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NCISFO HAWAII

Fax: 808-474-1210

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: BUILDING 221 PEARL HARBOR HI 2D DECKDate: July 16, 2004

(b)(6)

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violations of

I, [redacted] have been advised by SA [redacted] that I am suspected of Article 18 (Accession) from the [redacted] Article 21 (Conspiracy), Article 92 (Failure to obey order or regulation) Article 98 (Noncompliance with procedural rules) Article 107 (False official statement) Article 128 (Assault / Aggravated assault) Article 134 (Obstruction of justice) Article 141 (Manslaughter), and Article 153 (Conduct unbecoming an officer and a gentleman), Uniform Code of Military Justice.

I have also been advised that:

- (1) I have the right to remain silent and make no statement at all;
- (2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a [redacted] lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (4) I have the right to have my retained lawyer and/or appointed military lawyer present during the interview; and
- (5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature

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Witnessed:

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STATEMENT

Place : NCISFO HAWAII, BLD 221 PEARL HARBOR I

Date : July 16, 2004

[redacted] make the following free and voluntary statement to SA [redacted]

[redacted] whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of allegations of mistreatment of Mandal AL JAMADI while in the custody of Foxtrot Platoon, SEAL Team Seven.

[redacted] for identification purposes I am a white male, I am [redacted] and weigh [redacted] pounds. I was born in [redacted] on [redacted]. My social security number is [redacted]. I am currently stationed with SDVT1 Honolulu HI. I currently reside [redacted] Honolulu Hawaii [redacted].

[redacted] In November 2003 I was assigned to SEAL Team Seven, and I was Commander of Foxtrot Platoon stationed in Baghdad, Iraq. During this time I was assigned various direct action missions which had the goal of capturing high value enemy personnel. One of these missions involved the capture of Mandal AL JAMADI who was identified to me by a member of our team [redacted].

[redacted] On an evening in early November 2003 I received a tasking [redacted] including the name and location of the target, AL JAMADI, with the instructions to capture or kill him. I issued a warning order to my platoon early in the evening and we set out from Baghdad at about 2300. Present for the mission were 23 SEALs, additional SEALs from [redacted] headquarters, [redacted] Explosive Ordnance Disposal (EOD) personnel, and [redacted] and representatives from OGA. We traveled in 8 vehicles, 3 HMMWV for USN troops, 3 HMMWV [redacted].

[redacted] We arrived at the Forward Operating Base (FOB) located 10-15 miles South of Baghdad at about 0100, and remained there to perform final deconfliction with the Army troops. We left at about 0145 to start the raid, and arrived in the area of the target at 0200. We separated from the GROM about 4 minutes from the target. They secured an intersection South East of the target in their vehicles while we continued on the mission. As we approached the target I recognized the three story apartment building and the vehicles dropped off the assault team in front of the building. I recall we had about 20 people for the mission, which was more than normal due to needing to secure each building on the steps. I recall we needed Night Vision Goggles on the steps but the hallways were illuminated better. We were briefed there would be two doors with the target on the right, instead we found three doors with one in the middle and one on each side. I elected to make entry on the right door with 5 other SEALs. Upon entry I realized we were in the wrong apartment based on the floor plan, and I regrouped the platoon to move toward the middle apartment. During this time we detained a single male found in the first apartment until [redacted].

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[redacted] entry on the middle apartment was gained by [redacted] who was placing a breaching charge when the door opened. I was in a stack formation near number six or seven. I heard the code word "Open" which indicated we had entered, and proceeded to my assignment in the apartment. No breaching charge was used. I moved in past some people struggling on the floor on my [redacted] and secured the far left bedroom and balcony. I then returned to the kitchen area and found [redacted] restraining the target on the floor. I noticed from the state of the kitchen there had been a considerable struggle. The bedroom was well lighted but I needed a flashlight in the kitchen to see them. [redacted] held up the targets head and I confirmed the identity as AL JAMADI from the description I was given and the fact he replied "Yes" in English when [redacted] asked him, "Are you Mandal?" I did not notice any major injuries from this quick look at him. We then spent two to three minutes performing a cursory search of the apartment for items of intelligence value, then prepared to exit. As we left the apartment I was separated from [redacted] but we moved in very tight formation down the stairs in the dark. During the briefing for the operation I specifically stated, "There will not be any 'accidents' going down the stairs," and the move to the vehicles was accomplished without incident [redacted]

At the bottom of the stairs we embarked the vehicles and proceeded towards the intersection where we left the GROM units. The plan called for AL JAMADI to be loaded into the third HMMWV by [redacted] but I was not in a position to see this as I was riding in the second HMMWV. I noticed one of the OGA vehicles got turned around during the exfiltration, and did not return with us as planned. The other four vehicles returned to the intersection together. We dismounted briefly and I spoke with [redacted] and made a radio transmission. During this time the GROM units moved out on a separate mission accompanied by [redacted] were forced to wait while the last OGA vehicle caught up and then to have the source positively identify AL JAMADI at the intersection. We got underway to the FOB after seven to ten minutes and waited [redacted]

At the FOB I went to the S-6, which was located around a corner and up a flight of stairs, in order to thank them for loaning a radio. I was there about ten to fifteen minutes and then returned to the area where the HMMWVs were parked. I spoke with [redacted] at the head of the column of vehicles, then walked around the column towards the rear while I checked on everyone else. I noticed a group of guys in the rear of the column gathered around a HMMWV. I recall seeing two figures in the rear of the HMMWV and I noticed several people in the bed. I recall seeing [redacted] punch one figure in the body and him saying to me, "Hey Lt, give this turd a knock, or words to that effect. At that time I punched one figure on the arm. He was seated facing away from me and had a [redacted] There was no response from the figure which either of us hit him. I do not recall what clothing he was wearing. At that point someone loaned a picture which I was in. SA [redacted] showed me a digital picture which I believe was taken at that time and I identified [redacted]

[redacted] and [redacted] along with myself in the image. I am not sure how many photos were taken, but I recall one taken in my presence. I believe the figure in custody in the picture was AL JAMADI, and he was the one we struck. I started to hear chatter on my headset and I stated to the five or six people around me, "Knock this stuff off, get ready to go." I then walked back to my HMMWV directly in front and we prepared to head out. We were in the area a total of 20 to 30 minutes before [redacted]

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[redacted]
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[redacted] unit returned and we headed back to Baghdad. The return trip was about 20 to 30 minutes and was uneventful. We arrived at around 0400. [redacted]

Once at the SEAL compound we dropped off AL JAMADI and the second subject at the volley ball court area and gathered for a quick debrief about 100 yards away at the vehicles. I recall when AL JAMADI and the second subject were dropped off they were both escorted but walked under their own power to the volley ball court. At that time I asked [redacted] how AL JAMADI was doing, and he stated, "He has a scratch on his back." One of us then lifted up his dishdash and I observed a small abrasion running diagonal on his back which did not appear to be bleeding. I did not notice any other injury. From that point on they were in OGA custody. During the debrief we were told by OGA through [redacted] that the second subject was of no intelligence value and we were told to return him. We then loaded vehicles and left with the second subject within ten minutes. We were in a hurry as daylight was approaching and we did not want to be targeted by early morning improvised explosive devices on the roadway. We left at about 0415 or 0420. By the time we returned about 45 minutes to an hour later, [redacted] with AL JAMADI [redacted]

The following day I was advised by [redacted] that AL JAMADI has died. I asked how and I was told he had a heart attack. I remember [redacted] telling me, "We probably should write some statements to describe what happened." I then directed the personnel involved to write statements about the night before and I did the same. I did not discuss this with the platoon other than to say to be honest about what happened. I did not receive any direction as to what to write, and I did not discuss my statement with anyone prior to writing it. [redacted] collected all the statements except for mine and he held onto them until we turned them all over to NCIS in Bahrain about one month later. I saw all the statements when we were in Bahrain and I recall talking about them in generalities, but did not discuss specific contents of any statement with anyone. I did not direct anyone to rewrite their statement and I did not edit any of them in any way, nor am I aware of anyone else doing so. I do recall [redacted] was asked by NCIS in Bahrain to write a second statement to be more specific regarding the struggle in the kitchen area. I know this because an NCIS agent told me to have him rewrite it. [redacted]

NCIS 5580/26 (1/2001)

[redacted]
(Formerly NCISFORM 016/04/01)

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[Redacted]

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[Redacted]

With regard to this incident, I believe there was a momentary lapse of judgment by my men and myself in striking our detainee. This was not a premeditated act on my part, and I did not observe any treatment that would have resulted in his death. I am willing to submit to a polygraph examination to verify this account. In retrospect, allowing my photograph to be taken with the prisoner was probably an error in judgment, but at the time it was commonplace. As commander I understand I am

[Redacted] nsible for the actions of the platoon. [Redacted]

[Redacted] This statement, consisting of this page and 3 other page(s) was typed for me by SA [Redacted] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. *fu*

Signature

[Redacted Signature]

Sworn to and subscribed before me this 16th day of July in the year 2004 at

Z129 NCISFO, HAWAII

Witnesse

[Redacted]

[Redacted]

NAVY CRIMINAL INVESTIGATIVE SERVICE
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

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