2003. About 3 weeks  
36 after I came back, I deployed to Iraq. In Iraq, I was part of the  
37 mobile interrogation team. In that team, we set up interrogation  
38 facilities and we moved forward as the infantry line moved forward.  
39 We would be the first place that they sent the detainees back to. I  
40 conducted a couple of interrogations in Iraq, but not as many as I  
41 did in Afghanistan. Major Hopper put me in for an ARCOM for my  
42 services in Iraq.

43  
44 I heard First Sergeant McBride's testimony; I recall that mortar  
45 attack [sobbing]. We had a mortar attack before that, but it didn't

1 hit any American soldiers; it hit the detainees but it wasn't of the  
2 same magnitude. I also recall the RPG and IED incidents that he  
3 talked about [sobbing]. I believe I was put in for an ARCOM for the  
4 mortar attack, but I didn't receive it because I was flagged.

5  
6 I redeployed from Iraq on 1 January 2004. When I returned, I  
7 was told I was flagged. When I was back, initially we just went  
8 through the redeployment like any other unit. Then we broke the  
9 company up into teams again to integrate the new soldiers. I was  
10 working in the operations area in the headquarters as the training  
11 NCOIC of our company.

12  
13 My unit deployed again; I wasn't able to deploy with them though  
14 I asked many times to deploy. I talked to the first sergeant about  
15 that and to Captain Chad Lewis. They would explain to us what they  
16 knew what the progress of the investigation was. I talked to them  
17 and to the battalion commander to be deployed, and I was told I  
18 couldn't. I thought the investigation was over when I left  
19 Afghanistan; that's what I was told.

20  
21 I know that my behavior during the investigation of Dilawar was  
22 wrong; that's why I decided to plead guilty today. I've learned a  
23 lot about life and the military from this incident. I want to stay  
24 in the Army. I think I would be able to deploy again and serve in  
25 combat. The Army has already trusted me to be in positions of  
26 responsibility and I think they will again. I am not embarrassed by  
27 my actions in Afghanistan, but I know that they were wrong and I have  
28 to confront that, I can't sit back and waste time being embarrassed.  
29 This investigation has also affected my family [sobbing],  
30 particularly my mother.

31  
32 I want to apologize to my mother for having her go through this,  
33 and to the military judge for being in your court for losing my  
34 military bearing when I know I am a better soldier than that.

35  
36 The trial counsel requested a recess before the cross-examination.

37  
38 The court-martial recessed at 1050, 4 August 2005.

39  
40 The court-martial was called to order at 1057, 4 August 2005.

41  
42 The military judge stated that all parties to the trial were present  
43 as before and that the accused was ~~on~~ the witness stand.

44  
45 (MS)



**CROSS-EXAMINATION****Questions by the trial counsel:**

I was trained as a 97B. I was trained not to use force against detainees in 97B operations. When I deployed to Bosnia, I knew then to not use force against detainees. I know I committed four crimes against a detainee in 2002.

I gave a statement to CID about that interrogation. I told them that Dilawar was bitching about his knees. Despite the fact that he complained about his knees, I still put him in stress positions; I changed stress positions so his knees wouldn't hurt. I pried his knees apart even though he was complaining about them. I was unaware of any other complaints against me in interrogations, until I got the charge sheet and I was told there was an allegation of me stepping on someone's neck. I wasn't aware of an allegation of me and other interrogator pushing and shoving another detainee.

The witness resumed her seat at the defense table.

The defense rested.

The prosecution had no rebuttal evidence to present.

The trial counsel made argument on sentence.

The defense counsel made argument on sentence.

The court-martial closed at 1119, 4 August 2005.

The court-martial opened at 1233, 4 August 2005.

The military judge stated that all parties to the trial were present as before.

The military judge announced the following sentence:

**To be reprimanded;**

**To be reduced to the grade of E4; and**

**To forfeit \$250 pay per month for 4 months.**

The military judge examined Appellate Exhibit XIX, the quantum of punishment, and ascertained that the accused understood its terms.

1 The military judge explained to the accused the effect that Appellate  
2 Exhibit XIX would have on the sentence that could be approved by the  
3 convening authority, Counsel and the accused concurred with the  
4 military judge's assessment of the sentencing provisions of the  
5 pretrial agreement.

6  
7 The military judge ascertained from the defense counsel that an  
8 appellate rights statement had been marked as Appellate Exhibit XXI.

9  
10 The military judge questioned the accused concerning the accused's  
11 understanding of her post-trial and appellate rights. The accused  
12 stated that she understood her post-trial and appellate rights and  
13 that she had no questions concerning them.

14  
15 Neither side had anything further to offer.

16  
17 The court-martial adjourned at 1235, 4 August 2005.


18  
19 **END OF PAGE**

AUTHENTICATION OF RECORD OF TRIAL

IN THE CASE OF

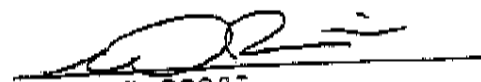
SALCEDO, Selena M.; Sergeant;  
 Company A,  
 519th Military Intelligence Battalion,  
 Fort Bragg, North Carolina

I received the completed record of trial for review and  
 authentication on 8 September 2005.

  
 MARK P. SPOSATO  
 LTC, JA  
 Military Judge

DATE: 8 September, 2005.

ACKNOWLEDGEMENT OF RECEIPT AND EXAMINATION

  
 MARIO DeROSSI  
 CPT, JA  
 Defense Counsel

DATE: 8 September, 2005.

The record of trial was served on defense counsel on \_\_\_\_\_.  
 After verifying receipt with defense counsel on \_\_\_\_\_ and  
 conferring with the military judge on review by defense counsel on  
 \_\_\_\_\_, the record was forwarded for authentication without  
 completion of defense counsel's review.


\_\_\_\_\_  
 ANDRAS MARTON  
 MAJ, JA  
 Chief, Military Justice

## ACTION

DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS  
FORT BLISS, TEXAS 79916-0058

In the case of Sergeant Selena M. Salcedo, 1, Headquarters and Headquarters  
Battery, United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas  
79916, the sentence is approved and will be executed.

You are reprimanded for your unlawful and reprehensible conduct. While serving as a military intelligence interrogator at the Bagram Collection Point, you engaged in unlawful, assaultive behavior against a person in the custody of the U.S. Armed Forces. The evidence disclosed that, during an interrogation, you unlawfully kicked a detainee and grabbed his ears to pull him up from the floor. You pulled him up from the floor, to which he had sunk because of pain he was experiencing in his legs. You heedlessly disregarded his comfort and safety in order to inflict bodily harm upon him, using your position to bully a helpless detainee in a sadistic manner. Your brutish conduct is appalling and shows a wanton disregard for international law, Army rules and procedures, and the safety of persons under your care and control. This falls far below the conduct that I would expect of a soldier in the United States Army. Such conduct is inexcusable, unacceptable, and cannot be tolerated.

  
ROBERT P. LENNOX  
Brigadier General, USA  
Commanding

NOV 09 2005

# **PROSECUTION EXHIBITS ADMITTED**

**IN A SPECIAL COURT-MARTIAL OF THE UNITED STATES  
US ARMY TRIAL JUDICIARY, THIRD JUDICIAL CIRCUIT**

UNITED STATES

STIPULATION OF FACT

v.

SALCEDO, Selena M.  
SGT, U.S. Army,  
Company A  
519<sup>th</sup> Military Intelligence Battalion  
Ft. Bragg, NC 28310

2 August 2005

1. The Government and Defense, with the express consent of the accused, stipulate that the following facts are true, susceptible of proof, and admissible in evidence. The military judge and any appellate authority may consider these facts in determining the providence of the accused's pleas of guilty. Subsequently, the sentencing and appellate authority may consider these facts in determining an appropriate sentence. The facts may be used in this manner even if the evidence of such facts is deemed otherwise inadmissible. The accused expressly waives any objections she may have to the admission of these facts into evidence at trial under the Military Rules of Evidence, the Rules for Courts-Martial, the United States Constitution, or applicable case law. Any objection to or modification of this stipulation of fact without the consent of the trial counsel amounts to a breach of the pretrial agreement, from which the convening authority may withdraw.

2. At all times relevant to the charged offenses, the accused was assigned to Company A, 519<sup>th</sup> Military Intelligence Battalion, Fort Bragg, North Carolina. The accused is currently assigned to this same unit. On 14 October 2004, the Commander, XVIII Airborne Corps and Fort Bragg requested attachment of the accused for all military justice purposes to US Army Training and Doctrine Command (TRADOC). On 19 October 2004, the Commander, TRADOC, concurred with the transfer of jurisdiction over the accused to TRADOC for court-martial jurisdiction and the general administration of military justice, and directed attachment of the accused to USAADACEN&FB. On 25 February 2005, the Commander, USAADACEN&FB directed attachment of the accused to HHB, USAADACEN&FB for the general administration of military justice. She was so attached by a proper military order dated 4 March 2005. Although the accused's term of service expiration date passed prior to the preferral of charges, the accused was properly maintained in the United States Army pursuant to the Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial, and U.S. Army regulations. This Court has jurisdiction over the accused and all charged offenses.

3. The accused is 24 years old. The accused's primary MOS is 97B, Counterintelligence Agent. Her GT Score is 110.

4. From August 2002 to January 2003, the accused served as a member of Company A, 519<sup>th</sup> Military Intelligence Battalion, deployed to Bagram Airfield, Afghanistan in support of

Operation Enduring Freedom. While serving in Afghanistan, the accused's primary military duties were to interrogate individuals detained by coalition forces. Although detainee operations were not part of the accused's MOS training, the accused knew that inhumane treatment of detainees was unlawful. The accused further knew that any physical contact with a detainee could not be violent or harmful in nature.

5. On or about 8 December 2002, at the Bagram Collection Point located at the Bagram Airfield, Afghanistan, the accused conducted an interrogation of a detained foreign national named Dilawar (also known by a temporary identification number, BT 421) with another member of her unit, Specialist Glenndale Walls.

a. From the beginning of the interview, Dilawar complained that his knees hurt and that he could not stay in certain positions. Because the detainee complained of pain in his legs, the accused put the detainee against the wall. Repeatedly, the detainee slid down the wall, and the accused and her interrogation partner lifted the detainee and pushed him back against the wall. Lifting the detainee from the floor and pushing against the wall repeatedly was an offensive touching that was not lawful conduct for military intelligence personnel.

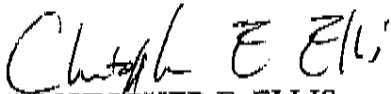
b. During the period of the interrogation when the accused and her interrogation partner were putting the detainee against the wall, the detainee displeased the accused by looking at the interpreter instead of looking at her as she asked him questions. The accused took the detainee's head in her hands and turned his head towards her. Although the accused did not notice any mark at that time, the detainee later was found to have curvilinear abrasions behind both his ears. Holding the detainee's head was an offensive touching that was not lawful conduct for military intelligence personnel.

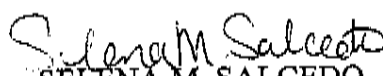
c. Later in the interrogation, the accused and her interrogation partner put the detainee in a kneeling position with his weight on his knees. The detainee wanted to sit back on his heels, but the accused compelled the detainee to stay upright with his weight on his knees. While the detainee was in a kneeling position, the accused used her foot to bat at his knees or inner thighs to induce him to move his knees apart. Prodding the detainee in the legs with her foot was an offensive touching not lawful conduct for military intelligence personnel.


d. During the interrogation of Dilawar on 8 December 2002, the accused had a duty, and knew that she had such a duty, to conduct the interrogation lawfully. In violation of authorized tactics, techniques, and procedures, the accused willfully lifted the detainee and pushed him against the wall, handled his head, held him by the chin, lifted his arms, and prodded his knees or thighs with her foot. These acts were in dereliction of her duty to conduct the interrogation lawfully.

8. The accused admits that all of the facts described above in this Stipulation of Fact occurred at locations at or near Bagram Airfield, Afghanistan.

9. The accused further witnessed unlawful acts in general and against some detainees specifically committed by SPC (now PFC) Damien Corsetti, an interrogator assigned to A/519<sup>th</sup> MI Company, Fort Bragg, NC, while serving at Bagram, Afghanistan. These acts include the following: That Corsetti would make some detainees urinate and defecate in their pants during the in processing screening operation; that Corsetti placed a plastic water bottle into the rectal area of a detainee during interrogation; that Corsetti also subjected this same detainee to an unlawful and harsh regimen of physical exercises; that Corsetti consumed alcoholic beverages while on call and or on duty and would appear to be intoxicated on duty; that Corsetti smoked hashish at the BCP. Finally, the Accused relates that CPT Wood had actual knowledge of abusive interrogation techniques applied to at least one detainee.

  
CHRISTOPHER E. ELLIS  
CPT, JA  
Trial Counsel

  
SELENA M. SALCEDO  
SGT, US Army  
Accused

  
MARIO J. DEROSI  
CPT, JA  
Defense Counsel



[illegible]P. 49/54

MAY-09-2008

08:35

MCCLATCHYDO

# **DEFENSE EXHIBITS ADMITTED**

---

DEPARTMENT OF THE ARMY  
Headquarters, 525<sup>th</sup> Military Intelligence Brigade  
Task Force Lightning  
APO AE 09342

12 July 2005

AFZA-MI


## MEMORANDUM FOR RECORD

SUBJECT: Request of Leniency for SGT Selena Salcedo

1. I first met SGT Salcedo in early 2002. She did not work for me directly but within the same unit. I had daily professional contact during deployment preparation in late spring and early summer of 2002. During which time she impressed me with her tactical and technical competence in HUMINT operations. In July 2002, we deployed to Afghanistan in support of Operation Enduring Freedom. As a 97B, Counterintelligence Agent, with assigned duties in the Bagram Interrogation Facility, I had the opportunity to work with her on occasion. She was always thorough and professional in the handling and screening of detainees. On another occasion, we needed a female soldier to work in Kabul on a high visibility mission and she was the first and only soldier we requested. She performed remarkably for a soldier of her experience level. After we completed our tour in Afghanistan, we deployed to Kuwait with follow on deployment to Iraq in support of Operation Iraqi Freedom. I had minimal contact with her during OIF but had daily contact upon our return to Fort Bragg.

2. During the time I have known SGT Salcedo, she impressed me with here dedication to duty and the execution of here responsibilities. As an NCO she always displays the Army's corps values of LDRSHIP. Refreshingly, candor and commitment are her strongest character traits. In today's Army, commitment is hard to find in junior soldiers. Even though, her intentions are not to remain in the Army for the long term, she remains dedicated to mission accomplishment day in and day out. I believe she is not guilty of what she is accused. Her integrity, responsibility, honesty, and reliability are above reproach and leniency is in order.

3. POC is the undersigned at (910) 487-9669 or robert.rader@us.army.mil.

  
ROBERT L. RADER  
CW2, MI  
CI/HUMINT Operations Officer

## RECOMMENDATION FOR AWARD

For use of this form, see AR 600-8-22; the proponent agency is ODCSPER

For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

1. FROM 519th MI Task Force Thunder Tuzla Bosnia Herzegovina APO AE 09789		3. DATE 10 Feb 02
PART I - SOLDIER DATA		
5. RANK SPC	6. SSN	
8. PREVIOUS AWARDS		
10. RECOMMENDED AWARD ARCOM		
11. PERIOD OF AWARD		
a. FROM 17 SEP 01		b. TO 31 MAR 02
13. POSTHUMOUS		
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
12b. INTERIM AWARD YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
IF YES, STATE AWARD GIVEN		
a. INDICATE ACH, SVC, PCS, ETS, OR RET ACH		

PART II - RECOMMENDER DATA		
15. ADDRESS 241 MI CO TUZLA, BOSNIA-HERZEGOVINA APO AE 09789		
17. RANK SSG		19. SIGNATURE <i>Christopher F. Fennell</i>
PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)		

D. ACHIEVEMENTS		
ACHIEVEMENT #1 Collected four items of significant information on foreign intelligence agencies operating in Bosnia and Herzegovina that was given directly to the Army Counterintelligence Center, 902nd Military Intelligence Group and the Defense Intelligence Agency, Counterintelligence Division.		
ACHIEVEMENT #2 Collected previously unknown information dealing with corruption at high levels of a government agency in Bosnian and Herzegovina.		
ACHIEVEMENT #3 Collected significant information concerning terrorist organizations operating in Bosnia and Herzegovina, contributing to the security and force protection of U.S. personnel worldwide.		
ACHIEVEMENT #4 Achieved the Highest APFT score in the company by scoring 287.		

21. PROPOSED CITATION
Exceptional achievement from 17 Sep 01 - 31 Mar 02, while stationed at Camp Ugljevic, Bosnia Herzegovina. SPC Ryan exemplified herself and displayed her commitment to the United States by collecting information considered high value to National Level Agencies of the Intelligence Community. SPC Ryan's efforts are crucial to the security and safety of US personnel worldwide. SPC Ryan is a credit to herself, her unit and the United States Army.

AE AN SELENA M		SSN	
PART IV - RECOMMENDATIONS/APPROVAL/DISAPPROVAL			
I certify that this individual is eligible for an award in accordance with AR 600-8-22; and that the information contained in Part I is correct.		22a. SIGNATURE <i>Michael D. St.</i>	22b. DATE 14 Feb 02
INTERMEDIATE AUTHORITY	a. TO CDR 519th MI Task Force Thunder Tuzla Bosnia-Herzegovina, APO AE 09789	b. FROM CDR 241 MI Co Tuzla Bosnia-Herzegovina APO AE 09789	c. DATE 10 Feb 02
RECOMMEND: <input type="checkbox"/> APPROVAL <input checked="" type="checkbox"/> DISAPPROVAL		UPGRADE TO: DOWNGRADE TO: <i>AAM</i>	
NAME RL C. MILLER		f. RANK CPT	
TITLE/POSITION Commanding		h. SIGNATURE <i>Veil Miller</i>	
COMMENTS			
INTERMEDIATE AUTHORITY	a. TO CDR Ground Force Eagle Base, BiH APO AE 09789	b. FROM CDR 519th MI Task Force Thunder Tuzla Bosnia Herzegovina APO AE 09789	c. DATE
RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL		UPGRADE TO: DOWNGRADE TO: <i>AAM</i>	
NAME EVEN C. HARRIS		f. RANK MAJ	
TITLE/POSITION SK FORCE COMMANDER		h. SIGNATURE <i>Sam C. Harris</i>	
COMMENTS			
INTERMEDIATE AUTHORITY	a. TO	b. FROM	c. DATE
RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL		UPGRADE TO: DOWNGRADE TO:	
NAME		f. RANK	
TITLE/POSITION		h. SIGNATURE	
COMMENTS			
APPROVAL AUTHORITY	a. TO HQ Orders Issuing Authority Eagle Base BiH APO AE 09789	b. FROM CDR 519th MI Task Force Thunder Tuzla Bosnia Herzegovina APO AE 09789	c. DATE 15 MAR 02
<input type="checkbox"/> APPROVED <input checked="" type="checkbox"/> DISAPPROVED		RECOMMEND UPGRADE TO: DOWNGRADE TO: <i>AAM</i>	
NAME <i>Greg E MARSHALL</i>		f. RANK COL	
TITLE/POSITION GROUND FORCE COMMANDER		h. SIGNATURE <i>Greg E Marshall</i>	
COMMENTS <i>Achievements in line with AAM</i>			

## PART V - ORDERS DATA

a. ORDERS ISSUING HQ 229TH ID (L) G-1	27b. PERMANENT ORDER NO. 072-027	31. DISTRIBUTION INDIVIDUAL 1 MPRJ 1 AWARD SECTION 1 OMPF 1
a. NAME OF ORDERS APPROVAL AUTHORITY VALENTINE D GRANT	28b. RANK CW2	
c. TITLE/POSITION STRENGTH MANAGER MND (N)	29. APPROVED AWARD AAM	
d. SIGNATURE <i>Valentine D Grant</i>	30. DATE 13 MAR 02	

DEPARTMENT OF DEFENSE  
COMBINED/JOINT TASK FORCE 180 (CJTF-180)  
OPERATION ENDURING FREEDOM  
BAGRAM AIRFIELD, AFGHANISTAN  
APO AE 09354

PERMANENT ORDERS J-03-016-003

05 February 2003

RYAN, SELENA M., SGT,  
Afghanistan, APO AE 09354

Combined Joint Task Force 180, Bagram,

Period:

From: 06 September 2002

TO: 01 February 2003

Announcement is made of the following award:

Award: Joint Service Commendation Medal

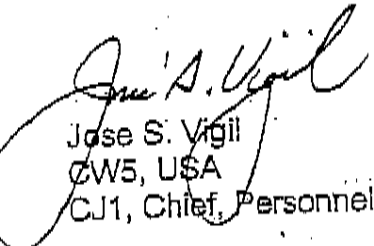
Date(s) or Period of Service: As indicated following name

Authority: By direction of the Secretary of Defense under the provisions of DOD  
1348.33-M, dated September 1996

Reason: For Outstanding Achievement

Format: 320

FOR THE COMMANDER:



Jose S. Vigil

CW5, USA

CJ1, Chief, Personnel Service Support

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