

## AFFIDAVIT OF MAUREEN WOOD, CAPT, USAF

I, Capt Maureen Wood, United States Air Force, am aware criminal charges are pending against SO1 Julio Huertas, USN, SO2 Matthew McCabe, USN, and SO2 Jonathan Keefe, USN, arising from the alleged assault of a detainee, Mr. Ahmad Hashim Abd Al-Isawi, on or about 1 September 2009. I wish to provide the following information for use in those cases:

1. I am a Judge Advocate in the United States Air Force currently deployed in the capacity as the Acting Officer in Charge of the Central Criminal Court of Iraq Liaison Office (CCCI-LO) for Detainee Operations. My responsibilities include managing the daily operations of 8 officers, 13 enlisted and 14 civilian linguists; scheduling the daily convoys from our Forward Operating Base to the Central Criminal Court of Iraq (CCCI); training incoming and visiting attorneys in case preparation and presentation of cases to the Iraqi Investigative Judges for Investigative Hearings and Trials; and liaising with the court as the Point of Contact for administrative issues between the CCCI and United States Forces-Iraq (USF-I).
2. I am aware the accuseds are to be tried separately by courts-martial in Norfolk, Virginia. I am also aware the first trial is scheduled to begin mid-January 2010.
3. I am aware Mr. Al-Isawi may be a relevant witness whose presence at trial is required either by the prosecution, defense or both.
4. Mr. Al-Isawi is currently detained in Iraq. He is in the custody of the United States military but held under authority of and pursuant to order of the Government of Iraq.
5. There are criminal charges pending against Mr. Al-Isawi in the CCCI. Mr. Al-Isawi had his initial hearing in the CCCI for those charges. Mr. Al-Isawi's case is still pending further investigation at the investigative hearing level. It is common for investigative hearings to commence several times over a period of several months allowing the Investigative Judge to gather the necessary witnesses and documentation for a given case. Once the Investigative Judge has completed his investigation, the judge would either issue a release memo if there is not enough evidence to forward the case to trial or he would forward the case to the prosecutor's office for trial. The entire process from the investigative hearing to trial can take anywhere from three months to upwards of two years depending on the complexity of the case.
6. I am familiar with the CCCI and its procedures because I have been assigned to the CCCI-LO for a little more than six months now. I have prepared and presented cases for investigative hearings. I have also trained other attorneys in these processes. For over six months, I have worked daily with investigative judges, the judicial investigators, court prosecutors, Iraqi defense attorneys and the Chief Judge of the CCCI.
7. I am familiar with Mr. Al-Isawi's status because his case is currently pending at the investigative hearing level at CCCI. Further, one of the USF-I Judge Advocates who works out of my office is assigned to his case.

ENCLOSURE ( 1 )

8. The Chief Judge of the CCCI has jurisdiction over Mr. Al-Isawi and his criminal case. Therefore the Chief Judge's permission is required to authorize Mr. Al-Isawi to travel outside Iraq.

9. USF-I is an appropriate United States agency to facilitate a request for Mr. Al-Isawi to testify at the pending courts-martial in Norfolk, and I have advised trial counsel to that effect.

10. Trial counsel, via USF-I, requested the Chief Judge of the CCCI to authorize Mr. Al-Isawi to travel to Norfolk to testify at the pending courts-martial.

11. USF-I transmitted that request to the Chief Judge. The Chief Judge was aware of the pending courts-martial and the charges against the accuseds. The Chief Judge was also assured the convening authority would ensure the United States military maintains custody of Mr. Al-Isawi at all times during his travel and testimony. The Chief Judge was also advised the convening authority would furnish transportation and accommodation for Mr. Al-Isawi and any fees to which he may be entitled by law.

12. In response, the Chief Judge verbally advised me that he would not allow Mr. Al-Isawi to leave Iraq because Mr. Al-Asawi already had his initial hearing in the Iraqi court system for the charges pending against him. The Chief Judge stated once the Iraqi case was complete, then Mr. Al-Isawi could be made available for the case against the accuseds.

13. Trial counsel, via USF-I, requested the Chief Judge provide his response in the form of a sworn affidavit. The Chief Judge declined signing an affidavit stating that it is improper in the Iraqi judicial system to request a judge to swear to a document.

14. The Chief Judge stated that the proper format for this request would be for trial counsel to provide a memorandum requesting Mr. Al-Isawi. In response to trial counsel's memorandum, the Chief Judge said he would reply to said memorandum in writing with an official court memorandum. The memorandum request and answer format is common procedure at the CCCI for conducting regular court business. As such, USF-I recommended trial counsel transmit a written request in memorandum format to the CCCI.


15. Trial counsel subsequently transmitted a written request in memorandum format to the Chief Judge via USF-I. USF-I caused that request to be translated and transmitted to the Chief Judge for action. USF-I is awaiting a response by the Chief Judge. I expect the Chief Judge's written response will reiterate his verbal response as described in paragraph 12 above.

16. By taking the above steps, trial counsel has exhausted every reasonable means to authorize Mr. Al-Isawi's travel outside Iraq for the courts-martial. Even if other formal mechanisms exist for requesting Mr. Al-Isawi's presence, such as service of process through state-to-state channels or a procedure provided for in a status-of-forces agreement, under the circumstances, USF-I is the appropriate channel through which to make the request and the CCCI the appropriate agency to respond. A request via any other channel would ultimately be presented to the CCCI for approval.

17. I have knowledge of the above events because as the Acting Officer in Charge of the CCC-LO, I have personally facilitated trial counsel's request on behalf of USF-I.

I swear or affirm that the information stated above is true and accurate to the best of my knowledge.

IN WITNESS WHEREOF, I have hereunto set my hand on this 11th day of January 2010.

  
MAUREEN S. WOOD, Capt, USAF

With the Armed Forces at Forward Operating Base Union III, Baghdad, Iraq

On this 11th day of January 2010, I, a paralegal, authorized the general powers of a Notary Public under the provisions of Title 10, United States Code, Section 1044a, certify that the person whose name is signed to this instrument is within the class defined by Title 10, United States Code, Section 1044, did personally appear before me and did sign this instrument.

STEVEN L. PIERCE JR., TSGT, USAF, FORWARD OPERATING BASE UNION III,  
BAGHDAD, IRAQ

  
STEVEN L. PIERCE JR., TSgt, USAF

بسم الله الرحمن الرحيم  
( إن هذا القرآن يهدي للتي هي أقوم )

العدد: ٣٥٩  
التاريخ: ٢٠١٠/١/١٣



جمهورية العراق  
مجلس القضاء الأعلى  
محكمة التحقيق المركزية الأولى

إلى / القوات الأمريكية  
م / المتهم احمد هاشم عبد العيساوي

تحية طيبة ...  
مذكرتكم المؤرخة \_\_\_\_\_ فـ \_\_\_\_\_ في ٢٩/١٢/٢٠٠٩ ...  
نود ان نبين لكم ان المتهم المذكور اعلاه موقوف وفق المادة ١/٤ من قانون مكافحة الارهاب بموجب قضية تحقيقية تختص بها هذه المحكمة وإجراءات التحقيق فيها مستمرة ولم تكتمل بعد لذا فان ارسال المتهم الى أي جهة تحقيقية أخرى يؤثر سلبا على سير التحقيق وكذلك سفره الى خارج العراق وبناء على ما جاء اعلاه فان هذه المحكمة تعتذر عن تلبية طلبكم المتضمن تسفير المتهم الى الولايات المتحدة الأمريكية للمتفضل بالاطلاع ...  
مع التقدير



نسخة منه إلى //  
- المحقق القضائي / قضية المتهم اعلاه والمرقمة (١٤٠٩٨-س) / للعلم مع التقدير...  
- قلم التحقيق / للحفظ مع التقدير .  
- الصادرة .

روء ٢٠١٠/١/١٣٠

e - mail: [hjc.cckn2008@yahoo.com](mailto:hjc.cckn2008@yahoo.com)

بغداد - الحارثية - شارع الكندي - بناية ساعة بغداد  
يرجى مراسلتنا على البريد الالكتروني

ENCLOSURE ( 2 )

In The Name of Merciful and Passionate God

**Republic of Iraq**

**Number: 359**

**Higher Judicial Council**

**Date: 13/01/2010**

**Central Investigative Court / First**

**To: The United States Forces**

RE / Detainee Ahmed Hashem Abd El- Isawi

**Greetings,**

With regard to your memo dated 29/12/2009. We would like to inform you that the accused mentioned above has been detained in accordance with article 4/1 of the anti terrorism law. Currently the case is under investigation and the jurisdiction of this court and the investigation procedures are continuous and have not been completed as of yet. Therefore, sending the defendant to any other investigative direction will have a negative effect on the investigation. Also, his travel outside Iraq and according to what is stated above this court apologizes for not being able to comply with your request to allow the defendant to travel to the United States of America. For your information.

With appreciation

Chief Judge's signature

Signed and sealed

Judge Fayek

Dated: January 13, 2010

CC: Investigative Judge /defendant's case numbered (14098)

Investigation Department / for record keeping

Issued

Rouya'a 13/01/2010

---

Bagdad – El-Hareeseya- Kennedy Street- Baghdad's clock building

Please communicate with us via email

e-mail: [hjc.cckm2008@yahoo.com](mailto:hjc.cckm2008@yahoo.com)

ENCLOSURE ( 2 )