

# **ANNEX A**

## **Some Publicly Known Deaths of Detainees in U.S. Custody in Afghanistan and Iraq**

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No.	Name	Location and Date	Cause of Death	Circumstances Surrounding Death
1.	Mohammed Sayari	Near Lwara, Afghanistan Aug. 28, 2002	Death by Blunt Force Injuries	Army Criminal Investigation Division found probable cause to believe that the commander and three other members of Operational Detachment-Alpha 343, 3rd Special Forces Group, had committed the offenses of murder and conspiracy when they lured Mohamed Sayari, an Afghan civilian, into a roadblock, detained him, and killed him. Investigation further found probable cause to believe that a fifth Special Forces soldier had been an accessory after the fact and that the team's commander had instructed a soldier to destroy incriminating photographs of Sayari's body. No court-martial or Article 32 hearing was convened. One soldier was given a written reprimand. None of the others received any punishment at all. <sup>2</sup>
2.	Name unknown	Kabul, Afghanistan Nov. 2002	Death by Hypothermia	The CIA was reportedly involved in the killing of a detainee in Afghanistan. A CIA case officer at the "Salt Pit," a secret U.S.-run prison just north of Kabul, ordered guards to "strip naked an uncooperative young Afghan detainee, chain him to the concrete floor and leave him there overnight without blankets," the <i>Washington Post</i> reported after interviewing four government officials familiar with the case. According to the article, Afghan guards "paid by the CIA and working under CIA supervision" dragged the prisoner around the concrete floor of the facility, "bruising and scraping his skin," before placing him in a cell for the night without clothes. An autopsy by a medic listed "hypothermia" as the cause of death, and the man was buried in an "unmarked, unacknowledged cemetery." A U.S. government official interviewed told the <i>Post</i> : "He just disappeared from the face of the earth." <sup>3</sup>

<sup>1</sup> Most of the government autopsies and death reports received pursuant to a Freedom of Information Act request redact the names of the deceased. We have been able to ascertain the names of the deceased by matching the dates, places, and circumstances of each death with deaths that have been widely reported in the media.

<sup>2</sup> Records related to investigation, available at [www.aclu.org/torturefoia/released/745\\_814.pdf](http://www.aclu.org/torturefoia/released/745_814.pdf); [www.aclu.org/torturefoia/released/815\\_853.pdf](http://www.aclu.org/torturefoia/released/815_853.pdf); [www.aclu.org/torturefoia/released/854\\_907.pdf](http://www.aclu.org/torturefoia/released/854_907.pdf); [www.aclu.org/torturefoia/released/908\\_963.pdf](http://www.aclu.org/torturefoia/released/908_963.pdf); [http://www.aclu.org/torturefoia/released/964\\_1040.pdf](http://www.aclu.org/torturefoia/released/964_1040.pdf); see also R. Jeffrey Smith, *Army Reprimand Reported in Slaying: Officers Allegedly Killed Afghan in '02*, WASH. POST, Dec. 14, 2004.

<sup>3</sup> Dana Priest, *CIA Avoids Scrutiny of Detainee Treatment*, WASH. POST, Mar. 3, 2005.

No.	Name	Location and Date	Cause of Death	Circumstances Surrounding Death
3 and 4.	Mullah Habibullah and Dilawar	Bagram, Afghanistan Dec. 4 and 10, 2002	Death by Blunt Force Injuries	Two Afghan detainees, Mullah Habibullah and Dilawar, died at the Bagram detention facility in Afghanistan while in the custody of the U.S. military. During interrogation by members of the U.S. Army's 519th Military Intelligence Battalion, the detainees were shackled to the ceiling with their hands suspended over their shoulders for prolonged periods. Both had suffered blunt force trauma to the legs, and investigators determined that multiple soldiers had beaten them. Military pathologists determined within days of the deaths that the cause was homicide. The autopsy for Dilawar notes death was due to blunt force injuries to lower extremities complicating coronary artery disease. Contusions and abrasions on forehead, nose, head, behind ear, neck, abdomen, buttock, elbow, thigh, knee, foot, toe, hemorrhage on rib area and leg. Detainee died of blunt force injuries to lower extremities, complicating underlying coronary artery disease. <sup>4</sup> Nevertheless, for months afterwards, and not until the <i>New York Times</i> obtained a copy of Dilawar's autopsy report, the military falsely asserted that the men had died of natural causes. <sup>5</sup>
5.	Jamal Naseer	Gardez, Afghanistan Mar. 2003	Death by Blunt Force Injuries	Arrested along with seven other Afghan detainees and during seventeen days of detention allegedly subjected to abuse including electric shocks, beating, and immersion in water. No autopsy performed. <sup>6</sup>
6.	Nagem Sadun Hatab	Nasiriyah, Iraq June 6, 2003	Death by Strangulation	Evidence of recently fractured hyoid bone in the neck and soft tissue hemorrhage extending downward to the level of the right thyroid cartilage. Autopsy revealed bone fracture, rib fractures, contusions in mid abdomen, back and buttocks extending to the left flank, abrasions on lateral buttocks. Contusions on back of legs and knees; abrasions on knees, left fingers and encircling to left wrist. Lacerations and superficial cuts, right 4th and 5th fingers. Also, blunt force injuries, predominantly recent contusions (bruises) on the torso and lower extremities. Abrasions on left wrist are consistent with use of restraints. No evidence of defense injuries or natural disease. Manner of death is homicide. DOD003329 refers to this case as "strangulation, found outside isolation unit." <sup>7</sup>

<sup>4</sup> Annex B138-145, Autopsy Examination Report.

<sup>5</sup> Tim Golden, *Army Faltered in Investigating Detainee Abuse*, N.Y. TIMES, May 22, 2005.

<sup>6</sup> Deaths of Naseer uncovered by the non-governmental organization Crimes of War Project. The case was also investigated by the U.N. office in Gardez, and the office of the Attorney General of the Afghan army. Craig Pyes and Mark Mazetti, *U.S. Probing Alleged Abuse of Afghans*, L.A. TIMES, Sept. 21, 2004.

<sup>7</sup> Annex B146-153. Excerpt from Autopsy Report and Death Certificate (full record available at <http://action.aclu.org/torturefoia/released/102405/3296.pdf>; <http://action.aclu.org/torturefoia/released/102405/3164.pdf>).

No.	Name	Location and Date	Cause of Death	Circumstances Surrounding Death
7.	Dilar Dababa	Baghdad, Iraq June 13, 2003	Death by Blunt Force Injuries	Detainee died of head injuries in a US interrogation facility. Dababa died of “closed head injury with a cortical brain contusion and subdural hematoma.” <sup>8</sup> A sergeant beat Dababa while his squad leader was present. The sergeant received rank reduction and 60 days’ confinement. His commanding officer, who also beat the detainee, was charged with dereliction of duty, given a reprimand and fined \$2,000. <sup>9</sup>
8.	Abdul Wali	Asadabad, Afghanistan June 21, 2003	Death by Blunt Force Injuries	Abdul Wali died in US military custody. In June 2004, the Justice Department charged a civilian contractor working with the CIA with assault, rather than murder. The indictment stated that the contractor beat Abdul Wali, using his “hands and feet, and a...flashlight.” <sup>10</sup>
9.	Manadel al-Jamadi	Abu Ghraib, Iraq Nov. 4, 2003	Death by Blunt Force Injuries	The autopsy report shows that the cause of his death was “blunt force injuries complicated by compromised respiration.” External injuries including multiple contusions are consistent with injuries sustained during apprehension. Fractures of the ribs and a contusion of the left lung imply significant blunt force injuries of the thorax and likely resulted in impaired respiration. Ligature marks of the wrists and ankles. Remote gunshot wound of torso. No significant natural diseases identified. According to investigating agents, during interrogation of the detainee, a hood made of synthetic material was placed over the head and neck of the detainee. Cause of death: Blunt force injuries complicated by compromised respiration. Manner of Death: Homicide. DOD 003329 refers to this case as “1 blunt force trauma and choking; died during interrogation.” DOD 003325 refers to this case with the notation “Q[uestioned] by OGA and NSWT [Navy Seals] died during interrogation.” <sup>11</sup>
10.	Abdul Wahid	Forward Oper. Base, Gereshk, Afghanistan Nov. 6, 2003	Death by Blunt Force Injuries	Death caused by multiple blunt force injuries of the lower torso and legs complicated by rhabdomyolysis (release of toxins into the system due to destruction of muscle). <sup>12</sup>

<sup>8</sup> Annex B154-163, Excerpt from Autopsy Report and Death Certificate (full record *available at* <http://action.aclu.org/torturefoia/released/102405/3183.pdf>; <http://action.aclu.org/torturefoia/released/102405/3296.pdf>).

<sup>9</sup> Miles Moffeit, *Brutal interrogation in Iraq*, DENVER POST, May 19, 2004.

<sup>10</sup> R. Jeffrey Smith, *Interrogator Says U.S. Approved Handling of Detainee Who Died*, WASH. POST, Apr. 13, 2005.

<sup>11</sup> Annex B170-178, Excerpt from Autopsy Report and Death Certificate (full record, *available at* <http://action.aclu.org/torturefoia/released/102405/3212.pdf>; <http://action.aclu.org/torturefoia/released/102405/3296.pdf>); Annex B179-188, Excerpt from Autopsy Report, entry No. 03-504) (full record, *available at* <http://action.aclu.org/torturefoia/released/102405/3296.pdf>).

<sup>12</sup> Annex B189-195, Excerpt from Autopsy Report (full record, *available at* <http://action.aclu.org/torturefoia/released/102405/3171.pdf>); Annex B183, Excerpt from Autopsy Report, entry No. 03-144.

No.	Name	Location and Date	Cause of Death	Circumstances Surrounding Death
11.	Abd Hamad Mowhoush	Al-Qaim, Iraq Nov. 26, 2003	Death By Smothering	Fifty-six-year-old Mowhoush died after two soldiers slid a sleeping bag over his body, except his feet, and rolled him repeatedly from his back to his stomach. An autopsy report lists “asphyxia due to smothering and chest compression” as the cause of death and cites bruises from the impact with a blunt object. <sup>13</sup> The circumstance of death is recorded as “Q by MI, died during interrogation.” <sup>14</sup>
12.	Abu Malik Kenami	Mosul, Iraq	Death by Hypothermia	A U.S. Army investigation into the death of Abu Malik Kenami is inconclusive but speculates that Kenami may have suffered a heart attack. The file notes that, on the day he died, Kenami had been “punished with ups and downs several times . . . and ha[d] his hands flex cuffed behind his back” (DOD 1285). He was also hooded, with “a sandbag placed over [his] head (DOD 1284). “Ups and downs” are “a correctional technique of having a detainee stand up and then sit-down rapidly, always keeping them in constant motion...for a time period that depends on “the violation and the punisher” (DOD 1284). He was found dead in the morning after having been placed in his bed cuffed and hooded. The file states that “[t]he cause of Abu Malik Kenami’s death will never be known because an autopsy was never performed on him” (DOD 1292) and describes his death as “suspicious or questionable” (DOD 1282). For reasons that are not made clear in the file, Kenami’s corpse was stored in a “reefer van” for five days before it was turned over to a local mortician (p.1298). Despite the report’s conclusion that he exhibited no external signs, one sworn statement states that he may have died from hypothermia, and notes that he had a small scalp laceration and hematoma “which forces me to entertain trauma as a cause” (DOD 1331). The death certificate records the cause of death as natural (DOD 1332). <sup>15</sup>
13.	Zaidoun Hassoun	Samarra, Iraq Jan. 3, 2004	Death by Drowning	Nineteen-year-old detainee drowned after U.S. soldiers allegedly forced him off a bridge in Samarra. <sup>16</sup> Army investigation recommended prosecution of four soldiers for manslaughter. One soldier was sentenced to 45 days of confinement for assault, obstruction of justice and dereliction of duty, and one to six months’ confinement for assault and

<sup>13</sup> Annex B96, *supra* note 387.

<sup>14</sup> Annex B183, Excerpt from Autopsy Report, entry No. 03-571.

<sup>15</sup> Annex B196, Death certificate excerpted from Army Report 15-6 Investigation (full record, *available at* [http://www.aclu.org/torturefoia/released/032505/1281\\_1380.pdf](http://www.aclu.org/torturefoia/released/032505/1281_1380.pdf)).

<sup>16</sup> Article 15 Investigation Report, *available at* <http://www.aclu.org/projects/foiasearch/pdf/DOD013607.pdf>; Annex B197, Information Paper : Current Status of Courts Martial : Samarra Bridge Incident.

No.	Name	Location and Date	Cause of Death	Circumstances Surrounding Death
				obstruction of justice. Two other soldiers received non-judicial punishments. <sup>17</sup>
14.	Abdul Jaleel	Al Asad, Iraq Jan. 9, 2004	Death by Blunt Force Injuries and Asphyxia	A 47-year-old Iraqi detainee died while being interrogated by "OGA." He was standing shackled to the top of a door frame with a gag in his mouth at the time he died. The cause of death was asphyxia and blunt force injuries. Notes summarizing the autopsies record the circumstances of death as "Q by OGA, gagged in standing restraint." <sup>18</sup> Autopsy report concludes cause of death of was asphyxia and blunt force injuries. It also notes "deep contusions of the chest wall, numerous displaced rib fractures, lung contusions." <sup>19</sup>
15.	Naser Ismail	Balad, Iraq Jan. 2004	Death by Gunshot	An unarmed Iraqi man was killed in his house in January 2004. The army staff sergeant admitted to killing Ismail. He also tried to cover up the killing by making the slaying look like self-defense. He was acquitted of murder and obstruction of justice. <sup>20</sup>
16.	Mohammed Munim al-Izmerly	Baghdad, Iraq Jan. 31, 2004	Death by Blunt Force Injuries	On April, 25 2003, this prominent Iraqi scientist was taken by U.S. soldiers. He was held at Baghdad International Airport. On February 17, 2004, the family received news from the ICRC that sixty-five-year-old Mohammed al-Izmerly was dead. He had died over two weeks earlier on January 31, 2004. The family commissioned their own autopsy, which concluded that he had died from a blunt force injury to the back of the head. <sup>21</sup>
17.	Muhamad Husain Kadir	Near Taal Al Jal, Iraq Feb. 28, 2004	Death by Gunshot	An unarmed Iraqi cow-herder was shot in the head by a soldier even though he was flexi-cuffed. At a court-martial in August 2004, the soldier was found not guilty of murder but guilty of voluntary manslaughter. He was sentenced to three years' confinement and given a dishonorable discharge. <sup>22</sup>
18.	Unknown	Mosul, Iraq Apr. 5, 2004	Death by Hypothermia	A twenty-seven-year-old Iraqi male died while being interrogated by Navy Seals. During his confinement he was hooded, flexi-cuffed, sleep deprived and subjected to hot and cold environmental conditions, including the use of cold water on his body and hood. The exact cause of death was "undetermined"

<sup>17</sup> *Soldier Cleared in Drowning Case*, BBC WORLD NEWS, Jan. 8, 2005; T.A. Badger, *Platoon Leader Pleads Guilty in Iraq Case*, ASSOCIATED PRESS, Mar. 14, 2005; *G.I. Gets 45 Days for Assault of Iraqis*, ASSOCIATED PRESS, Mar. 15, 2005.

<sup>18</sup> Annex B182, Excerpt from Autopsy Report, entry No. 04-014.

<sup>19</sup> Annex B198-204, Autopsy Report.

<sup>20</sup> *Soldier Acquitted in Shooting of Iraqi*, ASSOCIATED PRESS, May 27, 2005.

<sup>21</sup> Luke Harding, *"I Will Always Hate You People": Family's fury at mystery death*, THE GUARDIAN UNLIMITED, May 24, 2004.

<sup>22</sup> Peter Boylan, *Hawaii Soldier Convicted in Killing of Iraqi Civilian*, HONOLULU ADVERTISER, Aug. 6, 2004.

No.	Name	Location and Date	Cause of Death	Circumstances Surrounding Death
				although the autopsy stated that hypothermia may have contributed to his death. <sup>23</sup> Notes say he “struggled/ interrogated/ died sleeping.” <sup>24</sup>
19. and 20.	Hamaady Kareem and Tahah Ahmead Hanjil	Mahmudiyah, Iraq April 15, 2004	Death by Gunshot	Two Iraqi men were allegedly shot in the back after being detained by a Second Lieutenant in the U.S. Marines who then hung a sign on their corpses with the Marine Corps’ slogan, “No better friend, no worse enemy.” It was alleged that a soldier shot them in anger after learning that military intelligence officers had decided not to detain them. The Lieutenant faced a preliminary military hearing late in April 2005 to determine whether he would face court-martial for the killings, which he maintained were committed in self-defense. <sup>25</sup> Maj. Gen. Richard A. Huck, commander of the 2nd Marine Division, decided instead to drop all charges. <sup>26</sup>
21.	Karim Hassan	Near Kufa, Iraq May 21, 2004	Death by Gunshot	U.S. troops fired on a car they thought was carrying a radical Shia cleric. The driver, Karim Hassan was injured and a U.S. army captain shot and killed him, claiming it was a “mercy killing.” In March 2005, the captain was convicted by court-martial of assault with intent to commit voluntary manslaughter, which carried a possible ten-year prison sentence. <sup>27</sup> On April 1, 2005, he was sentenced to dismissal from the army, but received no prison sentence. <sup>28</sup>
22.	Qassim Hassan	Sadr City, Iraq Aug. 18, 2004	Death by Gunshot	A sixteen-year-old wounded Iraqi was killed in a purported “mercy killing” by U.S. soldier. In December 2004, one soldier was sentenced to three years’ imprisonment and another to one year. <sup>29</sup>
23.	Name unknown	Abu Ghraib, Baghdad, Iraq Aug. 18, 2004	Death by Gun Shot	Iraqi male detainee in US custody at Abu Ghraib was shot in the head August 2004. “A group of prisoners became unruly and the guards used lethal force to subdue the crowd. A shotgun was fired and this detainee was struck and killed.” <sup>30</sup>
24.	Thaher Khaleefa Ahmed	Balad, Iraq Oct. 25, 2004	Death by gun shot wound	A hand-cuffed teenager was shot by a U.S. soldier during a house search. A day earlier the soldier held a 9mm pistol to the boy’s head, forced him to hold a smoke grenade with the pin out, and held him by the

<sup>23</sup> Annex B205-214, Autopsy Report.

<sup>24</sup> Annex B181, Autopsy Summary, entry No 04-309.

<sup>25</sup> Sarah Baxter, *Goldman Sachs GI “Shot Iraqis in Back,”* TIMES ONLINE, April 24, 2005.

<sup>26</sup> *US Marine Cleared of Iraq Killing*, BBC WORLD REPORT, May 26, 2005.

<sup>27</sup> *U.S. Soldier Killed Iraqi in “Pity,”* BBC WORLD NEWS, Sept. 8, 2005; Melissa Eddy, *U.S. Army Captain is Found Guilty in Shooting Death of Wounded Iraqi*, STARS AND STRIPES, Mar. 31, 2005, available at [http://www.military.com/NewContent/0,13190,SS\\_033105\\_Wounded,00.html](http://www.military.com/NewContent/0,13190,SS_033105_Wounded,00.html).

<sup>28</sup> Melissa Eddy, *U.S. Military Dismisses Convicted Soldier*, ASSOCIATED PRESS, Apr. 1, 2005.

<sup>29</sup> *Incident Left 7 Iraqi civilians dead; One GI Gets 3-year Murder Term*, New Standard News, Dec. 11, 2004; Suzanne Goldberg, *Iraq War is Breeding a New Generation of Professional Terrorists, Warns CIA Report*, GUARDIAN UNLIMITED, Jan. 15, 2005.

<sup>30</sup> Annex B215-217, Excerpt from Autopsy Report (full record, available at <http://action.aclu.org/torturefoia/released/102405/3290.pdf>).

No.	Name	Location and Date	Cause of Death	Circumstances Surrounding Death
				throat. The boy was later released. The soldier was convicted of premeditated murder, maltreatment, and impeding the investigation. A military judge sentenced the soldier to eight years imprisonment. Because of a plea agreement the sentence was reduced to seven years. <sup>31</sup>

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<sup>31</sup> Steve Liewer, *1<sup>st</sup> ID Soldier Gets Seven Years in Killing of Iraqi Detainee*, STARS AND STRIPES, May 20, 2005, available at <http://www.stripesonline.com/article.asp?section=104&article=28419&archive=true>.