

**COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION**

For use of this form, see AR 190-45 and AR 195-2; the proponent agency is DCSOPS.

SUSPENSE DATE

03 JAN 2006

THRU: **F6** TO: CDR, B CO, 1ST BN, 1/55 BCT, II MEF, MNC-I, FOB ISKADARIAY, IZ APO AE 09325 FROM: Commander 48th Military Police Detachment Camp Victory, Iraq APO AE 09342

USACRC CONTROL NUMBER 0088-2005-CID259-36251 **54** MP REPORT NUMBER SUB-INSTALLATION IDENTIFIER

*To be completed by the commander or supervisor of the subject identified below and in corresponding MP/CID report. Check all applicable blocks. Briefly explain circumstances not covered by blocks. For multiple offenses resulting in more than one type of action taken or action taken for offenses not listed in the report, explain in REMARKS which offenses apply to blocks checked and action taken for other offenses. Retain last copy and return all others to addressee indicated in "TO" block on completion of final action.*

NAME OF SUBJECT (Last, First, MI) **(b)(6), (b)(7)(C)** GRADE SPC SOCIAL SECURITY NUMBER **(b)(6), (b)(7)(C)** DATE OF BIRTH **(b)(6), (b)(7)(C)**

OFFENSE(S) MURDER DATE OF OFFENSE(S) 28 MAR 2005

**ACTION TAKEN**

- A  \*NONE 1  INSUFFICIENT EVIDENCE (Explain in remarks) 2  OTHER (Explain in remarks)  
 \*Subject was advised that although no action was taken, the report will be retained in Army records and that requests for amendment, correction, or expungement may be submitted LAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).  
 B  ADMINISTRATIVE C  NONJUDICIAL (Article 15, UCMJ)  
 D  JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences)  
 1  SUMMARY COURT-MARTIAL 2  SPECIAL COURT-MARTIAL 3  GENERAL COURT-MARTIAL 4  CIVIL COURT

**JUDICIAL FINDINGS**

- A  GUILTY B  NOT GUILTY C  DISMISSED D  OTHER (For example, guilty of a lesser included offense) (Explain below)

**RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION**

- A  REPRIMAND/ADMONITION (Strike inappropriate word) 1  ORAL 2  IN WRITING  
 B  DETENTION/FORFEITURE/FINED (Strike inappropriate words) \$ \_\_\_\_\_ / \_\_\_\_\_ MONTHS  
 C  REDUCED FROM \_\_\_\_\_ TO \_\_\_\_\_ D  EXTRA DUTY FOR \_\_\_\_\_ DAYS E  RESTRICTED FOR \_\_\_\_\_ DAYS  
 F  CORRECTIONAL CUSTODY FOR \_\_\_\_\_ DAYS G  CONFINED \_\_\_\_\_ YEARS \_\_\_\_\_ MONTHS  
 H  PUNITIVE DISCHARGE ADJUDGED (type) \_\_\_\_\_  
 I  ADMINISTRATIVE DISCHARGE UP PARA \_\_\_\_\_, AR \_\_\_\_\_, EFFECTIVE \_\_\_\_\_  
 J  OTHER, FOR EXAMPLE, SUSPENSION OF DRIVING PRIVILEGES (Explain below)

**REMARKS**

INVESTIGATION AND WITNESS STATEMENTS INDICATED SOLDIER WAS ACTING IN SELF-DEFENSE.

**(b)(6), (b)(7)(C)**

NAME OF COMMANDING OFFICER **(b)(6), (b)(7)(C)** LTC, IN

DATE OF REPORT 4 DECEMBER 2005

FORM 4833 1 JAN 80

REPLACES

USAPPC V2.10

**ACLU DDII CID ROI 30912**

**COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION**

SUSPENSE DATE (YYYYMMDD)

For use of this form, see AR 190-45; the proponent agency is Office of the Provost Marshal General

**PRIVACY ACT STATEMENT**

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

1. THRU  10	2. TO Director, U.S. Army Crime Records Center, 6010 6th Street, Ft Belvoir, VA 22060-5506	3. FROM Commander 76th MP Det CID APO AE 09342
4. USACRC CONTROL NUMBER 0088-05-CID259-36251 - 5H	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline. In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

7. NAME OF SUBJECT (Last, First, MI) (b)(6), (b)(7)(C)	8. GRADE SPC	9. SSN (b)(6), (b)(7)(C)	10. DATE OF BIRTH (YYYYMMDD) (b)(6), (b)(7)(C)
11a. OFFENSE(s) SEE BLOCK #15	11b. DATE OF OFFENSE(s) (YYYYMMDD) 20050326	11c. ACTION TAKEN YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>	11d. IF NO ACTION TAKEN, EXPLAIN: SEE BLOCK #15

**12. ACTION TAKEN (check all that apply)**

\* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:

REFERRED TO (Check appropriate blocks)	DATE REFERRED (YYYYMMDD)	DATE RESPONDED (YYYYMMDD)
F = FAMILY ADVOCACY		
D = DRUG/ALCOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND     ORAL     WRITTEN  
 FILED:  LOCALLY     OMPF

LETTER OF CONCERN/COUNSELING  
 ADVERSE OER/NCOER COMMENT  
 RELIEF FOR CAUSE OER/NCOER  
 SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE  
 DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)  
 Regulation \_\_\_\_\_ Chapter \_\_\_\_\_ Characterization \_\_\_\_\_ Discharge Date \_\_\_\_\_

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

SUMMARIZED     FIELD GRADE     GCMCA IMPOSED  
 COMPANY GRADE     GENERAL OFFICER IMPOSED

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

SUMMARY COURT MARTIAL     GENERAL COURT-MARTIAL  
 SPECIAL COURT-MARTIAL     CIVILIAN OR MAGISTRATE CRIMINAL COURT

ACLU DDII CID ROI 30913

13. JUDICIAL FINDINGS

GUILTY  
 NOT GUILTY

DISMISSED  
 OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

- a. REPRIMAND  b. ADMONITION  (1) ORAL  (2) IN WRITING
  - c. DETENTION  d. FORFEITURE  e. FINED \$ \_\_\_\_\_ / \_\_\_\_\_ MONTHS
  - f. REDUCED FROM \_\_\_\_\_ TO \_\_\_\_\_  g. EXTRA DUTY FOR \_\_\_\_\_ DAYS  h. RESTRICTED FOR \_\_\_\_\_ DAYS
  - i. CORRECTIONAL CUSTODY FOR \_\_\_\_\_ DAYS  j. CONFINED \_\_\_\_\_ YEARS \_\_\_\_\_ MONTHS
  - k. SEPARATION:  PUNITIVE DISCHARGE  OTHER
- Type \_\_\_\_\_ Chapter: \_\_\_\_\_ Characterization: \_\_\_\_\_ Effective Date: \_\_\_\_\_
- l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

Offenses:

Murder  
Wrongful Possession of a Controlled Substance  
Wrongful Use of a Controlled Substance

No action was taken for the offense of murder as there was insufficient evidence to prove or disprove SPC (b)(6), (b)(7)(C) committed the offense.

No action was taken for the Controlled Substance offenses as the command was only aware of the murder charge. The unit has reverted back to Title 32 while SPC (b)(6), (b)(7)(C) remained on Title 10 status, therefore the unit stated they cannot take any further action.

SPC (b)(6), (b)(7)(C) recently tested positive for illegal drugs and will be processed for discharge within the next 60 days.

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

(b)(6), (b)(7)(C)  
CW3 \_\_\_\_\_ Special Agent in Charge

(b)(6), (b)(7)(C)

16c. DATE OF REPORT (YYYYMMDD)

06/10/04

(b)(6), (b)(7)(C) @us.army.mil



**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND**  
**10TH MILITARY POLICE BATTALION (CID) (FWD)**  
**76TH MILITARY POLICE DETACHMENT (CID) (FWD)**  
**APO AE 09342**

CIRF-ZA-BD (195)

12 Jul 06

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION – FINAL SUPPLEMENTAL – 0088-05-  
 CID259-36251 – 5H1A/9G2A/9G2C/5L5B/5L5C/5L5D 9G2A, 9G2C

DATES/TIMES/LOCATIONS OF OCCURENCES:

1. 28 MAR 2005/1400 – 28 MAR 2005/1415, GRID COORDINATE 38S MB  
 2630227623, 300 METERS SOUTH OF NO NAME ROAD, DISTRICT OF AL – JURF  
 SUKAIR, IRAQ (IZ)

2. 1 JAN 2005/0001 – 26 MAR 2005/2359, UNKNOWN LOCATION, FORWARD  
 OPERATING BASE (FOB) ISKANDARIYAH, IZ, APO AE 09325

DATE/TIME REPORTED: 7 APR 2005, 1600

INVESTIGATED BY:

SA (b)(6), (b)(7)(C), (b)(7)(F)  
 SA  
 SA  
 SA  
 SA  
 SA  
 SA

SUBJECT:

1. (b)(6), (b)(7)(C) SPC: (b)(6), (b)(7)(C)

MALE; WHITE; B COMPANY (CO), 1<sup>ST</sup> BATTALION (BN), 155<sup>TH</sup> INFANTRY (INF), II  
 MARINE EXPEDITIONARY FORCE (II MEF), FOB ISKANDARIYAH, IZ APO AE 09325  
 (HOME STATION: HEADQUARTERS AND HEADQUARTERS COMPANY, 1<sup>ST</sup>  
 BATTALION, 155<sup>TH</sup> INFANTRY, 319 WEST AVENUE NORTH, MCCOMB, MS 39401-  
 2813); CT; [(MURDER); (WRONGFUL POSSESSION OF A CONTROLLED SUBSTANCE);  
 (WRONGFUL USE OF A CONTROLLED SUBSTANCE)]

2. [ADDED] (b)(6), (b)(7)(C) SPC: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) MALE; WHITE; B CO, 1<sup>ST</sup> BN, 155<sup>TH</sup> INF, II MEF, FOB ISKANDARIYAH, IZ, APO AE  
 09325 (HOME STATION: PO BOX 231, POPLARVILLE, MS 39401-0231); CT;  
 [WRONGFUL DISTRIBUTION OF A CONTROLLED SUBSTANCE (INSUFFICIENT  
 EVIDENCE)]

VICTIM:

~~FOR OFFICIAL USE ONLY~~ **ACLU DDII CID ROI 30915**  
~~LAW ENFORCEMENT SENSITIVE~~

1. FEIHAN, SADUNN HAMZA (DECEASED); CIV; IRAQ, AL-JANABEE TRIBE; 45-48 YOA; MALE; WHITE; GRID COORDINATE 38S MB 2628927573, AL-JURF SUKAIR, IZ; XZ; [MURDER] (NFI)

2. [ADDED] U.S GOVERNMENT; [(WRONGFUL POSSESSION OF A CONTROLLED SUBSTANCE); (WRONGFUL USE OF A CONTROLLED SUBSTANCE); (WRONGFUL DISTRIBUTION OF A CONTROLLED SUBSTANCE) (INSUFFICIENT EVIDENCE)]

#### INVESTIGATIVE SUMMARY:

This investigation was initiated based on information received from LTC (b)(6), (b)(7)(C) Office of the Staff Judge Advocate (OSJA), 155<sup>th</sup> Inf, FOB Kalsu, APO AE 09325, on a commander's inquiry into the death of an Iraqi civilian by an American Soldier.

Investigation established probable cause to believe SPC (b)(6), (b)(7)(C) committed the offense of murder, when he knowingly and willfully placed the muzzle of a loaded pistol against Mr. FEIHAN's head and pulled the trigger, killing him.

Further, investigation established probable cause to believe SPC (b)(6), (b)(7)(C) committed the offenses of wrongful possession and use of a controlled substance when he admitted he possessed and used Valium, a controlled substance not prescribed to him.

Investigation disclosed there was insufficient evidence to prove or disprove SPC (b)(6), (b)(7)(C) committed the offense of wrongful distribution of a controlled substance. SPC (b)(6), (b)(7)(C) was identified by SPC (b)(6), (b)(7)(C) as the individual who provided him Valium. SPC (b)(6), (b)(7)(C) was initially contacted, but refused to be interviewed by USACIDC personnel, and said he wanted a lawyer. Further, all additional efforts by USACIDC personnel and local law enforcement officials to contact and interview SPC (b)(6), (b)(7)(C) have been unsuccessful.

#### STATUTES:

Article 118, UCMJ: Murder

Article 112a, UCMJ: Wrongful use, possession, and distribution of a controlled substance

#### ADDED ATTACHED:

106. Agent's Investigation Report (AIR) of SA (b)(6), (b)(7)(C) Fort Rucker Resident Agency, 3D MP Group, USACIDC, Fort Rucker AL 36362, 3 Mar 06, detailing receipt of Request for Assistance (REA); and interviews of 2LT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C)

107. AIR of SA (b)(6), (b)(7)(C) Fort Irwin Resident Agency (CID), Fort Irwin, CA 92310, 18 Apr 06, detailing receipt of a RFA.

108. AIR of SA (b)(6), (b)(7)(C) Fort Irwin Resident Agency (CID), Fort Irwin, CA 92310, 24 Apr 06, detailing the interview of 1LT (b)(6), (b)(7)(C)

109. AIR of SA (b)(6), (b)(7)(C) 28 Feb 06, detailing his coordination with MAJ (Chaplain) (b)(6), (b)(7)(C) reference a Muslim chaplain.

110. AIR of SA (b)(6), (b)(7)(C) 12 Jun 06, detailing coordination with SJA.

111. AIR of SA (b)(6), (b)(7)(C) 5 Jul 06, detailing name check result pertaining to SPC (b)(6), (b)(7)(C)

112. AIR of SA (b)(6), (b)(7)(C) 5 Jul 06, detailing efforts to locate and interview SPC (b)(6), (b)(7)(C) and command coordination.

113. AIR of SA (b)(6), (b)(7)(C) 10 Jul 06, detailing coordination with SJA.

ADDED NOT ATTACHED:

None.

The originals of Exhibits 107 through 113 are forwarded with the USACRC copy of this report.

STATUS: This is a Final Supplemental Report. Commander's Report of Action Taken (DA Form 4833) is pending.

Report Prepared By:

Report Approved By:

(b)(6), (b)(7)(C)  
Special Agent, (b)(7)(F)

(b)(6), (b)(7)(C)  
Detachment Commander

DISTRIBUTION:

- 1 – Director, USACRC, 6010 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506 (originals)
- 1 – CDR, USACIDC, ATTN: CIOP-ZA, 6010 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506
- 1 – CDR, 3D Military Police Group (CID), 4699 North 1<sup>st</sup> Street, Forest Park, GA 30297-5119
- 1 – CDR, 10<sup>th</sup> Military Police Battalion (CID), Camp Victory, Iraq, APO AE 09342
- 1 – SJA, MNC-I, ATTN: LTC (b)(6), (b)(7)(C) Camp Victory, Iraq, APO AE 09342
- 1 – Provost Marshal, MNF-I, Al Faw Palace, Room 313A, Camp Victory, Iraq APO AE 09342
- 1 – CDR, 539<sup>th</sup> Military Police Detachment, Camp Victory, Iraq APO AE 09342
- 1 – CDR, 76<sup>th</sup> Military Police Detachment (CID), Camp Slayer, Iraq, APO AE 09342
- 1 – CDR, 1<sup>st</sup> Battalion, 155<sup>th</sup> Infantry, PO Box 231, Poplarville, MS 39401-0231
- 1 - File



**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND**  
**10TH MILITARY POLICE BATTALION (CID) (FWD)**  
**76TH MILITARY POLICE DETACHMENT (CID) (FWD)**  
**APO AE 09342**

CIRF-ZA-BD (195)

12 Jul 06

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION – FINAL SUPPLEMENTAL – 0088-05-  
 CID259-36251 – 5H1A/9G2A/9G2C/5L5B/5L5C/5L5D

DATES/TIMES/LOCATIONS OF OCCURENCES:

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 SUKAIR, IRAQ (IZ)

2. 1 JAN 2005/0001 – 26 MAR 2005/2359, UNKNOWN LOCATION, FORWARD  
 OPERATING BASE (FOB) ISKANDARIYAH, IZ, APO AE 09325

DATE/TIME REPORTED: 7 APR 2005, 1600

INVESTIGATED BY:

SA (b)(6), (b)(7)(C), (b)(7)(F) [REDACTED]  
 SA [REDACTED]  
 SA [REDACTED]  
 SA [REDACTED]  
 SA [REDACTED]  
 SA [REDACTED]

SUBJECT:

1. (b)(6), (b)(7)(C) [REDACTED] SPC (b)(6), (b)(7)(C) [REDACTED]

MALE; WHITE; B COMPANY (CO), 1<sup>st</sup> BATTALION (BN), 155<sup>th</sup> INFANTRY (INF), II  
 MARINE EXPEDITIONARY FORCE (II MEF), FOB ISKANDARIYAH, IZ APO AE 09325  
 (HOME STATION: HEADQUARTERS AND HEADQUARTERS COMPANY, 1<sup>st</sup>  
 BATTALION, 155<sup>th</sup> INFANTRY, 319 WEST AVENUE NORTH, MCCOMB, MS 39401-  
 2813); CT; [(MURDER); (WRONGFUL POSSESSION OF A CONTROLLED SUBSTANCE);  
 (WRONGFUL USE OF A CONTROLLED SUBSTANCE)]

2. [ADDED] (b)(6), (b)(7)(C) [REDACTED] SPC; (b)(6), (b)(7)(C) [REDACTED]

(b)(6), (b)(7)(C) [REDACTED] MALE; WHITE; B CO, 1<sup>st</sup> BN, 155<sup>th</sup> INF, II MEF, FOB ISKANDARIYAH, IZ, APO AE  
 09325 (HOME STATION: PO BOX 231, POPLARVILLE, MS 39401-0231); CT;  
 [WRONGFUL DISTRIBUTION OF A CONTROLLED SUBSTANCE (INSUFFICIENT  
 EVIDENCE)]

VICTIM:

FOR OFFICIAL USE ONLY  
 LAW ENFORCEMENT SENSITIVE  
**ACLU-RDI CID ROI 30918**

1. FEIHAN, SADUNN HAMZA (DECEASED); CIV; IRAQ, AL-JANABEE TRIBE; 45-48 YOA; MALE; WHITE; GRID COORDINATE 38S MB 2628927573, AL-JURF SUKAIR, IZ; XZ; [MURDER] (NFI)

2. [ADDED] U.S GOVERNMENT; [(WRONGFUL POSSESSION OF A CONTROLLED SUBSTANCE); (WRONGFUL USE OF A CONTROLLED SUBSTANCE); (WRONGFUL DISTRIBUTION OF A CONTROLLED SUBSTANCE) (INSUFFICIENT EVIDENCE)]

INVESTIGATIVE SUMMARY:

This investigation was initiated based on information received from LTC (b)(6), (b)(7)(C) Office of the Staff Judge Advocate (OSJA), 155<sup>th</sup> Inf, FOB Kalsu, APO AE 09325, on a commander's inquiry into the death of an Iraqi civilian by an American Soldier.

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STATUTES:

Article 118, UCMJ: Murder

Article 112a, UCMJ: Wrongful use, possession, and distribution of a controlled substance

ADDED ATTACHED:

106. Agent's Investigation Report (AIR) of SA (b)(6), (b)(7)(C) Fort Rucker Resident Agency, 3D MP Group, USACIDC, Fort Rucker AL 36362, 3 Mar 06, detailing receipt of Request for Assistance (RFA); and interviews of 2LT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C)

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109. AIR of SA (b)(6), (b)(7)(C) 28 Feb 06, detailing his coordination with MAJ (Chaplain) THOMAS reference a Muslim chaplain.

110. AIR of SA (b)(6), (b)(7)(C) 12 Jun 06, detailing coordination with SJA.

111. AIR of SA (b)(6), (b)(7)(C) 5 Jul 06, detailing name check result pertaining to SPC GOSSETT.

112. AIR of SA (b)(6), (b)(7)(C) 5 Jul 06, detailing efforts to locate and interview SPC (b)(6), (b)(7)(C) and command coordination.

113. AIR of SA (b)(6), (b)(7)(C) 10 Jul 06, detailing coordination with SJA.

ADDED NOT ATTACHED:

None.

The originals of Exhibits 107 through 113 are forwarded with the USACRC copy of this report.

STATUS: This is a Final Supplemental Report. Commander's Report of Action Taken (DA Form 4833) is pending.

Report Prepared By:

Report Approved By:

(b)(6), (b)(7)(C)  
Special Agent, (b)(7)(F)

(b)(6), (b)(7)(C)  
Detachment Commander

DISTRIBUTION:

- 1 - Director, USACRC, 6010 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506 (originals)
- 1 - CDR, USACIDC, ATTN: CIOP-ZA, 6010 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506
- 1 - CDR, 3D Military Police Group (CID), 4699 North 1<sup>st</sup> Street, Forest Park, GA 30297-5119
- 1 - CDR, 10<sup>th</sup> Military Police Battalion (CID), Camp Victory, Iraq, APO AE 09342
- 1 - SJA, MNC-I, ATTN: LTC (b)(6), (b)(7)(C) Camp Victory, Iraq, APO AE 09342
- 1 - Provost Marshal, MNF-I, Al Faw Palace, Room 313A, Camp Victory, Iraq APO AE 09342
- 1 - CDR, 539<sup>th</sup> Military Police Detachment, Camp Victory, Iraq APO AE 09342
- 1 - CDR, 76<sup>th</sup> Military Police Detachment (CID), Camp Slayer, Iraq, APO AE 09342
- 1 - CDR, 1<sup>st</sup> Battalion, 155<sup>th</sup> Infantry, PO Box 231, Poplarville, MS 39401-0231
- 1 - File

DATE: 9 DEC 2005

FROM: SAC, 48TH MILITARY POLICE DET (CID)  
(b)(6), (b)(7)(C) @iraq.centcom.smil.mil

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA  
(cid001ercsc@sbelvoir.dms.army.smil.mil)  
CDR, HQUSACIDC ATTN: CIOP-ZA, FORT BELVOIR, VA  
(ciddsops1sc@sbelvoir.dms.army.smil.mil)  
CDR, 11th MILITARY POLICE BATTALION (CID)  
(b)(6), (b)(7)(C) @iraq.centcom.smil.mil (b)(6), (b)(7)(C) @iraq.centcom.smil.mil  
CDR, 3D MILITARY POLICE GROUP (CID)  
(b)(6), (b)(7)(C) @force1.army.smil.mil  
DEPUTY CHIEF OF STAFF OPERATIONS (b)(6), (b)(7)(C) @us.army.smil.mil  
CHIEF, INVESTIGATIVE OPERATIONS CENTER  
(b)(6), (b)(7)(C) @sbelvoir.dms.army.smil.mil (b)(6), (b)(7)(C) @us.army.smil.mil  
PROVOST MARSHAL, MNF-I (b)(6), (b)(7)(C) @iraq.centcom.smil.mil  
SJA, MNC-I, ATTN: CPT NOLTEN (b)(6), (b)(7)(C) @iraq.centcom.smil.mil

SUBJECT: CID REPORT OF INVESTIGATION – 1<sup>ST</sup> SUPPLEMENTAL/SSI - 0088-05-  
CID259-36251-5H1A/9G2A/9G2C/5L5B/5L5C/5L5D

DRAFTER: (b)(6), (b)(7)(C)  
RELEASER: [REDACTED]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 28 MAR 2005, 1400 – 28 MAR 2005, 1415; GRID COORDINATE 38S MB  
2630227623, 300 METERS SOUTH OF NO NAME ROAD, DISTRICT OF AL-JURF  
SUKAIR, IRAQ (IZ)

2. 1 JAN 2005, 0001 – 26 MAR 2005, 2359; UNKNOWN LOCATION, FORWARD  
OPERATING BASE (FOB) ISKANDARIYAH, IZ APO AE 09325

(U) 2. DATE/TIME REPORTED: 7 APR 2005, 1600

3. INVESTIGATED BY:

SA (b)(6), (b)(7)(C), (b)(7)(F)  
SA [REDACTED]  
SA [REDACTED]

4. SUBJECT:

1. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
MALE; WHITE; B COMPANY (CO), 1<sup>ST</sup> BATTALION, 155<sup>TH</sup> BRIGADE COMBAT TEAM  
(1/155TH BCT), II MARINE EXPEDITIONARY FORCE (II MEF), MULTI-NATIONAL  
CORP-IRAQ (MNC-I) (XVIII AIRBORNE CORPS), FOB ISKANDARIYAH, IZ APO AE

ACLU DDII CID ROI 30921

09325; CT; MURDER, POSSESSION OF CONTROLLED SUBSTANCE, USE OF CONTROLLED SUBSTANCE

2. ADDED (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) MALE; WHITE; B CO, 1/155TH BCT, II MEF, MNC-I (XVIII AIRBORNE CORPS), FOB ISKANDARIYAH, IZ APO AE 09325; CT; DISTRIBUTION OF CONTROLLED SUBSTANCE

5. VICTIM:

1. FEIHAN; SADUNN HAMZA (DECEASED); CIV; IRAQI, AL-JANABEE TRIBE; 45-48 YOA; MALE; OTHER; GRID COORDINATE 38S MB 26289 27573, JURF AS SAKHR, IZ; XZ; MURDER (NFI)

2. ADDED U.S. GOVERNMENT; 1/155TH BCT, II MEF, MNC-I (XVIII AIRBORNE CORPS), FOB ISKANDARIYAH, IZ APO AE 09325; POSSESSION OF CONTROLLED SUBSTANCE, USE OF CONTROLLED SUBSTANCE, DISTRIBUTION OF CONTROLLED SUBSTANCE

INVESTIGATIVE SUMMARY:

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD (b)(6), (b)(7)(C) AS A SUBJECT OF THIS INVESTIGATION, TO ADD THE U.S. GOVERNMENT AS A VICTIM, AND TO ADD THE OFFENSES OF POSSESSION, USE, AND DISTRIBUTION OF CONTROLLED SUBSTANCES.

ON 8 DEC 05, THIS OFFICE RECEIVED A REQUEST FOR CORRECTION (0635-05-CID001) FROM THE HEADQUARTERS (HQ) U.S. ARMY CRIMINAL INVESTIGATION COMMAND (USACIDC), FORT BELVOIR, VA, WHEREIN DURING A SUPERVISORY REVIEW IT WAS NOTED (b)(6), (b)(7)(C) ADMITTED TO INGESTING VALIUM, A CONTROLLED SUBSTANCE, FOR WHICH HE WAS NOT PRESCRIBED. (b)(6), (b)(7)(C) STATED HE OBTAINED THE VALIUM FROM (b)(6), (b)(7)(C)

EFFORTS ARE ONGOING TO LOCATE AND INTERVIEW (b)(6), (b)(7)(C)

INVESTIGATION CONTINUES BY USACIDC.

FINAL REPORT:

THIS INVESTIGATION WAS INITIATED BASED ON INFORMATION RECEIVED FROM LTC (b)(6), (b)(7)(C) OFFICE OF THE STAFF JUDGE ADVOCATE (OSJA), 155<sup>TH</sup> BCT, FOB KALSU, APO AE 09325, FROM A COMMANDER'S INQUIRY INTO THE A DEATH OF AN IRAQI CIVILIAN BY AN AMERICAN SOLDIER.

INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE SPC (b)(6), (b)(7)(C) COMMITTED THE OFFENSE OF MURDER, WHEN HE KNOWINGLY AND WILLFULLY PLACED THE MUZZLE OF A LOADED PISTOL AGAINST MR. FEIHAN'S HEAD AND PULLED THE TRIGGER, KILLING HIM.

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.



(U) STATUTES:

(U) ARTICLE 118, UCMJ: MURDER

(U) EXHIBITS/SUBSTANTIATION:

(U) ATTACHED:

- (U) 1. Agent's Investigative Report (AIR) of SA ~~(b)(6), (b)(7)(C)~~ 10 Apr 05, detailing the initial notification and the interviews of Soldiers and translators.
- (U) 2. Radio log sheet, 28 Mar 05, detailing radio transmissions during the shooting incident
- (U) 3. SPOT Report (1-155<sup>th</sup> INF), 28 Mar 05, detailing the report of the shooting incident.
- ~~(SECRET//USA & MCFIX)~~ 4. Priority Target Listing pertaining to Mr. FEIHAN, 5 Nov 04 – 24 Jan 05.
- (U) 5. Aerial photographs of crime scene location, 8 Apr 05.
- (U) 6. Color photos of Mr. FEIHAN at the crime scene, 28 Mar 05.
- (U) 7. Health Insurance Portability and Accountability (HIPA) Act, 7 Apr 05, pertaining to the release of SPC ~~(b)(6), (b)(7)(C)~~ medical information.
- ~~(SECRET//USA & MCFIX)~~ 8. Criminal History Information Packet, 17 Aug 04 -9 Jan 05, pertaining to Mr. FEIHAN.
- (U) 9. Sworn statement of SPC ~~(b)(6), (b)(7)(C)~~ 28 Mar 05, detailing his actions after he heard the shooting and taking photographs of Mr. FEIHAN's body at the scene.
- (U) 10. Sworn statement of 2LT ~~(b)(6), (b)(7)(C)~~ 31 Mar 05, detailing his actions before and after he heard the shooting.
- (U) 11. Sworn statement of SPC ~~(b)(6), (b)(7)(C)~~ 31 Mar 05, stating he walked around the vehicle corner and observed Mr. FEIHAN on his knees, facing into the ditch, with SPC ~~(b)(6), (b)(7)(C)~~ on top of him. He observed SPC ~~(b)(6), (b)(7)(C)~~ press the barrel of his pistol into Mr. FEIHAN's neck and shoot him, rolling off of Mr. FEIHAN afterwards.
- (U) 12. Sworn statement of SGT ~~(b)(6), (b)(7)(C)~~ 31 Mar 05, detailing the initiation of the vehicle pursuit and his actions at the shooting scene.
- (U) 13. Sworn statement of SPC ~~(b)(6), (b)(7)(C)~~ 31 Mar 05, detailing the initiation of the



(U) 27. Sworn statement of SPC (b)(6), (b)(7)(C) 9 Apr 05, detailing the events leading to the pursuit and then observing SPC (b)(6), (b)(7)(C) shoot Mr. FEIHAN who he did not see struggling.

(U) 28. Sworn statement of SSG (b)(6), (b)(7)(C) 10 Apr 05, detailing the incident, his response to SPC (b)(6), (b)(7)(C) requesting assistance, and providing assistance afterwards.

(U) 29. Sketch, 10 Apr 05, provided by SSG (b)(6), (b)(7)(C) of the crime scene area.

(U) 30. AIR of SA (b)(6), (b)(7)(C) 13 Apr 05, detailing the interviews of Soldiers and the collection of Iraqi documents pertaining to the Iraqi Police investigation of Mr. FEIHAN's death.

(U) 31. Sworn statement of SPC (b)(6), (b)(7)(C) 10 Apr 05, detailing the incident and his later discussion with SPC (b)(6), (b)(7)(C) which sounded as if the shooting had been an accident.

(U) 32. Sworn statement of 1LT (b)(6), (b)(7)(C) 10 Apr 05, detailing his observations of what occurred at the shooting incident.

(U) 33. Sketch, 10 Apr 05, provided by 1LT (b)(6), (b)(7)(C) of the crime scene area.

(U) 34. Sworn statement of SGT (b)(6), (b)(7)(C) 10 Apr 05, detailing how he flexi-cuffed the detainees prior to the incident.

(U) 35. Photographs, 28 Mar 05, of the victim in the ditch after being shot.

(U) 36. Sworn statement of 2LT (b)(6), (b)(7)(C) 10 Apr 05, detailing the shooting incident and his actions afterwards.

(U) 37. Sworn statement of CPT (b)(6), (b)(7)(C) 10 Apr 05, detailing the reason for the pursuit, how the incident was reported to him, and how SPC (b)(6), (b)(7)(C) initially stated Mr. FEIHAN slipped out of his cuffs and started to wrestle him, but then changed it, stating Mr. FEIHAN had slipped out of his cuffs and went for his pistol.

(U) 38. Arabic journal page for 28 Mar 05 pertaining to the arrival of Mr. FEIHAN's body.

(U) 39. English translation of the journal page, Exhibit 37, translated by Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 48<sup>th</sup> Military Police (MP) Detachment (DET) (CID), Camp Victory, APO AE 09342.

(U) 40. English translation of the journal page, Exhibit 37, translated by Mr. (b)(6), (b)(7)(C) 48<sup>th</sup> MP DET (CID), Abu Ghraib, APO AE 09342.

(U) 41. Arabic document to Al-Musayyib Hospital to release the body, 31 Mar 05.

- (U) 42. English translation of Exhibit 40 by Mr. (b)(6), (b)(7)(C)
- (U) 43. English translation of Exhibit 40 by Mr. (b)(6), (b)(7)(C)
- (U) 44. Arabic document to Al-Musayyib Hospital to release the body with no autopsy, 10 Apr 05.
- (U) 45. English translation of Exhibit 43 by Mr. (b)(6), (b)(7)(C)
- (U) 46. English translation of Exhibit 43 by Mr. (b)(6), (b)(7)(C)
- (U) 47. Sworn statement of SPC (b)(6), (b)(7)(C) 11 Apr 05, stating he heard SPC (b)(6), (b)(7)(C) state the detainee was trying to get out of his flexi-cuffs, but it was not urgent. He provide further information regarding the incident.
- (U) 48. Sketch, 11 Apr 05, provided by SPC (b)(6), (b)(7)(C) of the crime scene area.
- (U) 49. Sworn statement of SSG (b)(6), (b)(7)(C) 11 Apr 05, stating they were leaving in the incident scene when SPC (b)(6), (b)(7)(C) stated Mr. FEIHAN tried to escape the zip-cuffs and he started wrestling with him. They wound up in the ditch and the gun went off.
- (U) 50. Sworn statement of SPC (b)(6), (b)(7)(C) 12 Apr 05, detailing that he'd loaned SPC (b)(6), (b)(7)(C) his pistol, which was used in the shooting incident.
- (U) 51. Medical records, 18 Oct 03 – 29 Mar 05, pertaining to SPC (b)(6), (b)(7)(C)
- (U) 52. Weapons Control Register, Request for Issue or Turn-in, and Hand Receipt, 3 Jan 04 – 5 Apr 05, pertaining to the pistol involved in the incident.
- (U) 53. Sworn statement of LTC (b)(6), (b)(7)(C) 2 Apr 05, detailing how he learned of the incident and SPC (b)(6), (b)(7)(C) telling him Mr. FEIHAN grabbed him by the neck and he thought he was going to get his pistol.
- (U) 54. Sworn statement of 2LT (b)(6), (b)(7)(C) 12 Apr 05, detailing his investigation for the Commander's Inquiry and the contradictions he observed from SPC (b)(6), (b)(7)(C) and what he told other Soldiers of the incident.
- (U) 55. Arabic document of Judicial Release, 4 Apr 05.
- (U) 56. English translation of Exhibit 54 by Mr. (b)(6), (b)(7)(C)
- (U) 57. English translation of Exhibit 54 by Mr. (b)(6), (b)(7)(C)
- (U) 58. Arabic statement of Mr. FEIHAN's brother to the police, 31 Mar 05.

- (U) 59. English translation of Exhibit 57 by Mr. (b)(6), (b)(7)(C)
- (U) 60. English translation of Exhibit 57 by Mr. (b)(6), (b)(7)(C)
- (U) 61. Arabic document initiating the investigation, 31 Mar 05.
- (U) 62. English translation of Exhibit 60 by Mr. (b)(6), (b)(7)(C)
- (U) 63. English translation of Exhibit 60 by Mr. (b)(6), (b)(7)(C)
- (U) 64. Arabic document of the Medical Examination by investigators, 31 Mar 05.
- (U) 65. English translation of Exhibit 63 by Mr. (b)(6), (b)(7)(C)
- (U) 66. English translation of Exhibit 63 by Mr. (b)(6), (b)(7)(C)
- (U) 67. Arabic document of the crime scene examination by investigators, 9 Apr 05.
- (U) 68. English translation of Exhibit 66 by Mr. (b)(6), (b)(7)(C)
- (U) 69. English translation of Exhibit 66 by Mr. (b)(6), (b)(7)(C)
- (U) 70. Arabic statement by Mr. FEIHAN's wife, 10 Apr 05.
- (U) 71. English translation of Exhibit 69 by Mr. (b)(6), (b)(7)(C)
- (U) 72. English translation of Exhibit 69 by Mr. (b)(6), (b)(7)(C)
- (U) 73. Arabic document requesting a review of the investigation, 10 Apr 05.
- (U) 74. English translation of Exhibit 72 by Mr. (b)(6), (b)(7)(C)
- (U) 75. English translation of Exhibit 72 by Mr. (b)(6), (b)(7)(C)
- (U) 76. Arabic Death Certificate, Certificate Number 746180.
- (U) 77. English translation of Exhibit 75 by Mr. (b)(6), (b)(7)(C)
- (U) 78. English translation of Exhibit 75 by Mr. (b)(6), (b)(7)(C)
- (U) 79. Arabic documents that could not be translated due to bad handwriting, undated.
- (U) 80. Sworn statement of SPC (b)(6), (b)(7)(C) [redacted]

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SPC (b)(6), (b)(7)(C) where SPC (b)(6), (b)(7)(C) stated the gun went off, making it sound like an accident.

(U) 81. AIR of SA (b)(6), (b)(7)(C) 31 Aug 05, detailing the interviews of Soldiers, the search of SPC (b)(6), (b)(7)(C) living area, and forensic examinations.

(U) 82. Evidence/Property Custody Document (DA Form 4137), Voucher 390-05, 13 Apr 05.

(U) 83. Sworn statement of Mr. (b)(6), (b)(7)(C) 14 Apr 05, verifying he was the only interpreter on the scene the day of the shooting and denied telling Mr. FEIHAN his son was going to jail.

(U) 84. Sworn statement of Mr. (b)(6), (b)(7)(C) 14 Apr 05, detailing how he heard and observed SPC (b)(6), (b)(7)(C) demonstrate how he shot the victim.

(U) 85. English translation of Exhibit 63 by Mr. (b)(6), (b)(7)(C)

(U) 86. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 15 Apr 05, detailing the shooting incident, stating Mr. FEIHAN was on top of him when he shot him.

(U) 87. Sketch, 15 Apr 05, provided by SPC (b)(6), (b)(7)(C) of the crime scene area.

(U) 88. Sketch, 15 Apr 05, provided by SPC (b)(6), (b)(7)(C) of the crime scene area.

(U) 89. Sworn statement of CPT (b)(6), (b)(7)(C) 7 Apr 05, detailing his conversation with SPC (b)(6), (b)(7)(C) after the incident where SPC (b)(6), (b)(7)(C) stated he landed on top of Mr. FEIHAN and the weapon went off in his neck.

(U) 90. Sworn statement of SGT (b)(6), (b)(7)(C) 17 Apr 05, detailing his conversation with SPC (b)(6), (b)(7)(C) after the incident where SPC (b)(6), (b)(7)(C) stated they hit the ground of the ditch at the same time and the gun went off.

(U) 91. Affidavit Supporting Request for Authorization to Search and Seize or Apprehend, 21 Apr 05.

(U) 92. Search and Seizure Authorization, 22 Apr 05, pertaining to the search of SPC (b)(6), (b)(7)(C) personal quarters and property.

(U) 93. Forensic Laboratory Examination Request (CID Form 3655), 1 May 05, requesting SPC (b)(6), (b)(7)(C) pistol be examined for DNA and/or blood and malfunctions (USACRC and file copy only).

(U) 94. AIR of SA (b)(6), (b)(7)(C) 13 May 05, detailing the interview of LTC (b)(6), (b)(7)(C) and her conversation with SPC (b)(6), (b)(7)(C)

(U) 95. Sworn statement of LTC (b)(6), (b)(7)(C) 3 May 05, detailing her conversation with

SPC (b)(6), (b)(7)(C) after the shooting incident where he related they had been wrestling for the pistol in the ditch and he shot him in the Mr. FEIHAN in the left temple.

(U) 96. AIR of SA (b)(6), (b)(7)(C) 20 May 05, detailing the interviews of SPC (b)(6), (b)(7)(C) family members.

(U) 97. Sworn statement of Ms. (b)(6), (b)(7)(C) 20 May 05, detailing her conversations with her son, SPC (b)(6), (b)(7)(C)

(U) 98. Sworn statement of Mrs. (b)(6), (b)(7)(C) 20 May 05, detailing her conversations with her husband, SPC (b)(6), (b)(7)(C)

(U) 99. SOP for 1-155 Infantry, 5 Jan 05, detailing the detainee handling procedures.

(U) 100. Forensic Laboratory Examination Report, 6 Jun 05, from the Serology/DNA Division documenting that no blood was found on the weapon; however, one hair/fiber was collected from the pistol.

(U) 101. Forensic Laboratory Examination Report, 9 Jun 05, from the Firearms Division documenting the pistol was operational and was not malfunctioning.

(U) 102. AIR of Investigator (b)(6), (b)(7)(C) 16 Jun 05, detailing coordination with the Stone County Sheriff's Department concerning SPC (b)(6), (b)(7)(C) prior employment and training.

(U) 103. Employment Packet, 7 Jul 04, pertaining to SPC (b)(6), (b)(7)(C) employment with Stone County Sheriff's Department.

(U) 104. AIR of SA (b)(6), (b)(7)(C) 22 Jun 05, detailing the interview of LTC (b)(6), (b)(7)(C) which was declined.

(U) NOT ATTACHED:

(U) Retained in the evidence depository of the 11<sup>th</sup> MP Battalion (CID), Camp Victory, APO AE 09342:

(U) 105. Pistol, Beretta M-9, Voucher 390-05.

(U) The originals of Exhibits 1, 7, 9 through 24, 26 through 34, 36, 37, 39, 40, 42, 43, 45 through 50, 53, 54, 56, 57, 59, 60, 62, 63, 65, 66, 68, 69, 71, 72, 74, 75, 77, 78, 80, 81, 83 through 98, 100 through 102, and 104 are forwarded with the USACRC copy of this report. The originals of Exhibit 2 through 5 and 8 are maintained in the files of HHC, 155<sup>th</sup> INF FOB Iskandariyah, APO AE 09352. The originals of Exhibit 6 are retained by SGT (b)(6), (b)(7)(C) B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09253. The originals of Exhibit 25, 52, and 99 are maintained in the files of B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352.

The originals of Exhibit 35 are retained by SPC (b)(6), (b)(7)(C) D CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352. The original of Exhibit 38 is retained by Dr. (b)(6), (b)(7)(C) Al-Musayyib Hospital, Al-Musayyib, IZ. The originals of 41 and 44 are maintained in the files of Al-Musayyib Hospital, Al-Musayyib, IZ. The originals of Exhibit 51 are maintained in the files of the Battalion Aid Station, FOB Iskandariyah, APO AE 09352. The original of Exhibit 55 is maintained in the files of the Al-Musayyib Police Station, Al-Musayyib, IZ. The originals of Exhibit 58, 61, 64, 67, 70, 73, 76, and 79 are retained by Mr. F. FEIHAN, unknown location. The original of 82 is retained in the evidence depository, 11<sup>th</sup> MP BN, Camp Victory, APO AE 09342. The originals of Exhibit 103 are maintained in the files of the Stone County Sheriff's Department, 1420 Industrial Park, Wiggins, MS 39577.

(U) STATUS: This is Final Report. Commander's Report of Disciplinary Action Taken (DA Form 4833) is required.

(U) Report Prepared By:

Report Approved By:

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Special Agent, (b)(7)(F)

Detachment Commander

(U) DISTRIBUTION:

1-DIR, USACRC, 6010 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506 (ORIGINAL)  
(cid001crcsc@sbelvoirdms.army.smil.mil)

1-Action Commander, CDR, 155<sup>th</sup> BCT, FOB Kalsu, APO AE 09325 (b)(6), (b)(7)(C)@155bct.mnf-wiraq.usmc.smil.mil)

1-THRU:

CDR, 11<sup>th</sup> MP BN (CID) (FWD), APO AE 09342 (b)(6), (b)(7)(C)@iraq.centcom.smil.mil  
(b)(6), (b)(7)(C)@iraq.centcom.smil.mil)

CDR, 3<sup>rd</sup> MP Group, (CID), 4699 North 1st Street, Forest Park, Ga. 30297-5119, Fort Stewart, GA (b)(6), (b)(7)(C)@force1.army.smil.mil)

TO: CDR, USACIDC, CID Current Operations, ATTN: CIOP-ZA, Fort Belvoir, VA 22060  
(ciddesops1sc@sbelvoirdms.army.smil.mil)

1-Chief, Investigative Operations Division (b)(6), (b)(7)(C)@sbelvoirdms.army.smil.mil  
(b)(6), (b)(7)(C)@sbelvoirdms.army.smil.mil)

1-Deputy Chief of Staff for Operations (b)(6), (b)(7)(C)@us.army.smil.mil)

1-PMO, MNC-I, ATTN: COL CLAUDIO, Room 313A, APO AE 09342 (email only) (less exhibits) (b)(6), (b)(7)(C)@iraq.centcom.smil.mil)

1-Office of the Staff Judge Advocate, Chief Military Justice, ATTN: MAJ (b)(6), (b)(7)(C) & CPT (b)(6), (b)(7)(C) HQ MNC-I, APO AE 09342 (b)(6), (b)(7)(C)@iraq.centcom.smil.mil)

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(b)(6), (b)(7)(C)

@iraq.centcom.smil.mil)

1-Office of the Staff Judge Advocate, ATTN: MAJ (b)(6), (b)(7)(C) 5<sup>th</sup> Avenue – Bldg 209, LSA Adder, Tallil Air Base, APO AE 09331 (b)(6), (b)(7)(C) @adder.arfor.army.smil.mil)

1- Armed Forces Institute of Pathology (AFIP), AFIP Annex - Bldg 102, 1413 Research Blvd, Rockville, MD 20858 (b)(6), (b)(7)(C) @us.army.smil.mil)

1-Surgeon's Office, MNF-I, Attn: SGM (b)(6), (b)(7)(C) Camp Victory, IZ APO AE 09342 (less exhibits) (b)(6), (b)(7)(C) @iraq.centcom.smil.mil)

1-File

**BASIS FOR INVESTIGATION:** About 1600, 7 Apr 05, this office was notified by LTC (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Office of Staff Judge Advocate (OSJA), 155<sup>th</sup> Brigade Combat Team (BCT), Forward Operating Base (FOB) Kalsu, APO AE 09325, who provided information that on 28 March 05, Soldiers from B Company (CO), 1<sup>st</sup> Battalion (BN), 155<sup>th</sup> BCT, FOB Iskandariyah, APO AE 09325, may have murdered an Iraqi National around the City of Iskandariyah.

About 1600, 7 Apr 05, SA (b)(6), (b)(7)(C), (b)(7)(F) this office, was contacted by LTC (b)(6), (b)(7)(C) who stated his office was conducting a Commander's Inquiry into a hostile fire shooting which occurred on 28 March 2005. LTC (b)(6), (b)(7)(C) said according to the initial reports of the incident, soldiers from B CO, 1<sup>st</sup>/155<sup>th</sup> BCT, were conducting a vehicle stop at an unknown location around the City of Iskandariyah when the occupants of the vehicle, Iraqi Nationals, allegedly ran from the vehicle being stopped. Soldiers pursued and detained the subjects, placing them in flexi-cuffs. According to the reports, the subjects broke away from the cuffs and tried to run again. In the ensuing scuffle of trying to detain the subjects, one of them was shot and killed. LTC (b)(6), (b)(7)(C) related that throughout the inquiry and Soldiers talking with Combat Stress counselors and Chaplains, it had come to his attention the subject who was shot may have been executed by one of the soldiers. LTC (b)(6), (b)(7)(C) stated without certainty there may be a witness to the incident. He also stated the possible subject who shot the Iraqi National, was a (b)(6), (b)(7)(C) (NFI) who was currently at a Combat Stress Clinic located at Camp Echo, Iraq.

About 1635, 8 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C), (b)(7)(F) this office, coordinated with CPT (b)(6), (b)(7)(C) Judge Advocate, 155<sup>th</sup> BCT, FOB Iskandariyah, APO AE 09352, concerning this investigation. CPT (b)(6), (b)(7)(C) provided a section of the Command Operations Center (COC) Radio Log Sheet and Size, Position, Observation, and Time (SPOT) Report dealing with the shooting incident. The Radio Log Sheet section started at 1333, 28 Mar 05, and ended at 1625, 28 Mar 05, detailing the events of what occurred with each entry entered by time. The sheet does not show a time of shooting. The SPOT Report detailed the reason for the patrol and the shooting incident (See the Radio Log Sheet and SPOT Report for details).

About 1705, 8 Apr 05, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) Intelligence Sergeant, Headquarters & Headquarters Company (HHC), 155<sup>th</sup> Infantry (INF) BCT, FOB Iskandariyah, APO AE 09352, who conducted the debriefing for B Company (CO), 1/155<sup>th</sup> Infantry (INF) BCT, FOB Iskandariyah, APO AE 09352. The debriefing included CPT (b)(6), (b)(7)(C) Commander; 2LT (b)(6), (b)(7)(C) Platoon Leader; and SSG (b)(6), (b)(7)(C) Squad Leader, all from B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352. SSG (b)(6), (b)(7)(C) stated he was not at the scene and conducted the debriefing to collect intelligence information pertaining to his job description. SSG (b)(6), (b)(7)(C) provided the following information concerning the debriefing: About 1900, 28 Mar 05, SSG

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature: (b)(6), (b)(7)(C) Date: Exhibit:

ACLU RDI CID ROI 30936

(b)(6), (b)(7)(C) began the debriefing. On 24 Mar 05, the FOB was hit by mortar fire once. On 25 Mar 05, the FOB was hit by mortar fire five times. On 26 Mar 05, the FOB was hit by mortar fire once. During the mortar fire on 24 Mar 05, a grey Opal was seen fleeing the area. This area was later determined to be the Point of Origin (PO) area and within the patrol area of 155<sup>th</sup> INF BCT. On 28 Mar 05, an Observation Post (OP) and a Listening Post (LP), both believed to be roving units, were set in the area where the PO was determined. One of the OP's observed a vehicle traveling towards them and flagged the vehicle to stop. The vehicle slowed down and within ear shot. The vehicle was told to stop, but the vehicle made a u-turn and fled the area back down the road it had come up. The OP vehicle pursued the vehicle with another patrol vehicle off of the road onto a dirt path. The patrol lost site of the vehicle momentarily as it rounded a corner; however, immediately found it abandoned in front of a house with the motor running, unoccupied, and the doors open. The patrols dismounted from their vehicles at the front of the house and began a dismounted patrol. This house was one of three houses which were small farm houses, located diagonally and separated by fields. One of the patrols observed a middle-aged man running across the field. They pursued the man, catching him, and began to return to the first house. As they were returning to the vehicle the patrol observed a young man, approximately 14-years-old, run out from behind a tree and towards a field that crossed their path. The young man was captured by the patrol. Both men were brought back to the parked vehicles and placed in flexi-cuffs. At this time an old man, approximately 55-years-old, came out of the house the suspect and military vehicles had stopped in front of. A Gun Shot Residue (GSR) test was conducted on the middle-aged man, which quickly turned blue, showing positive. It took two minutes for the results to appear, which was unusual for this test. The tests usually take up to 15 minutes to provide a result. The middle-aged man was questioned about the results, but claimed he was a farmer. The old man denied knowing the middle-aged man, but was also tested. The family came outside, which included women and children, boys and girls. They were asked about the other two houses and told the middle house had women in it. The middle house was contacted and they knew the middle-aged man. The women stated the third house had men in it. The patrol found it odd to be able to speak with the women, because the culture frowns on men talking with women without men around. The house was searched, but no weapons were found. The patrol moved to the third house and found several men asleep. A search of the house did not locate any weapons. The first house had been searched and one rocket launcher was located along with 40 rockets being utilized as fence posts; however, nothing was operational. They conducted a GPR on the old man, but it was negative. They tested the young man, which turned blue in five minutes, showing positive. The middle-aged man was interviewed and he said there had been four men in the grey Opal, but fled when it stopped. A patrol followed the direction of the fleeing men given by the middle-aged man and found two pairs of sandals, but did not locate any men. The patrol attempted to hotwire the Opal to take it as evidence to the FOB. At this time it is believed the old man determined that the young man would be detained and taken. No one knew the young man was the son of the old man. The old man got out of his flexi-cuffs and reached for the pistol of his guard. The guard

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
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 Signature: (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 30937

and the old man fell into the ditch and everyone heard a 'pop' sound. 2LT (b)(6), (b)(7)(C) was sitting on a vehicle and turned towards the sound, but did not see anything. 2LT (b)(6), (b)(7)(C) and some of the Soldiers took the guard out of the ditch. The guard was muddy. The old man had been shot. The women and children came out towards the sound and became very angry. They began destroying the grey Opal with rocks, which they associated with the death of the old man. The patrol was unable to take the car, so they left it. They took the body and the two detainees. They dropped the body off at the Al-Musayyib Hospital and brought the men to the Kalzu Detainee Center. Later it was determined the old man was one of the top men on the Priority List for insurgent activities and wanted by Special Forces. The middle-aged man was also wanted, but was not as high on the list as the old man. The debriefing was ended after this information was provided.

About 1740, 8 Apr 05, SSG (b)(6), (b)(7)(C) identified the victim as Mr. Sadunn Hamza FEIHAN (NFI). He provided the Prioritized Target Listing regarding Mr. FEIHAN, Aerial Photographs with grid diagrams of the incident location, and color print-outs of three photographs taken of the victim after the shooting by SGT (b)(6), (b)(7)(C) D CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352 (See the Prioritized Target Listing (Secret//USRA & (b)(6), (b)(7)(C)), Aerial Photographs with diagrams, and the color print-outs of the victim for details).

About 1900, 8 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C) 212-92-9827, Commander's Inquiry Officer, HHC, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning this investigation. 1LT (b)(6), (b)(7)(C) stated he had been designated by the Battalion Commander to conduct a Commander's Inquiry into the shooting of Mr. FEIHAN. 1LT (b)(6), (b)(7)(C) began conducting interviews of all the personnel present at the time of the shooting, including the shooter, identified as SPC (b)(6), (b)(7)(C) Infantry Soldier, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352. 1LT (b)(6), (b)(7)(C) stated he advised SPC (b)(6), (b)(7)(C) of his rights, which he waived, and provided a sworn statement detailing the incident. SPC (b)(6), (b)(7)(C) stated the victim got out of his flexi cuffs and he attempted to use a thumb lock on the man to restrain him. SPC (b)(6), (b)(7)(C) called for assistance from SPC (b)(6), (b)(7)(C) Infantry Soldier, and 1LT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Fire Support Officer, both with B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, but the victim grabbed at him, spinning him off his feet and backwards. SPC (b)(6), (b)(7)(C) said they landed in a ditch with the victim on top of him. The victim had his left hand on SPC (b)(6), (b)(7)(C) right wrist, the one with the pistol in it, and the pistol was aimed at his head. SPC (b)(6), (b)(7)(C) rolled to his right and shot the victim one time. In SPC (b)(6), (b)(7)(C) statement he mentioned talking to the interpreter (b)(6), (b)(7)(C) (NFI), telling him to talk to the victim to tell him to stop moving around. 1LT (b)(6), (b)(7)(C) went to talk with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) said he had not talked to the victim. 1LT (b)(6), (b)(7)(C) went to the interpreter tent and while there SPC (b)(6), (b)(7)(C) came inside and was upset. He was trying to explain what happened and mentioned the victim grabbing his throat, which was never mentioned before. 1LT (b)(6), (b)(7)(C)

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
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Signature (b)(6), (b)(7)(C) Date: Exhibit:

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provided the original statements of: SPC (b)(6), (b)(7)(C) 2LT (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) Combat Medic; SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) all assigned to B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352; and the interpreters (b)(6), (b)(7)(C) NFI, (b)(6), (b)(7)(C) NFI, (b)(6), (b)(7)(C) NFI, and (b)(6), (b)(7)(C) NFI). 1LT (b)(6), (b)(7)(C) provided a Health Insurance Portability and Accountability Act (HIPA) Release Form signed by SPC (b)(6), (b)(7)(C) on 7 Apr 05, for the release of medical information; an information packet concerning Mr. FEIHAN's criminal history collected by Coalition Forces; and statements collected by 1LT (b)(6), (b)(7)(C) See HIPA Release Form, Mr. FEIHAN's criminal history, and statements for details).

About 1400, 9 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a Crime Scene Examination of the location of the shooting (See Crime Scene AIR, and Crime Scene Photographs, Crime Scene Sketch for details).

About 2000, 9 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) reviewed the statements provided by 1LT (b)(6), (b)(7)(C). Upon reviewing SPC (b)(6), (b)(7)(C) statement he stated SPC (b)(6), (b)(7)(C) told him the victim was trying to get out of his cuffs, but then rushes forward. SPC (b)(6), (b)(7)(C) hears a thud and when he rounds the rear of the vehicle he sees the detainee and SPC (b)(6), (b)(7)(C) in the ditch. The detainee is on his knees facing into the ditch with SPC (b)(6), (b)(7)(C) on top of him. SPC (b)(6), (b)(7)(C) sees SPC (b)(6), (b)(7)(C) take his pistol and press it against the victim's neck, shooting, and then rolling off of him. In SPC (b)(6), (b)(7)(C) statement he hears SPC (b)(6), (b)(7)(C) say the victim is trying to get out of his cuffs, but it wasn't in a tone that would alert people to a problem. SPC (b)(6), (b)(7)(C) turns and hears a rustle-type sound and sees two things drop by a vehicle door and roll into the ditch. SPC (b)(6), (b)(7)(C) hears a muffled shot and then the medic is called. SSG (b)(6), (b)(7)(C) stated he heard SPC (b)(6), (b)(7)(C) yell that the victim was trying to get out of his cuffs. SSG (b)(6), (b)(7)(C) turns toward SPC (b)(6), (b)(7)(C) and sees a flash of movement out of the corner of his eye. SSG (b)(6), (b)(7)(C) observes SPC (b)(6), (b)(7)(C) and the victim tumble into the ditch together and a brief scuffle. He then hears a shot. In SPC (b)(6), (b)(7)(C) statement he states about 10-15 minutes before the shooting he asked (b)(6), (b)(7)(C) an interpreter, what the victim was saying as he seemed agitated. (b)(6), (b)(7)(C) told him the man was worried about his son on the side of the house under guard. The statement seems to read that (b)(6), (b)(7)(C) told the victim that the boy tested positive for Gun Powder Residue and was going to jail, because SPC (b)(6), (b)(7)(C) states the man says the machine is broken and becomes agitated, moving his arms around. The victim remains agitated even after SPC (b)(6), (b)(7)(C) tells him to stop. SPC (b)(6), (b)(7)(C) observes the victim's right arm move more than the other arm and checks his zip-ties. The victim's right hand was out of the cuff. SPC (b)(6), (b)(7)(C) uses his left hand to put the victim in a thumb/wrist lock and pushes him into the vehicle they were standing next too. SPC (b)(6), (b)(7)(C) states he asks for help from SPC (b)(6), (b)(7)(C) and 1LT (b)(6), (b)(7)(C) who are nearby. SPC (b)(6), (b)(7)(C) says he has his pistol in his right hand telling him to stop and that he has a pistol. The victim grabs and spins SPC (b)(6), (b)(7)(C) around off his feet and they fall backwards landing in a ditch. SPC (b)(6), (b)(7)(C) states the wind

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
 Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
 Signature (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 30939

was knocked out of him and the victim's left hand was on SPC (b)(6), (b)(7)(C) right wrist which was grasping his pistol. The pistol was beside SPG (b)(6), (b)(7)(C) head. SPC (b)(6), (b)(7)(C) rolled to the right and shot the victim one time. In the statement SPC (b)(6), (b)(7)(C) says, "I then rolled to the right and shoot him in his...1 time." SPC (b)(6), (b)(7)(C) does not say where the victim was shot. (b)(6), (b)(7)(C) statement is barely decipherable; however, (b)(6), (b)(7)(C) denies telling the victim his son was going to jail. (b)(6), (b)(7)(C) states that SPC (b)(6), (b)(7)(C) asked him why the victim is pissed off and he tells SPC (b)(6), (b)(7)(C) he does not know and did not translate for SPC (b)(6), (b)(7)(C) because his job was only security. The statements obtained from the interpreters detail an incident where SPC (b)(6), (b)(7)(C) came to the interpreters' tent and discussed the shooting. In (b)(6), (b)(7)(C) statement he relates that SPC (b)(6), (b)(7)(C) said the man was trying to escape from his cuffs, but SPC (b)(6), (b)(7)(C) put his gun to his back and told him not to move. The victim tried to take the pistol and grabbed SPC (b)(6), (b)(7)(C) throat, then SPC (b)(6), (b)(7)(C) shot. In (b)(6), (b)(7)(C) statement he said SPC (b)(6), (b)(7)(C) stated the victim tried to take his pistol away, breaking the cuffs, and put his hand on SPC (b)(6), (b)(7)(C) neck. SPC (b)(6), (b)(7)(C) said the victim gave him no choice, but then he shot him accidentally. Mr. FEIHAN was known to be in charge of all terrorist operations in the Jurf As Sakhr area. He was allegedly responsible for the deaths of Iraqi Police officers and may have been involved in the assassination of the Iskandariyah District Police Chief and American Contractors. Mr. FEIHAN was known to be more dangerous than other insurgent leaders in the Jurf As Sakhr and Al-Musayyib area. Mr. FEIHAN was also allegedly involved in the kidnapping and murder of an Italian Journalist and the Egyptian driver.

About 0830, 9 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) who provided a print-out of B CO's TOC Radio Watch Log for 28 Mar 05. The log detailed the radio communications for the entire day. The log contained times and information on the shooting incident and showed the shooting time occurring around 1455. CPT (b)(6), (b)(7)(C) stated he made that transmission after traveling back to the site in order to make transmission. He believed the actual time of the shooting was somewhere between 1400-1415 hours (See Radio Watch Log for details).

About 1015, 9 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) coordinated with COL (b)(6), (b)(7)(C) District Police Commander, Iraqi Police (IP), Al-Musayyib, Iraq (NFI), who conferred with CPT (b)(6), (b)(7)(C) Jurf As Sakhr Police Chief (NFI), where the victim lived. CPT (b)(6), (b)(7)(C) stated around 31 Mar 05, he was notified by Coalition Forces of the shooting incident and had an investigation started. He could not recall who from the Coalition Forces told him about the incident. They discovered the family had taken the body from the Al-Musayyib Hospital and no photographs had been taken of the body.

About 1315, 9 Apr 05, SA (b)(6), (b)(7)(C) interviewed Mrs. (b)(6), (b)(7)(C) (NFI), House Grid 38S-MB 26289 27573, from the Al-Janabee tribe and wife of the victim. Mrs. (b)(6), (b)(7)(C) verified the victim's name as Mr. Sadunn Hamza FEIHAN (NFI), from the Al-Buhassun tribe,

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
 Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
 Signature: (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 30940

and then provided her account of the incident. Mrs. (b)(6), (b)(7)(C) stated she, her husband, and her children were inside their house when the American Soldiers came. Her husband went outside and talked to them. After some time and questioning his hands were tied to the rear and he was escorted to a military vehicle by the ditch. He was standing with a Soldier when she saw the Soldier make a motion, which she believed he wanted her husband to copy. The Soldier motioned for him to go onto his knees with his head to the side. Her husband did this and the American Soldier shot him in the head while the soldier stood over him. This happened on the roadway. She did not see her husband fight the Soldier, stated he was compliant with the American Soldiers, and did not hear her husband complain. Mrs. (b)(6), (b)(7)(C) stated her children were with her and saw the incident occur. She pointed out her children as Miss (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) NFI), and Master (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) NFI). One of her daughters, Miss (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) NFI), was at the rear of the house tending to the sheep when she heard the shot and ran to the front of the house, seeing her father dead. Neither Mrs. (b)(6), (b)(7)(C) nor the children knew their birthdates or ages. Mrs. (b)(6), (b)(7)(C) pointed out where she was standing when she observed the shooting, which was by a Palm/Date Tree located approximately 20 feet outside the entrance of the home, but inside the gated yard area. Mrs. (b)(6), (b)(7)(C) went to the shooting location and mimicked what she witnessed. She showed that her husband's side was outside the bank of the ditch with his head on the bank. She pointed down while standing above him and made her hand into a gun, pointing down. Mrs. (b)(6), (b)(7)(C) became very upset and started to cry. Mrs. (b)(6), (b)(7)(C) was asked if they found any bullet or casing after the incident. Mrs. (b)(6), (b)(7)(C) stated they found a casing where her husband had been lying, but threw it away. She could not provide a location where it had been discarded. Furthermore, she had the ditch, which is used for irrigating the fields, flooded in order to wash the blood away.

AGENT'S COMMENT: Mr. (b)(6), (b)(7)(C) Interpreter, 1/155<sup>th</sup> INF, FOB Iskandariyah, assisted in translating the interview. Additionally, Mrs. (b)(6), (b)(7)(C) account of the shooting was in direct conflict with all the Soldiers statements obtained by this office. Furthermore, Mrs. (b)(6), (b)(7)(C) vision would have been blocked by the suspect vehicle, the military vehicle, and the bushes/trees if she had been standing where she stated she was during the shooting.

About 1515, 9 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) coordinated with Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) from the Al-Buhassun tribe and brother to the victim. The Iraqi culture does not allow Mrs. (b)(6), (b)(7)(C) to provide authorization for anything as she is a female. Only the oldest male for the family is allowed to make decisions for the woman and Mr. (b)(6), (b)(7)(C) is the oldest male family member and the victim's brother. Mr. (b)(6), (b)(7)(C) was briefed on the incident which he knew about, and an exhumation of his brother's body was requested. Mr. (b)(6), (b)(7)(C) denied the exhumation request.

AGENT'S COMMENT: Mr. (b)(6), (b)(7)(C) assisted in translating the interview.

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
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 Signature: (b)(6), (b)(7)(C) Date: Exhibit:

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About 1540, 9 Apr 05, while leaving the incident location the convoy was stopped by a group of IPs, Jurf As Sakhr District, who were coming into the incident location. The IPs stated they were coming to investigate the death of the victim by American soldiers as they had not begun one. This information was contrary to what CPT (b)(6), (b)(7)(C) had provided.

AGENT'S COMMENT: CPT (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) were corrupt and the source of many insurgent problems. He was not surprised CPT (b)(6), (b)(7)(C) had lied about the report in front of COL (b)(6), (b)(7)(C) that they had not started their investigation, and were trying to document it now. Mr. (b)(6), (b)(7)(C) translated for the interview.

About 1800, 9 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) who provided a sworn statement detailing the incident, the location of the gunshot wound, the aid he rendered to the victim and to SPC (b)(6), (b)(7)(C) and what he observed happen after the shooting (See statement for details).

AGENT'S COMMENT: During the interview SGT (b)(6), (b)(7)(C) stated he did not see an exit wound; however, did not look for one either. SPC (b)(6), (b)(7)(C) stated based on the site of the entrance wound and the power of the pistol, a 9mm, he did not believe there would be an exit wound.

About 1956, 9 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) who provided a sworn statement detailing the incident. SPC (b)(6), (b)(7)(C) detailed how he heard SPC (b)(6), (b)(7)(C) call for his assistance, saw SPC (b)(6), (b)(7)(C) rush forward and out of sight behind the vehicle. He detailed how he came around the rear side of the vehicle and saw SPC (b)(6), (b)(7)(C) on top of the victim, with his chest on the victim's back and his forearm across his shoulders, and observed SPC (b)(6), (b)(7)(C) bring his gun up from his right side, over his forearm, and place the muzzle of his pistol in the back of the victim's head and shoot. SPC (b)(6), (b)(7)(C) stated he did not see a struggle while SPC (b)(6), (b)(7)(C) was on the victim and believes the incident was not an accident or self-defense (See statement for details).

About 1026, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SSC (b)(6), (b)(7)(C) who provided a written sworn statement detailing the incident, his response to SPC (b)(6), (b)(7)(C) requesting assistance, and providing assistance afterwards. SSC (b)(6), (b)(7)(C) provided a diagram of how the vehicles were set up and the location of everyone he could remember at the scene (See statement and diagram for details). ///LAST ENTRY///

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
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Signature: (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 30942

36	281333CMAR2005	GREY OPEL 2 DETAINEE 1 IZ KIA AT MB 28313 27634	<p>1333L REAPER 3 REPORTS REAPER 6 REQUESTING AIR AT MB 28313 27634 BECAUSE THEY SEE ROCKET LAUNCHERS AND A GREY 4 DOOR OPAL SUSPECTED TO BE THE MORTAR MANS VEHICLE</p> <p>1345L REAPER 3 REPORTS THAT THEY HAVE THE GRAY OPAL THAT IS THE SUSPECTED MORTAR MANS VEHICLE AND 1 DETAINEE THERE WAS FOUR INDIVIDUALS 3 GOT AWAY AND THAT WERE THEY GOT THE ONE DETAINEE THEY ALSO FOUND ROCKET LAUNCHERS AND MORTAR TUBES AT THE HOUSE WERE THEY WERE AT</p> <p>1415L REAPER 3 HAS TWO DETAINEES TOTAL</p> <p>1420L REAPER 3 REPORTS THAT THE LOCATION THAT THEY ARE AT THEY HAVE MOUNTABLE ROCKETS BEING USED FOR FENCE POST THEY ARE DEFUSED</p> <p>1433L EOD IS GOING TO INVESTIGATE ROCKET THREAT REAPER 3</p> <p>1433L EOD IS GOING TO INVESTIGATE ROCKET THREAT AT REAPER 3 LOCATION AND REAPER 3 HAS THE 2 DETAINEES</p> <p>1516L REAPER 3 IS GOING TO LEAVE THE CIVILIAN VEHICLE AND THEY WILL BE MOVING BACK TO CAMP ISKANDARIYAH IN 5 MIN</p>	REAPER
37				

~~TOP SECRET//SI//NF~~

~~LAW ENFORCEMENT SENSITIVE~~

ACLU DDII CID ROI 30943

EXHIBIT 2  
000031

**Unit:** 3-B-1-155 IN, 155 BCT

**Event:** Patrol spotted suspect vehicle, grey opal 4 door, possible mortar man. Vehicle stopped. Two individuals detained, Two individuals fled. Rockets and launchers found at site. Continuing search for those that fled.

**DTG:** 281345CMAR05

**Location:** MB 263 276

**Effect on Ops:** Patrol Delayed securing area and conducting recon

**Assistance needed:** Air for assistance in tracking those that fled.

**Update:** 2/101<sup>st</sup> ATK AV and 3/B/1-155IN linked. Two individuals wearing black man dresses.

**Update:** CDR B/1-155IN reports that they have 1 insurgent KIA and 2 detainees, one US soldier being evacuated to FOB due to combat stress. KIA will be taken to Mussayib hospital, two detainees will be brought to Detainee Facility at FOB Iskandyrhah.

**Update:** Debrief reveals that the patrol trailed the Opal until it stopped at three houses. Two individuals were detained, one a teenager. The teenager's family lived in one of the houses. The father was detained for questioning, due to the car stopping at his house and suspect ordinance being located there. After a GSR test on the two detainees, revealed positive results and the patrol affirmed to the family that both would be detained, the father apparently broke free from restraints and physically attacked a soldier who was guarding him. After a scuffle the father was shot and killed. The deceased was taken to the Mussayib hospital and the detainees brought to FOB Iskandyrhah.

At least 5 rockets and a launcher were found at the site of the detainments. Initial evaluation suggest that rockets were inert and not serviceable. EOD will be sent to further evaluate at a later time.

Investigation into the scuffle with and ensuing death of the father, is ongoing.

~~FOR OFFICIAL USE ONLY~~

~~LAW ENFORCEMENT SENSITIVE~~

ACLU DDII CID ROI 30944

EXHIBIT 3

000032

38S MB 26289 27573



38S MB 26323 27433



38S MB 26449 27327



ACLU DDII CID ROI 30947

(b)(6), (b)(7)(C)



140 M

110 M

← N

ACLU DDII CID ROI 30948



140 M

110 M



ACLU DDII CID ROI 30949

SWORN STATEMENT

For use of this form, see AR 190 45, the proponent agency and ODCSOPS

PRIVACY ACT STATEMENT

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

1. LOCATION: Babahani
2. DATE (YYYYMMDD): 28/March/05
3. TIME: 2045
4. FILE NUMBER: (b)(6), (b)(7)(C)
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE STATUS: E-4

8. ORGANIZATION OR ADDRESS: B-co 1-155 INF
(b)(6), (b)(7)(C)

On the 28 of March we were waiting for a mortar attack or something. Our vehicles were split up in groups of 2 to better reach well after maybe a hour our other element called for our assistance. We drove in a fast but safe manner. We meet up with the CO's vehicle and moved to the house where the men were already fixed called. My vehicle was parked in front of the house and I dismounted to help with whatever they needed. We proceeded in searching the back of the house. We found a fence made of rockets also a very highspeed rocket launcher. They said there was stuff inside the house, however I did not search it. After we searched everything we were waiting to see if we could hotwire the car. While we were waiting for that I walked by SPC (b)(6), (b)(7)(C) and the prisoner they were talking to I walked up to SPC (b)(6), (b)(7)(C) with the other prisoner since (b)(6), (b)(7)(C)

10. EXHIBIT: (b)(6), (b)(7)(C) PERSON MAKING STATEMENT: (b)(6), (b)(7)(C) PAGE 1 OF 3 PAGES

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

USE THIS PAGE IF NEEDED

THIS PAGE IS NOT NEEDED, PLEASE PROCEED

FINAL PAGE OF THIS FORM.

STATEMENT OF SFC (b)(6), (b)(7)(C) TAKEN AT 20145 (b)(6), (b)(7)(C) DATED 31/March/08

9. STATEMENT (Continued)

He was watching him alone. Well Sgt (b)(6), (b)(7)(C) walked up & we were talking about something. Then a shot was fired. I heard "heard shot", and Doc. The Doc looked at (b)(6), (b)(7)(C) Mr (b)(6), (b)(7)(C) standing next to his prisoner & said "they can you watch?" I put him off & said "yeah go." I walked over to the prisoner in a confused state wondering who had been shot. I tried to angle myself to see who was shot but the humvee was in the way. The only thing I heard was Sgt (b)(6), (b)(7)(C) yell, "get his weapon." Somebody yelled it was the prisoner. As I was guarding the prisoner I saw the little boy walk over there & I yelled at him to stop & I looked around for someone to grab him away so he wouldn't have to see the dead man. But it was too late. The little kid walked off starting to cry & walked up to his mother. It basically went downhill from there. The wife & two daughters got upset & freaked out. After the gunshot we took about 10 maybe 15 minutes to load up the prisoners I had. Maybe the Lt Special Forces Republican Guard Guy. He was the older one with the kids (b)(6), (b)(7)(C) I needed help loading the guy.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

STATEMENT OF SPC (b)(6), (b)(7)(C) TAKEN AT 20145 DATED 31/March/05

9 STATEMENT (Continued) I the interpreter helped me load him up. After that they needed pictures of the body so I took pictures of the man. I also made sure to get a picture of him ~~around~~ (b)(6), (b)(7)(C) loose from his flex cuffs. one hand was in the cuffs the other wasn't. After that we loaded the body up in the hearse. I never actually saw (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) after the shot or ~~the~~ during the period when we loaded up & drove off. As far as what I saw of the shooting I couldn't see anything from the position I was at. -End of Statement- (b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C) \_\_\_\_\_  
 Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of MAR 2005 at REAPER P.B. ISLAND I.P.A. (b)(6), (b)(7)(C)

WITNESSES: \_\_\_\_\_  
 \_\_\_\_\_  
 ORGANIZATION OR ADDRESS \_\_\_\_\_  
 \_\_\_\_\_  
 ORGANIZATION OR ADDRESS \_\_\_\_\_

(b)(6), (b)(7)(C) \_\_\_\_\_  
 (Typed Name of Person Administering Oath)  
ARTICLE 136 UCMJ  
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Reaper Patrol Base (Iskanderiyah)
2. DATE (YYYYMMDD): 2005 03 31
3. TIME: 1605
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE STATUS: 02
8. ORGANIZATION OR ADDRESS: B Co 1-155 IN BN
(b)(6), (b)(7)(C)

On the day in question, my squad was executing a countermortar LP/OP vic south of No Name Road. The section I was with stopped on the east end while the other section drove down and set up on the west end of No Name Rd. Approximately 30 minutes after setup up my section was told to move to the other section's location. When we arrived we were led to a house with a grey car in front. Three personnel were detained. One was an older man (50-60) in white, one was middle aged, and one was a teenage male. The middle aged man was apparently from my other section when he ditched the car and attempted to flee. The older man said the house was his and the teenage male was his son, also he did not know the middle aged man. Rockets were found behind the house along with a launcher. Wipe tests were administered on all three. The middle aged man tested positive immediately. The teenage male tested positive within a few minutes. The older man did not test positive. The teenage male was also detained while running from my men. The CO took a group with him to search surrounding houses. The three detainees were under guard and had been separated. Spc was guarding the older man behind a HUMMV in front of the house. I was sitting on a hood of a HUMMV about 10 meters away. Spc said something like "He's trying to get away" at which point both he and the older man went around to the side of the HUMMV out of my sight. Within 10 seconds I heard a "pop" I went around to the rear of the HUMMV and could see both Spc and the older man lying in an irrigation ditch next to the HUMMV. The ditch was about 3 feet deep. The older man was not moving and bleeding from the skull.

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 3 PAGES

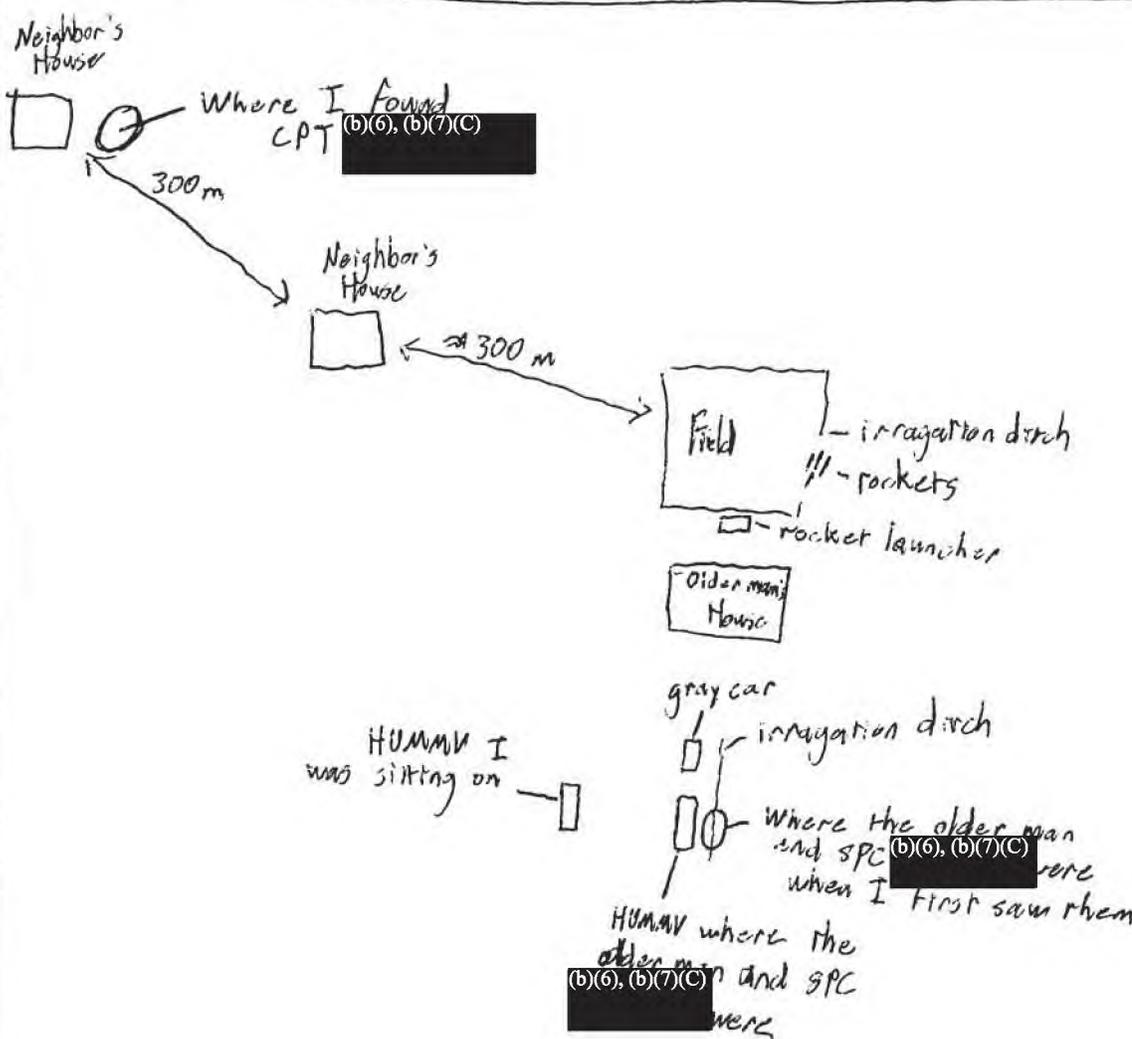
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 1605 DATED 31 MAR 05

9. STATEMENT (Continued)

I yelled for a medic. When I first saw the two of them, the older man was on his side laying against the side of the ditch. His arms were in front of him. One wrist was in flexcuffs one (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was laying in the bottom of the ditch saying he (b)(6), (b)(7)(C) was having trouble breathing. I then went (b)(6), (b)(7)(C) to find CPT (b)(6), (b)(7)(C) the medic arrived and said the older man was dead by this time.

(b)(6), (b)(7)(C)



End of Statement

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 1605 DATED 31 Mar 05

9. STATEMENT (Continued)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of MARCH 2005 at RAMPED FIAM BASE ISHOMARLYAH

(b)(6), (b)(7)(C)  
(Signature of Person Administering Oath)

(b)(6), (b)(7)(C) 2LT  
(Typed Name of Person Administering Oath)

ARTICLE 134 UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

ACLU DDII CID ROI 30963

EXHIBIT 10  
000047

SWORN STATEMENT

For use in this form, see AR 190-45; the proponent agency is DCSOPS

PRIVACY ACT STATEMENT

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

1 LOCATION: PATROL BASE
2 DATE (YYYYMMDD): 31 MAR 2005
3 TIME: 18:41
4 FILE NUMBER:
5 ORGANIZATION OR ADDRESS: B CO 1/155th INF.
6 SSN: (b)(6), (b)(7)(C)
7 GRADE/STATUS: E-4

On the 29th of March we went on a patrol with our company commander (b)(6), (b)(7)(C) we parked our Humvees beneath some trees on no name rd. we were there to observe a previously used mortar launch site, as we waited, we observed a grey Opel approaching from a side road, and as soon as the driver spotted our squad he made a quick retreat and sped off back the same road he came from, we gave chase with two vehicles, and we were led to a farm house, the individual (I saw one only) went thru the front door, we dismounted, and ran after him, one of our other vehicles circled around and waited for the individual who by this time had gone thru yet another house and out the back, into the awaiting vehicle, after securing the suspect we brought him back to the first house he ran into, at that time another person was detained, he was a youth of about 14-15 yrs old, both had been zip tied, and were made to sit on the ground along with the youth's father who was not flexcuffed, I (b)(6), (b)(7)(C) was watching all 3 until we were ordered to have them separated by our C.O. I was shortly thereafter relieved by another soldier, I moved towards the entry road where our other patrol vehicles awaited, one of the detainees, the boy's father was being watched by spc. (b)(6), (b)(7)(C) they were standing behind one of the empty humvee's when (b)(6), (b)(7)(C) said to me, "hey (b)(6), (b)(7)(C) this guy is trying to get out of his cuffs" so I started walking in their direction, right before I approached their position, I saw (b)(6), (b)(7)(C) rush forward, and I heard a thud as if someone had fallen, as I turned the corner of the vehicle I saw the detainee on his knees facing the ditch they fell into, and (b)(6), (b)(7)(C) was on top of him, (b)(6), (b)(7)(C) then took his pistol, a .45, and pressed the barrel against the insurgent's neck and shot him. He then rolled off the now dead detainee and began complaining of having chest pains, so I turned him over and (b)(6), (b)(7)(C) opened up his vest so he could breathe, the medic was on hand by this time and checked on (b)(6), (b)(7)(C) and found nothing wrong with him, (b)(6), (b)(7)(C) said, "I don't know if I'm shot we wrestled and the gun went off", he then blamed me for not getting there fast enough, he followed that by crying for the family of the man he shot, saying "I feel sorry for the kids."

10. EXHIBIT
11. INITIALS (b)(6), (b)(7)(C) ON MAKING STATEMENT
PAGE 1 OF 3 PAGES

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

STATEMENT OF SPC (b)(6), (b)(7)(C) TAKEN AT REAPER PATROL BASE DATED 31 MAR 2005

9 STATEMENT (continued)

Soon after the incident was over I was instructed to clear (b)(6), (b)(7)(C) weapon which I did, I left (b)(6), (b)(7)(C) sitting down on the ground by a hummer. I was still in shock and disgusted by what I had both seen and experienced. every one of the men in our patrol was upset by what had taken place. Several questions come to mind:

- (A) why would the boy's father not attempt an escape when I was watching him, and he was not cuffed?
- (B) why wait to be cuffed to attempt escaping?
- (C) SPC (b)(6), (b)(7)(C) is a trained Police officer, why couldn't have he restrained him without using his pistol?

I asked SPC (b)(6), (b)(7)(C) why the guy tried to make a run for it, (b)(6), (b)(7)(C) stated to me that the interpreter (b)(6), (b)(7)(C) had advised the father that his son was going to prison. I asked (b)(6), (b)(7)(C) if he did say this to the man, but (b)(6), (b)(7)(C) said he never told him anything other than what he was instructed to translate. The father had seen the kid cuffed and he never acted irrational nor even upset. he (the father) had obeyed every command we gave him without argument. This would make SPC (b)(6), (b)(7)(C) with accredited confirmed kill, more than any one else in his platoon or his platoon as a whole.

QUESTION 2LT (b)(6), (b)(7)(C) DO YOU WISH TO ADD ANYTHING TO THIS STATEMENT?

ANSWER SPC (b)(6), (b)(7)(C) NO

END OF STATEMENT

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT Reaper Patrol & DATED 31 MAR 2005

9 STATEMENT (Continued)

This concludes my statements. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) AFFIDAVIT

I, SPC., HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)  
(Signature)

WITNESSES:  
  
ORGANIZATION OR ADDRESS  
  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of MAR 2005 at REAPER PATROL BASE ISLAND

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

RET  
(Oath)  
PARTICLE 136 UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 3 OF 3 PAGES

ACLU DDII CID ROI 30966

EXHIBIT 11  
000050

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1 LOCATION <i>ISKANDIRAVAH IRAQ</i>	2 DATE (YYYYMMDD) <i>2005 31 03</i>	3 TIME <i>1935</i>	4 FILE NUMBER
5 (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	7 GRADE STATUS <i>SGT / E-5</i>	
8 ORGANIZATION OR ADDRESS <i>B Co 1-155 INF</i>			
9 (b)(6), (b)(7)(C) SGT			

WANT TO MAKE THE STATEMENT

On 2005 28 03 @ 1200 hrs I was on an overwatch, looking for suspected mortar sites, at Grid ( ) My patrol saw a Gray Opel abruptly turn and leave our position. The patrol gave chase and followed said car to a house. The occupants of the vehicle fled on foot. Sgt (b)(6), (b)(7)(C) and I chased one suspect in our vehicle and caught him 300m west of the house. I was guarding while two other suspects were secured by other soldiers. The owner of the house was being guarded by SPC (b)(6), (b)(7)(C) 20m from my position. They were behind a vehicle next to a large ditch. I heard a single shot and someone yelled, 'DUC!' I ran over to that position and saw SPC (b)(6), (b)(7)(C) lying on his back. Next to him was the suspect slumped over dead. He had a single gunshot wound to the back of the head.

/// End of Statement ///

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(6), (b)(7)(C)</i>	PAGE 1 OF <i>2</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

ACLU DDII CID ROI 30967

~~TOP SECRET~~  
~~LAW ENFORCEMENT SENSITIVE~~

EXHIBIT 12  
000051

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT 1935 DATED 2005 31 03

9. STATEMENT (Continued)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of MAR 2005 at HEADQUARTERS P.B. ASKEW LIAISON

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

267

ARTICLE 136 UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 2 OF 2 PAGES

ACLU DDII CID ROI 30968

UNCLASSIFIED CONFIDENTIAL

EXHIBIT 12 000032

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Istadana, Iraq	2. DATE (YYYYMMDD) 2005 3 16	3. TIME 19:45	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS B Co. 4155 Inf BN BCT			

(b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 On the 28<sup>th</sup> or around the 28<sup>th</sup> of March 2005 my squad was chosen to partake of a special op to possibly attract some recent mortarers. After being there about an hour, a Gray Opal (vehicle) was spotted by myself stopped to my right. Immediately, the car tried to speed away. We gave chase and the men tried to run on foot - they were caught. They had 2 houses in the area - one behind the other the victim in question was acquired from one of these houses. It was a very exciting day, many rockets, mortars, and various other paraphernalia was found. 2 detainees believed to have been inside the vehicle tested positive for explosives the victim tested negative. After the detainees were in our custody for

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

ACLU DDII CID ROI 30969

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

EXHIBIT 13

USE THIS PAGE IF NEEDED

IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED

FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 1945 DATED 31 MAR 05

9. STATEMENT *Continued*

About 3-4 hours they were separated and had security on them. Spc. (b)(6), (b)(7)(C) was guarding the one in question. I was on the Gun (240) facing away. My position was about 20 meters from the detainee and

(b)(6), (b)(7)(C) I was scanning and that particular time I scanned further back. They weren't in sight yet but I heard a comment "He's trying to get out of the cuffs." by the tone in his voice he wasn't trying to really alert anyone, but everyone could hear. I didn't think much of it. However, at that moment I heard a rustle in the grass. I immediately turned around to see two things drop right in front of the Humvee door and ever so quickly begin to roll into a ditch about 5 feet away parallel to the direction of the Captain's vehicle. About one full or 2 full seconds later I heard a muffled shot. Not long (2 seconds) later the medic came and went. (b)(6), (b)(7)(C) weapons were secured immediately and the family went nuts.

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 2 OF 3 PAGES

(b)(6), (b)(7)(C)

STATEMENT OF

TAKEN AT

1945

DATED

31 MAR 05

9. STATEMENT (Continued)

We were forced to leave the scene by the Capt.'s choice.

Heresay

I've heard that (b)(6), (b)(7)(C) had his 9mm out to the detainee's back the whole time.

also, I've been in martial arts a long time; I know what a struggle looks like - didn't look like it to me.

Someone told me they saw the victim on his hands and knees facing away from (b)(6), (b)(7)(C)

and (b)(6), (b)(7)(C) was on his back - brought his pistol up to his skull and fired. Then he rolled off the body. - And (b)(6), (b)(7)(C)

complained "I can't breathe"

/// End of statement ///

AFFIDAVIT

(b)(6), (b)(7)(C)

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREE (b)(6), (b)(7)(C), WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE,

(b)(6), (b)(7)(C)  
Signature of Person Making Statement

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of MAR 2005 at BENDER PATROL BASE LEWIS, IDAHO (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

Typed Name of Person Administering Oath

ARTICLE 136 VCMT  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1 LOCATION: ISKANDILIYA, IRAQ
2 DATE (YYYYMMDD): 31 MAR 2005
3 TIME: 19:50
4 FILE NUMBER:
6 (b)(6), (b)(7)(C)
7 GRADE/STATUS: E-6/SQUAD LDR.

8 ORGANIZATION: CO. B 1-155 INF.
9 (b)(6), (b)(7)(C)

ON 28 MARCH, MY PATROL WAS GIVEN THE MISSION OF FINDING THE GREY OPAL THAT WAS SUSPECTED OF FIRING MORTARS AT THE REAPER PATROL BASE AND AT GRIM REAPER (O.P.). MY PATROL WAS SPLIT INTO 2 SECTIONS. 1 SECTION WAS LOCATED ON BABAWANI ROAD WHILE THE OTHER WAS SENT FURTHER WEST ON NO NAME ROAD NEAR THE OLD A.S.P. THIS SECTION (BRAVO SECTION) SPOTTED A GREY OPAL AND TRIED TO STOP THE VEHICLE. THE GREY OPAL FLED AND BRAVO SECTION GAVE CHASE. THE OPAL FLED TO A RESIDENCE OF A MAN NAMED (b)(6), (b)(7)(C) THE OLD TO THAT LOCATION CAN BE GIVEN LATER. 4 INDIVIDUALS FLED FROM THE VEHICLE. 2 WERE CAUGHT NEAR THE (b)(6), (b)(7)(C) RESIDENCE. ONE OF THE INDIVIDUALS LIVED AT THE RESIDENCE. HIS NAME IS ATNEER SAADUN NAMZA. THE 2 INDIVIDUALS WERE DETAINED AFTER TESTING POSITIVE FOR GUNPOWDER RESIDUE. A THIRD INDIVIDUAL, NAMZA'S FATHER WAS ALSO HELD AND QUESTIONED. ALL OF THESE INDIVIDUALS WERE SEPARATED AND GUARDED. (b)(6), (b)(7)(C) WAS GUARDING THE YOUNGER (b)(6), (b)(7)(C)

10 EXHIBIT:
11 (b)(6), (b)(7)(C) IN MAKING STATEMENT
PAGE 1 OF 3 PAGES

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 19:50 DATED 31 MAR 2005

9. STATEMENT (Continued) (b)(6), (b)(7)(C) WAS GUARDING (b)(6), (b)(7)(C)

OUR MEDIC, SGT. (b)(6), (b)(7)(C) THE OTHER DETAINEE, THE ELDER HAMZA WAS HELD AND ZIP CUFFED BECAUSE APPROXIMATELY 45 ROCKETS AND A ROCKET LAUNCHER WERE FOUND BEHIND HIS RESIDENCE. THE YOUNGER (b)(6), (b)(7)(C) WERE HELD UPON THE HOUSE WHILE THE ELDER HAMZA WAS HELD IN THE DRIVEWAY BEHIND REAPER 6'S TRUCK WHICH WAS PARKED DIRECTLY BEHIND THE GREY OPAL. ONE OF MY SOLDIERS, SPC. (b)(6), (b)(7)(C) WAS IN THE PROCESS OF HOTWIRING THE OPAL AS THE DETAINEES HAD THROWN AWAY THE KEYS WE NEEDED TO RETRIEVE THE CAR TO BE HELD AS EVIDENCE. I WAS ASSISTING SPC. (b)(6), (b)(7)(C) WHEN I HEARD SPC. (b)(6), (b)(7)(C) YELL "HEY, HE'S GETTING OUT OF HIS CUFFS!" I SAW A FLASH OUT OF THE CORNER OF MY EYE OF SPC. (b)(6), (b)(7)(C) AND THE ELDER HAMZA TUMBLING TOGETHER INTO AN IRRIGATION DITCH APPROXIMATELY 3 FEET DEEP. THERE APPEARED TO BE A VERY BRIEF SCUFFLE AND THEN A SHOT RANG OUT. I GRABBED MY WEAPON FROM THE ROOF OF THE OPAL AND RAN TO WHERE SPC. (b)(6), (b)(7)(C) WAS LOCATED. WHEN I RAN UP I SAW SPC. (b)(6), (b)(7)(C) SITTING IN THE DITCH IN THE PROCESS OF FALLING BACKWARD ONTO HIS BACK SAYING "I CAN'T BREATHE!" I TOOK A QUICK LOOK AT THE DETAINEE AND SAW THAT HE WAS BLEEDING FROM A GUNSHOT WOUND TO THE RIGHT REAR SIDE OF HIS HEAD. I YELLED "THIS GUY IS DEAD" BUT CALLED FOR THE MEDIC TO CHECK HIM ANYWAY. SPC. (b)(6), (b)(7)(C) ARRIVED AT ABOUT

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

19:50

DATE:

31 MAR 2005

9 STATEMENT (Continued)

(b)(6), (b)(7)(C) (THE SAME TIME I DID. I ORDERED  
 SPC. (b)(6), (b)(7)(C) TO SECURE SPC. (b)(6), (b)(7)(C) WEAPON AND TO  
 MAKE SURE SPC. (b)(6), (b)(7)(C) WAS OK. I THEN TOLD HIM  
 TO MOVE SPC. (b)(6), (b)(7)(C) TO THE FRONT OF MY TRUCK  
 I THEN TOLD THE MEDIC TO CHECK OUT SPC. (b)(6), (b)(7)(C)  
 AS SPC. (b)(6), (b)(7)(C) APPEARED SEVERELY DISTRESSED. SGT.  
 (b)(6), (b)(7)(C) (?), THE MEDIC, STATED THAT SPC. (b)(6), (b)(7)(C) NEEDED  
 TO BE TAKEN TO THE REAR. CAPT. (b)(6), (b)(7)(C) DECIDED  
 TO LEAVE THE AREA TO DEFUSE THE FAMILIES  
 CONSTERNATION OVER THE DEATH OF THE BELOW  
 NAMZA. MY PATROL THEN LOADED UP AND LEFT THE  
 SCENE LEAVING THE ROCKETS AND ROCKET LAUNCHER  
 AT THE SITE. END OF STATEMENT. NOTHING FOLLOWS

(b)(6), (b)(7)(C)

AFFIDAVIT

(b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  
 WHICH IS BE 3 I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE  
 BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE  
 CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT  
 OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR (b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to  
 administer oaths, this 31 day of MAR, 2005  
 at REAR BRACKET  
 (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

ARTICLE 136 UCMJ  
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB ISKANDAR WITH 1000
2. DATE (YYYYMMDD): 4-1-2005
3. TIME: 9:50 PM
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
SSN: N/A
GRADE STATUS: N/A
8. ORGANIZATION OR ADDRESS: S4.Co. 1-155.IN

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 3-28-2005, 10-30 PM (b)(6), (b)(7)(C) entered our tent. I think he was drunk or as like and talked with some interpreters and kidding with them. I was setting with 2 LT (b)(6), (b)(7)(C) at that night after that his voice raised, we observed that me & LT (b)(6), (b)(7)(C) and walking for him. One of interpreter his name (b)(6), (b)(7)(C) ask him: what do you did today? He'll be upset and said it's not my fault (mistake) the Iraqi detainee broke his handcuffs and try to take my pistol and throat me, we fought to get the gun after that the gun shoot & kill the Iraqi guy. He said I'm not sorry to kill him because we kill more from Military Americans & IPs and IUGS & he said for (b)(6), (b)(7)(C) you are not my friends more just (b)(6), (b)(7)(C) interpreter) he still my friend. He said that and his eyes look as someone want to cry. After that he said I'm going good night and turn to LT (b)(6), (b)(7)(C) and said Thank you Sir- and get out.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 2 PAGES

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 9:50 PM DATED 4.1.05

9. STATEMENT (Continued)

These are all my information about the case.  
QUESTION 24T (b)(6), (b)(7)(C) DO YOU HAVE ANY THING TO ADD TO YOUR STATEMENT? (b)(6), (b)(7)(C)

ANSWER; (b)(6), (b)(7)(C) Yes : he said I'm not sorry to kill him "fuck him" he said that excatly. (b)(6), (b)(7)(C)

QUESTION; 24T (b)(6), (b)(7)(C) DO YOU HAVE ANYTHING TO ADD TO YOUR STATEMENT? (b)(6), (b)(7)(C)

ANSWER; (b)(6), (b)(7)(C) NO. (b)(6), (b)(7)(C)

/// END OF STATEMENT ///

(b)(6), (b)(7)(C) AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C) \_\_\_\_\_  
(Taking Statement)

WITNESSES:

\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of APR 2005 at FORT KANDAWA... (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) \_\_\_\_\_  
(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ  
(Authority To Administer Oaths)

ACLU DDII CID ROI 30976

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: (b)(6), (b)(7)(C)
2. DATE (YYYYMMDD): 7.4.2005
3. TIME: 9.50 PM
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: N/A
7. GRADE STATUS: N/A
8. ORGANIZATION OR ADDRESS: D.CO 1155 IN

9. I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

at first time (b)(6), (b)(7)(C) talked with (b)(6), (b)(7)(C)
But I was busy in writing statement then (b)(6), (b)(7)(C) asked him (b)(6), (b)(7)(C) what's the matter? we heard bad news about you say you killed IRAQI detainee and he said I don't feel sad about him because he tried to take my pistol when I was watching him then I killed him because there is no choice to protect myself then one minute more Lt (b)(6), (b)(7)(C) came and take part with us in conversation. (b)(6), (b)(7)(C) was confused and afraid before he left tent he said (b)(6), (b)(7)(C) you are not my friend from now on because you had blamed me for this accident then he said (b)(6), (b)(7)(C) you still my friend I don't know why.
QUESTION 2LT (b)(6), (b)(7)(C) EXACTLY WHAT DID SPC (b)(6), (b)(7)(C) SAY ABOUT HOW THE MAN TRIED TO ESCAPE AND TAKE AWAY HIS PISTOL?
ANSWER: (b)(6), (b)(7)(C) - he side I hit a guy he try to take my pistol and broke the cuffs and when he put his hand on my neck. This guy no give me choice then I shoot him by accidentally

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 2 PAGES

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 9:30 PM DATED 4/1/2005

9. STATEMENT (Continued) QUESTION; 2LT (b)(6), (b)(7)(C) IS THERE ANYTHING YOU WANT TO ADD TO YOUR STATEMENT? (b)(6), (b)(7)(C)

ANSWER; (b)(6), (b)(7)(C) - No  
/// END OF STATEMENT ///

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of APRIL 2005 at FBI 15th AND 4th STS N.W. WASH DC

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) 2LT  
(Oath)

ARTICLE 136 UCMJ  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

ACLU DDII CID ROI 30978

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB ISKAW IRAQ
2. DATE (YYYYMMDD): 4-1-2005
3. TIME: 9:52 PM
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: N/A
7. GRADE STATUS: N/A
8. ORGANIZATION OR ADDRESS: A. Co. 1-155 IN
9. (b)(6), (b)(7)(C)

I, \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Actually, I heard the story of this guy from my friend interpreter (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) killed one civilian innocent man in front of his family. Frankly speaking, we felt sadness about that because he was innocent not bad guy. Moreover, at night time he had come to our tent talking with (b)(6), (b)(7)(C) about some stuffs he needs, then he looked at us seeing the sorrow at our faces asking us why you are not talking with me?. Really I asked him what happened today with you. angry looking at me saying I know he was innocent, but tried to release himself for that reason shot him. I don't care, I don't care he said. no problem, I don't feeling sympathy. Sorrow you in salt me by your looking that. Finally, he said just (b)(6), (b)(7)(C) my friend. no (b)(6), (b)(7)(C) no (b)(6), (b)(7)(C) then he left but he didn't bring his weapon with him

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF \_\_\_\_\_ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 9:52 PM DATED 4-1-2005

9. STATEMENT (Continued) QUESTION; ZLT (b)(6), (b)(7)(C) DID SPE (b)(6), (b)(7)(C) TELL YOU HOW THE MAN GOT SHOT? (b)(6), (b)(7)(C)

ANSWER; (b)(6), (b)(7)(C) - Yes (b)(6), (b)(7)(C) told me this man try to release him self then, I (b)(6), (b)(7)(C) how this man get shot. He tried to explain what happen to this man when he tried to release him self and I put my pistol in his back and told him don't move after that he tried to take my pestol and this man caught the pestole and caught my throat then he get shot. At first I thought I get shot not the civilian (b)(6), (b)(7)(C)

QUESTION; ZLT (b)(6), (b)(7)(C) - ARE YOU SAYING THAT SPE (b)(6), (b)(7)(C) SAID HIS GUN WENT OFF BY ACCIDENT? (b)(6), (b)(7)(C)

ANSWER (b)(6), (b)(7)(C) - No (b)(6), (b)(7)(C)

QUESTION; ZLT (b)(6), (b)(7)(C) DO YOU HAVE ANYTHING TO ADD TO YOUR STATEMENT? (b)(6), (b)(7)(C)

ANSWER; (b)(6), (b)(7)(C) - No

(b)(6), (b)(7)(C) AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UN (b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Organization or address fields for witnesses.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of APRIL, 2005 at (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath) ZLT ARTICLE 136 VCMI (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

ACLU DDII CID ROI 30980

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB ISKANDARIYAH IRAQ
2. DATE (YYYYMMDD): 2 APRIL 2005
3. TIME: 0035
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: N/A
7. GRADE STATUS: N/A
8. ORGANIZATION OR ADDRESS: HHC 4155 IN (INTERP)
9. (b)(6), (b)(7)(C)

THE FOLLOWING STATEMENT UNDER OATH:

(b)(6), (b)(7)(C) said that he shot this guy because he tried to grab his pistol and escape from him.
QUESTION; ZLT (b)(6), (b)(7)(C) IS THERE ANYTHING YOU WANT TO ADD TO THIS STATEMENT?
ANSWER! (b)(6), (b)(7)(C) - NO

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

ACLU DDII CID ROI 30981

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 0035 DATED 2 APR 05

9. STATEMENT (Continued)

(b)(6), (b)(7)(C) AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OF (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of APRIL 2005 at FOG 15 KANAWHAH ILAG (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C) (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ARTICLE 136 VCMJ (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 2 OF 2 PAGES

ACLU DDII CID ROI 30982

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION FOB ISKANDARIYAH IRAQ	2. DATE (YYYYMMDD) 2005 04 02	3. TIME 1940	4. FILE NUMBER
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	N/A	N/A

8. ORGANIZATION OR ADDRESS  
HHC VISS IN (INTERP)

9. TO MAKE THE FOLLOWING STATEMENT (b)(6), (b)(7)(C)

WHAT HAPPENED: FORWARD WE WERE AFTER ~~STOPPED~~ STOPPED IN FRONT OF HOUSE HE SAID HE FOUND OVD MANSON ASK SO A POINT YOU SOO SOMEBODY DAVE FOR HE SAY YES THEY RAN THIS WAY THEY REATCH ~~BEHIND~~ DEHINDE HOUSE WE MAKE TEST THE TEST IS POSITIVE ON SON OTHER HOUSE CPT ~~TELL~~ TELL GOTO CHECK GUN SKDTASK ~~WE~~ TALK WITH PEOPLE AND SOME GUY GET KILLED THE FAMILY TELL ME IT IS ~~POSITIVE~~ POSITIVE THIS IS NOT MY BUSINESS ~~WHAT~~ AT THE HOUSE YOU KID WE FOUND WEAPONS ITOLD MAN BEFORE HE WAS SHOT DO YOU KNOW ABOUT THE GUYS RUN AWAY HE SAY ~~NO~~ NO I TOLD ASK MEF HELS PISSED OFF I SAY I DONT KNOW IDIDNT ~~KNOW~~ KNOWS LATE ANY TALK FOR ~~THIS~~ THIS JOB IS ONLY SECURITY CPT ~~SAID~~ SAID WHY YOU

10. EXHIBIT	1 (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

ACLU DII CID ROI 30983

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 1940 DATED 2 APRIL 2005

9. STATEMENT (Continued)

SHOT HIM (b)(6), (b)(7)(C) SAY HE TRY TO TAKE OFF  
WIS FLLX EVEREPT (b)(6), (b)(7)(C)  
REASON TO (b)(6), (b)(7)(C) TOLD HIM THIS IS NOT  
HIS SON WAS GOING TO TAIL THE MAN WITH THE  
BIG BEARO CPT (b)(6), (b)(7)(C) TOLD ME TO ASK HIM  
THAT BEFORE WE WENT TO (b)(6), (b)(7)(C)  
THE OTHER HOUSE THESE ARE THE ONLY THINGS  
I SAID TO THE MAN ONLY WHAT CPT (b)(6), (b)(7)(C)  
ME TO SAY I DID NOT SAY ANYTHING TO HIM  
(b)(6), (b)(7)(C) WHEN I TALK TO THE OLD MAN (b)(6), (b)(7)(C)  
WAS NOT THERE I THINK HE WAS STILL ON HIS  
BOM THE TRUCK THE MAN NEVER ARGUED  
TRY TO GET A WAY HE WAS NOT VIOLENT

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 2 OF 3 PAGES

(b)(6), (b)(7)(C)

STATEMENT OF

TAKEN AT 1940

DATED 2 APRIL 2005

9. STATEMENT (Continued)

(b)(6), (b)(7)(C)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of APRIL 2005 at FOR ISKANDARIAN IBAQ

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

ZLT

(Typed Name of Person Administering Oath)

ARTICLE 134 UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING (b)(6), (b)(7)(C)

ACLU DDII CID ROI 30985

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB ISKANDARIA
2. DATE (YYYYMMDD): 20050403
3. TIME: 16:42
4. FILE NUMBER:
5. (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE STATUS: E-4
8. ORGANIZATION OR ADDRESS: B Co 115th Inf.
9. (b)(6), (b)(7)(C)

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I would like to clarify things on some of the statements I made on the 29th of March 2005 concerning the shooting of the detainee by spc. (b)(6), (b)(7)(C) on the above date

QUESTION; 2LT (b)(6), (b)(7)(C) CAN YOU TELL ME ABOUT HOW MUCH TIME PASSED BETWEEN THE TIME SPC (b)(6), (b)(7)(C) MOVED TOWARD THE DETAINEE PASSING OUT OF YOUR VIEW AND WHEN YOU AGAIN SAW HIM?

ANSWER; SPC (b)(6), (b)(7)(C) I believe it was about the span of 15 seconds and following that I came around the front of the vehicle and saw spc. (b)(6), (b)(7)(C) leaning on top of the detainee, the detainee did not appear to be struggling with spc. (b)(6), (b)(7)(C) I then observed as (b)(6), (b)(7)(C) placed the barrel of his GMM and pressed it against the detainee's head towards the back of the neck and shot hit once killing him instantly.

QUESTION; 2LT (b)(6), (b)(7)(C) DID IT APPEAR TO YOU THAT SPC (b)(6), (b)(7)(C) ACTIONS WHEN SHOOTING THE DETAINEE WERE DELIBERATE ACTIONS, AND THAT THERE WAS NO OBVIOUS THREAT POSED TO HIM BY THE DETAINEE AT THE TIME?

ANSWER; SPC (b)(6), (b)(7)(C) AT THE TIME THAT I OBSERVED SPC. (b)(6), (b)(7)(C) SHOOT THE DETAINEE I DID NOT PERCEIVED THE DETAINEE TO BE A THREAT, THE SHOOTING LOOKED DELIBERATE FROM WHAT I OBSERVED.

QUESTION; 2LT (b)(6), (b)(7)(C) DO YOU HAVE ANY THING TO ADD TO YOUR STATEMENT AT THIS TIME? NO. (b)(6), (b)(7)(C)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT (b)(6), (b)(7)(C) TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF (b)(6), (b)(7)(C) SPC. TAKEN AT FBI Iskondria DATED 3 APR 2005  
(b)(6), (b)(7)(C)

9. STATEMENT (Continued) ANSWER; SPC  
I have nothing further to add to my statements  
!!! END OF STATEMENT !!!

(b)(6), (b)(7)(C) AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)  
\_\_\_\_\_  
(Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3 day of APRIL, 2005 at FBI Iskondria  
(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C) ZLT  
(Typed Name of Person Administering Oath)  
ARTICLE 134 UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C) **ACLU DDII CID ROI 30987**  
PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For this form, see AR 190-30; the proponent agency is ODI

DATA REQUIRED BY THE PRIVACY ACT

0088 05 CID 259 36251

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION: Camp Echo
2. DATE: 7 APR 05
3. TIME: 1315
4. FILE NO.
5. (b)(6), (b)(7)(C)
6. (b)(6), (b)(7)(C)
7. GRADE/STATUS: E4
8. ORGANIZATION OR ADDRESS: B Company 1-155th IN BN, CTS APO AE 09325

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 2LT (b)(6), (b)(7)(C) HHC 1-155 INFANTRY BATTALION and wanted to question me about the following offense(s) of which I am suspected/accused: THE SHOOTING DEATH OF A DETAINEE

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. For personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
2a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
5. TYPED NAME OF INVESTIGATOR: 2LT (b)(6), (b)(7)(C)
6. ORGANIZATION OF INVESTIGATOR: HHC, 1-155th IN BN

Section C. Non-waiver

- 1. I do not want to give up my rights
I want a lawyer
I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

0088 05 CID 259 36251

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"  
 (If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"  
 (If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"  
 (If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

ACLU DDII CID ROI 30989

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Camp Echo
2. DATE (YYYYMMDD): 2005 04 07
3. TIME: 1630
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SOCIAL SECURITY NUMBER: (b)(6), (b)(7)(C)
7. GRADE STATUS: E-4/SPC
8. ORGANIZATION OR ADDRESS: B Company 1-155th Infantry BATTALION
9. SIGNATURE: (b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On the date of the 29th March 2005 on or about 1300, I was in a LP-OP Gunners hatch with Heavy thermals, looking for mortar rounds in that area, being launch. Also hold (be on track out) for a grey Opel, that was seen in rocket attacks on the new police station at Fire base Glory Mose-eb. when SPC. (b)(6), (b)(7)(C) the second Gunner observed a grey Opel approaching our position on No Name Rd. I informed our leadership Maj. (b)(6), (b)(7)(C) and Capt. (b)(6), (b)(7)(C) The grey Opel seen our position and 2 Hm-V's and stop, made a 180 and speeded off at a high rate of speed, I heard Capt (b)(6), (b)(7)(C) and Maj. (b)(6), (b)(7)(C) to mount up. We chase the vehicle to a house, back off No Name Rd. Maj. (b)(6), (b)(7)(C) and Capt. (b)(6), (b)(7)(C) gave chase in a running shoot out with the suspicious suspects. I didn't have a clear shoot with the 240B Due to the line of fire and Maj. (b)(6), (b)(7)(C) and Capt. (b)(6), (b)(7)(C) pursuit. SPC. (b)(6), (b)(7)(C) informed me that a suspects ran into the house. I told spc. (b)(6), (b)(7)(C) to Kaddy corner the house so that line of sight 360, that I was going to search the house, entering from the front -

10. EXHIBIT: (b)(6), (b)(7)(C)
PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 5 PAGES

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

STATEMENT OF SPC (b)(6), (b)(7)(C) TAKEN AT Camp Echo DATED 7 Apr 05

## 9. STATEMENT (Continued)

And to shoot anybody with a weapon or take them into custody if he can. I SPC (b)(6), (b)(7)(C) disabled my 240B, so that it wouldn't be used on our forces. Armed with a 9mm Beretta, I started my search of the house room by room. In the middle of my search, nearing the back of the house, I heard SPC (b)(6), (b)(7)(C) giving order to stop or I'll fire. I continued my search. In the rear of the house, I hollered US Forces, shift fire, coming out the back. SPC (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) come out I have 2 men and boy in custody. Under some grass boxes of all kinds like 30mm mortars, 60mm mortars, and boxes of Rocket Launchers. I told SPC (b)(6), (b)(7)(C) to detain these men and bring the small boy and women and 2 small girls out front to keep a better eye on them while SPC (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) separated the men from the family of children. SPC (b)(6), (b)(7)(C) informed Capt. (b)(6), (b)(7)(C) and Maj. (b)(6), (b)(7)(C) of our findings and our suspicions of ordnance cover in the back under grass. Capt. (b)(6), (b)(7)(C) and Maj. (b)(6), (b)(7)(C) had 1 in custody (suspicious insurgent of the Grey Opel. Capt. (b)(6), (b)(7)(C) said to separate the 3 males, and to 2-tie them and called for wipe test for gun powder residue. My job was to watch over the older man, about 45 to 50 years of age. The man started talking, I ask for the interpreter. (b)(6), (b)(7)(C) said he was worried about his son on the side of the house under guard. Maj. (b)(6), (b)(7)(C) said he tested positive for Gun Powder Residue. And his son was going to jail.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 5 PAGES

STATEMENT OF SFC (b)(6), (b)(7)(C) TAKEN AT Camp Ec. DATED 7 Apr 05

9 STATEMENT (Continued)

The man I was guarding got aggitated and told (b)(6), (b)(7)(C) that our machine was broken. The started moving ground his arms I told him to (4) gulfs stop, I ask for the Interpreter (b)(6), (b)(7)(C) and I told him to tell the old man to stop moving ground, and he was staying here with his family - The Arab still was upset about his son. 10 to 15 later, The old man started moving his arms again, his right arm move a little more than usual a jolt movement. I ordered him to 2 gulfs, I turned him sideways to look at the zip-ties. The Arab Man's right hand was out of the zip-ties. My left hand put the man in a thumb and wrist lock, and push him into the Hm-V, and ask for help from SFC, (b)(6), (b)(7)(C) and Lt. (b)(6), (b)(7)(C) and informed them the man was out of his zip-ties. They were about 20 feet from me. My pistol in my right hand, I was saying 4 gulfs - Mercedes meaning stop pistol. The Arab man, grab and spun me around off my feet backwards, landing in a 4 foot ditch. With wind knock out of me, his left hand on my wrist right one with the pistol on me, beside my head, I then rolled to the right and shoot him in his 1 time. The medic arrived check me out and help me regain my breathing. End of statement.

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS (b)(6), (b)(7)(C)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 5 PAGES

ACLU DDII CID ROI 30992

EXHIBIT 7621

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

STATEMENT OF SPC (b)(6), (b)(7)(C) TAKEN AT Camp Echo DATED 7 Apr 05

9. STATEMENT (Continued) QUESTION; 2LT (b)(6), (b)(7)(C) WHEN DID THE DETAINEE ACTUALLY COME OUT OF HIS FLEX CUFFS?

ANSWER; SPC (b)(6), (b)(7)(C) - When I turned the ARAB man sideways to observe the flex cuffs.

QUESTION; 2LT (b)(6), (b)(7)(C) AT WHAT POINT DID YOU AND THE DETAINEE BEGIN TO STRUGGLE?

ANSWER; SPC (b)(6), (b)(7)(C) When I ask for help from SPC (b)(6), (b)(7)(C) and 2LT (b)(6), (b)(7)(C) that he was out of his cuffs.

QUESTION; 2LT (b)(6), (b)(7)(C) WAS THE DETAINEE ON HIS BACK OR STOMACH WHEN YOU SHOT HIM?

ANSWER; SPC (b)(6), (b)(7)(C) His right side my left side, with me move on him.

QUESTION; 2LT (b)(6), (b)(7)(C) THE DETAINEE WAS NOT ON HIS KNEES WHEN YOU SHOT HIM?

ANSWER; SPC (b)(6), (b)(7)(C) NO SIR

QUESTION; 2LT (b)(6), (b)(7)(C) DID YOU HAVE YOUR PISTOL OUT THE WHOLE TIME THAT YOU WERE WITH THE DETAINEE?

ANSWER; SPC (b)(6), (b)(7)(C) - NO SIR, I pulled my weapon only when I realize he was out of the flex-cuffs, I put him with my left hand in a thumb wrist lock and forward facing against the Hm-v and ask for help from SPC (b)(6), (b)(7)(C) + 2LT (b)(6), (b)(7)(C)

QUESTION; 2LT (b)(6), (b)(7)(C) ARE YOU POSITIVE THAT YOU HAD THE (b)(6), (b)(7)(C) TALK TO THE DETAINEE FOR YOU?

ANSWER; SPC (b)(6), (b)(7)(C) - yes, 2 Times least;

QUESTION; 2LT (b)(6), (b)(7)(C) DID THE DETAINEE GRAB YOU BY YOUR THROAT?

ANSWER; SPC (b)(6), (b)(7)(C) - NO, More like a arm lock hug around reach others heads and body's;

QUESTION; 2LT (b)(6), (b)(7)(C) DID YOU RUN TOWARDS THE DETAINEE BEFORE STRUGGLING?

ANSWER; SPC (b)(6), (b)(7)(C) yes, when I realized he had gotten out of his flex cuffs only to subdue him.

QUESTION; 2LT (b)(6), (b)(7)(C) HOW LONG APPROXIMATELY WERE YOU OUT OF SIGHT OF OTHERS BETWEEN THE HMMV

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

STATEMENT OF SPC (b)(6), (b)(7)(C) TAKEN AT Camp Echo DATED 7 APR 05

9. STATEMENT (Continued) AND THE DITCH?  
ANSWER; SPC (b)(6), (b)(7)(C) maybe 5 seconds, trying to due him  
and ask for help. (b)(6), (b)(7)(C) wherever I referred to' 2LT (b)(6), (b)(7)(C) I ment 2LT

QUESTION; 2LT (b)(6), (b)(7)(C) CAN YOU CLARIFY FOR ME WHAT YOU SAID TO THE INTERPRETERS ON THE NIGHT OF 29 MARCH ABOUT THE DETAINEE GRABBING YOU BY THE THROAT AND GRABBING YOUR WEAPON AND THE WEAPON THEN GOING OFF?

ANSWER; SPC (b)(6), (b)(7)(C) I was trying to tell the Interpreters, It was him or me. That the Interpreters approach me with (b)(6), (b)(7)(C) assassinated the Grab man. I actually thought I was shoot. During the struggle, And the Interpreter didn't need to know about the children screaming. I was trying to leave, I feel insulted, and I started hearing the children screaming again. I just wanted to leave.

QUESTION; 2LT (b)(6), (b)(7)(C) SO DID YOU SHOOT THE DETAINEE DELIBERATELY BUT IN SELF DEFENSE?

ANSWER; SPC (b)(6), (b)(7)(C) In self defense, yes:

QUESTION 2LT (b)(6), (b)(7)(C) DO YOU HAVE ANYTHING TO ADD TO YOUR STATEMENT?

ANSWER; SPC (b)(6), (b)(7)(C) NO

/// END OF STATEMENT ///

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE (b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of APRIL, 2005 at FBI ISLANDIA ALIYAH BAR (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)  
Signature of Person Administering Oath

(b)(6), (b)(7)(C)  
2LT  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

ARTICLE 136 UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

ACLU DDII CID ROI 30994

CRIME SCENE EXAMINATION: About 1400, 9 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), (b)(7)(F) conducted a crime scene examination of a portion of a ditch, Grid Coordinated 38S MB 26302 27623, located in the Jurf As Sakhr District of Iraq. The crime scene was conducted to establish and verify the location of a shooting incident that occurred on 28 Mar 05.

CHARACTERISTICS OF THE SCENE: The irrigation ditch was used to provide water to the fields surrounding the farm house located at Grid Coordinate 38S MB 26289 27573, which was approximately 200 feet (') north (N) of the crime scene location. A Garmin Rino120 GPS was held above the location where the body had been located and the Grid Coordinate, 38S MB 26302 27623, was obtained, which also provided the directional north for the area. The ditch was approximately 6' wide from the top of each side and approximately 3' deep. The ground was composed of loose gravel and fine, grey-colored dirt. The bank of the ditch going into the center was hardened clay and would crumble when pressure was applied to dig into it by hand. There was approximately 7 inches (") of water in the irrigation ditch during the time of the crime scene examination; however, the sides of the irrigation showed the water level had been approximately 10" higher at an earlier point and still moist. The irrigation ditch had various trees and bushes lining both sides; however, the crime scene area had an approximate 15' clear gap. The following points were utilized to fix the location where the body had been located:

Northwest (NW) Tree: From the approximate center of the NW Tree to the approximate center of the Northeast (NE) Tree Stump was 6'6".

NE Tree: From the approximate center of the NE Tree Stump to the approximate center of the Southeast (SE) Tree was 19'8".

SE Tree: From the approximate center of the SE Tree to the approximate center of the Southwest (SW) Tree was 9'8".

SW Tree: From the approximate center of the SW Tree to the approximate center of the NW Tree was 15'.

The following points were utilized to fix the approximate location of the body, specifically the head area:

NW Tree: From the approximate center of the NW Tree to the approximate center of where the head had been located was 5'.

NE Tree: From the approximate center of the NE Tree Stump to the approximate center of where the head had been located was 6'.

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 30995 77

SW Tree: From the approximate center of the SW Tree to the approximate center of where the head had been located was 10'.

AGENT'S COMMENT: During the time of the incident there had been no water in the irrigation ditch. Mrs. (b)(6), (b)(7)(C) stated she had it flooded after the incident to get rid of all the blood. Mrs. (b)(6), (b)(7)(C) further stated a shell casing had been found at the location, but was immediately thrown away. The location of the body was verified by SPC (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C).

CONDITION OF THE SCENE: At the time of the crime scene examination, the approximate exterior temperature was 85 degrees Fahrenheit, dry and arid, with little humidity. The approximate interior temperature was 80 degrees Fahrenheit. It had rained since the incident occurred; however, there had been no precipitation within the last 24 hours.

FACTORS PERTINENT TO ENTRY/EXITWAY: The scene was accessible by foot from all directions; however, only accessible by vehicle from a windy dirt road from south of the crime scene location. The road attached to a hard surface road called No Name Road, approximately 500 feet away.

SCENE DOCUMENTATION: SA (b)(6), (b)(7)(C) exposed photographs of the scene utilizing a Casio Exilim EX-Z40 Digital Camera and drafted a Crime Scene Examination sketch of the area (See Crime Scene Photographs and Sketch for further information).

COLLECTION OF CRIME SCENE EVIDENCE: No items of evidentiary value were discovered during the examination.

SEARCH FOR LATENT PRINTS: There was no search for latent prints conducted.

SEARCH BEYOND THE SCENE: A search beyond the scene did not disclose any items of evidentiary value.

SEARCH FOR NEGATIVE EVIDENCE: There was no negative evidence to be found as the scene had been altered by the family and the environment since the crime occurred.

AGENT'S COMMENT: The crime scene was recreated by placing the commander's vehicle back into its original position when the shooting incident occurred. This placement was verified by CPT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C). The side of the vehicle was approximately 4' from where the side of the roadway started to slope into the ditch. Looking from the view point where the family stated they were when they observed the shooting, the shooting scene could not be observed the incident if the grey Opel was parked where it had been. Even without the grey

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 30996 32

AGENT'S INVESTIGATIVE REPORT

0088-05-CID259-36251

CID Regulation 195-1

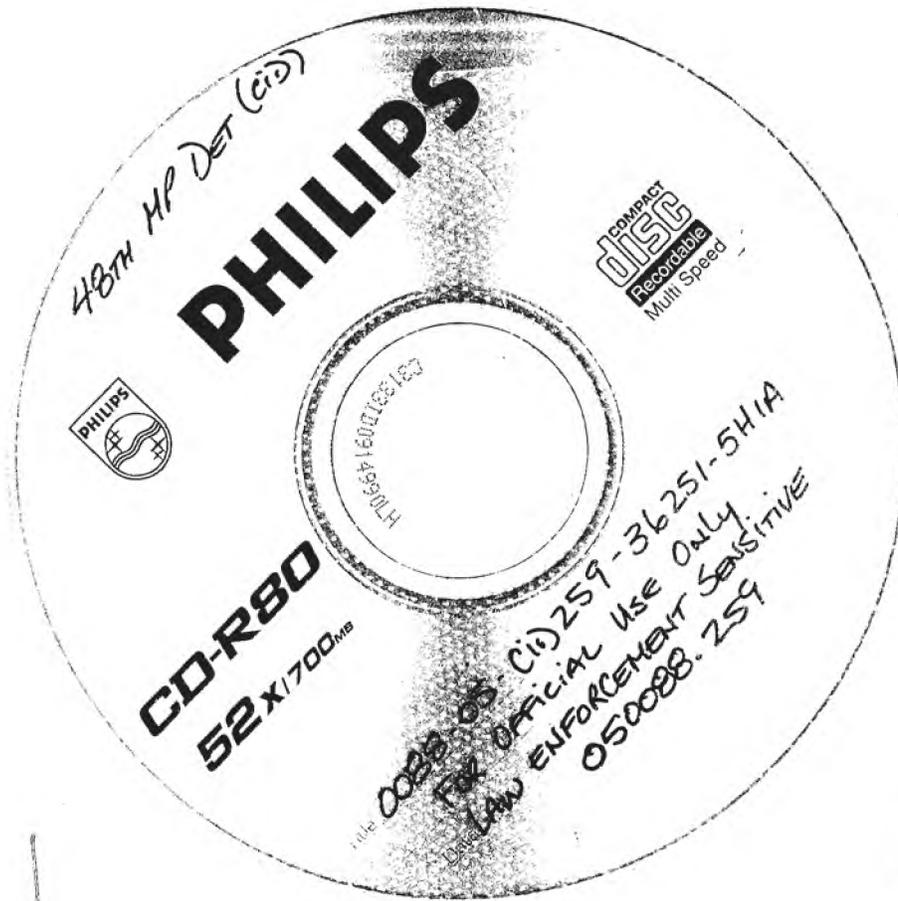
Page 3 of 3

Opel parked where it had been there was too much vegetation due to tree branches and bushes for them to have seen the shooting clearly. ///LAST ENTRY///

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 30997 <sup>22</sup>

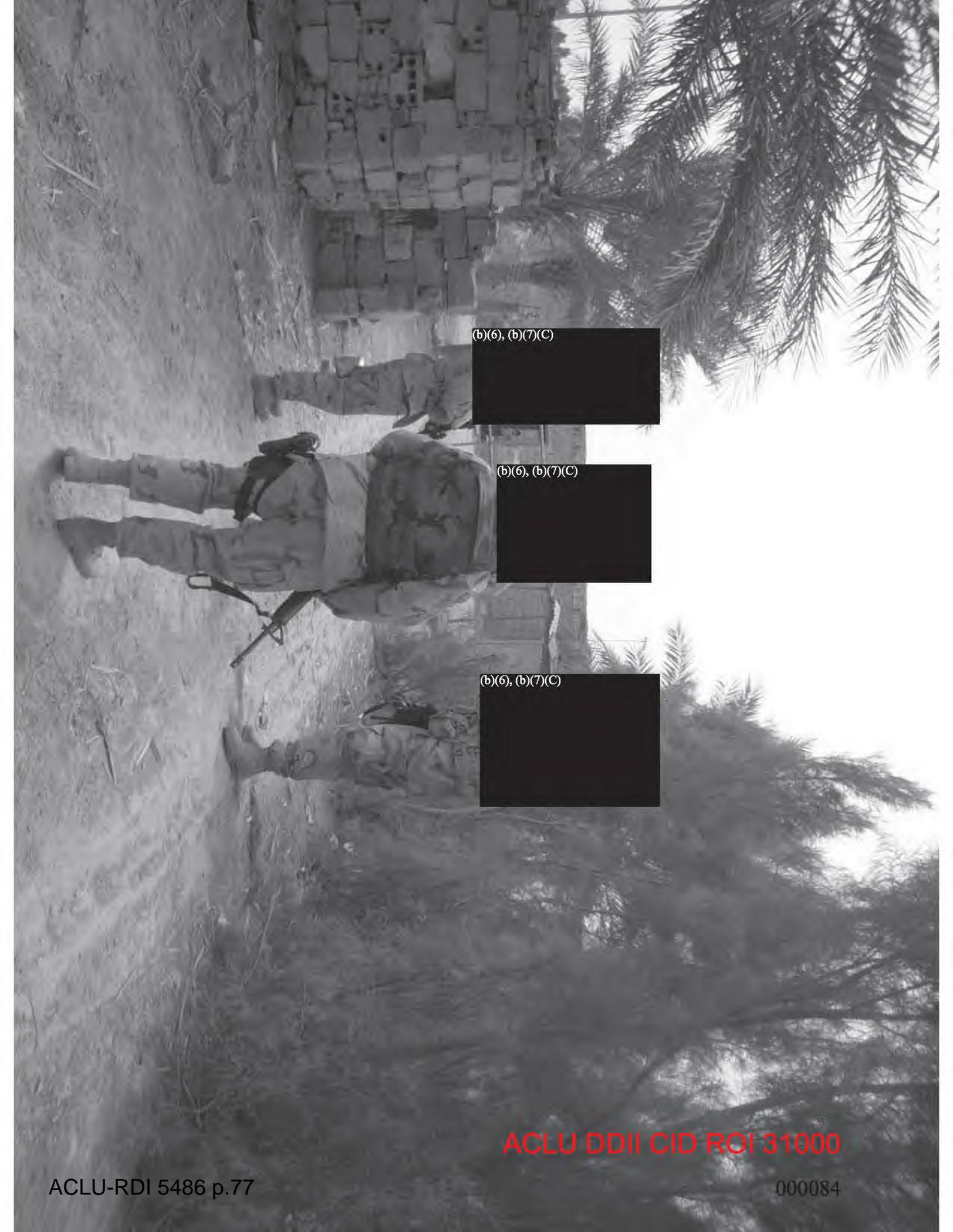
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(b)(6), (b)(7)(C)



ACLU DDII CID ROI 30999



(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**ACLU DDII CID ROI 31000**

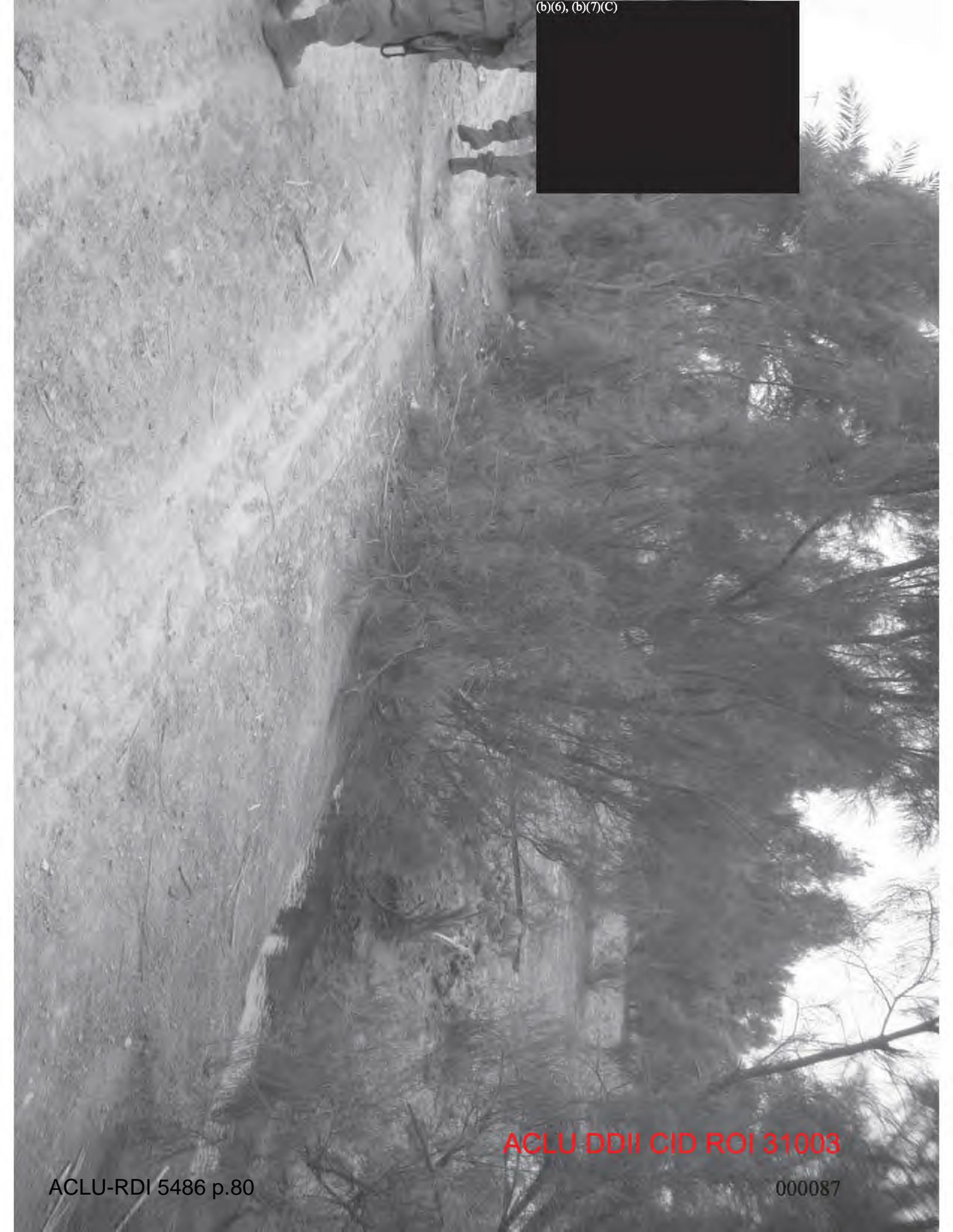


ACLU DDII CID ROI 31001



ACLU DDII CID ROI 31002

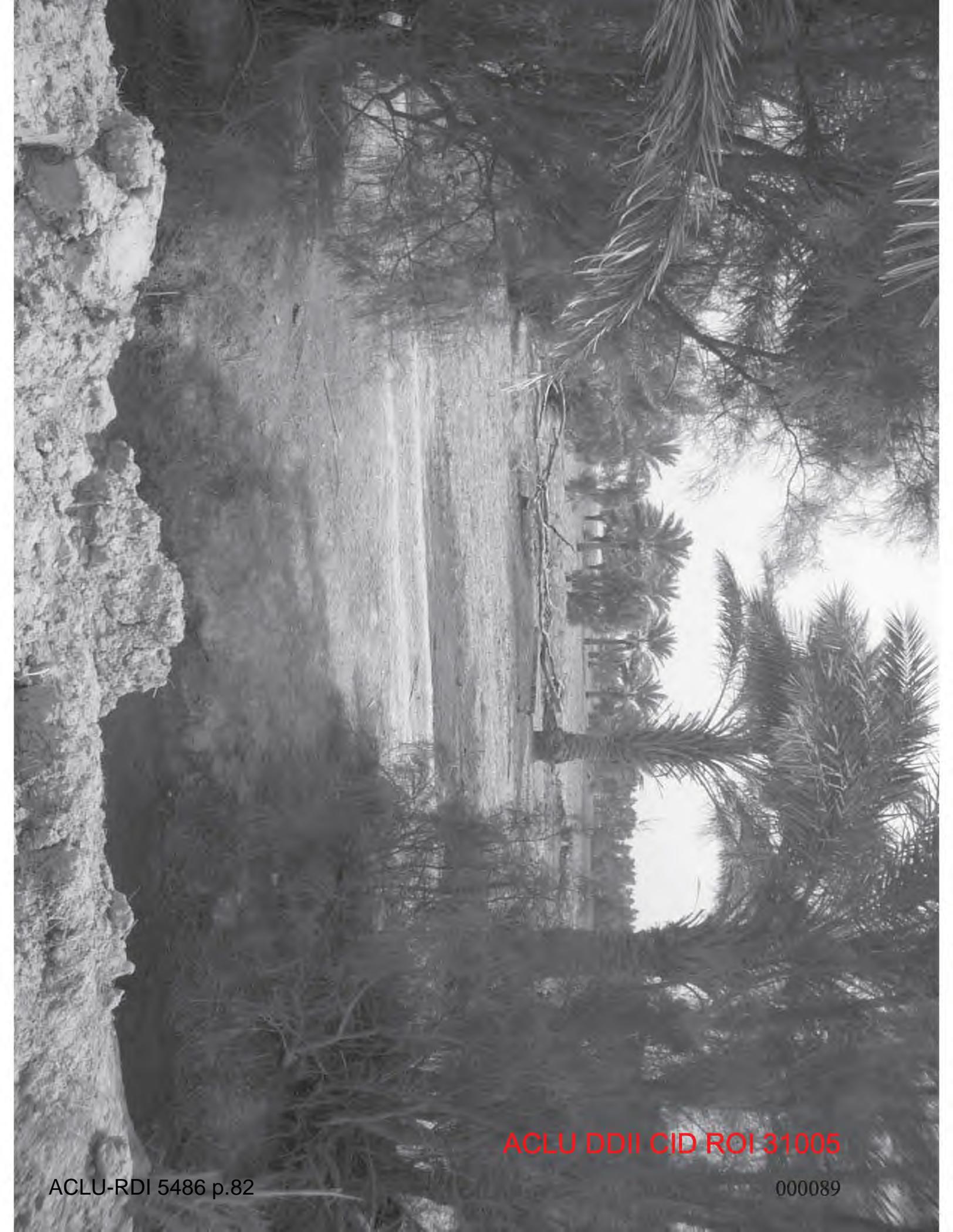
(b)(6), (b)(7)(C)



ACLU DDII CID ROI 31003



ACLU DDII CID ROI 31004



ACLU DDII CID ROI 31005



(b)(6), (b)(7)(C)

ACLU DDII CID ROI 31006



(b)(6), (b)(7)(C)

ACLU DDII CID ROI 31007



ACLU DDII CID ROI 31008



ACLU DDII CID ROI 31009

(b)(6), (b)(7)(C)

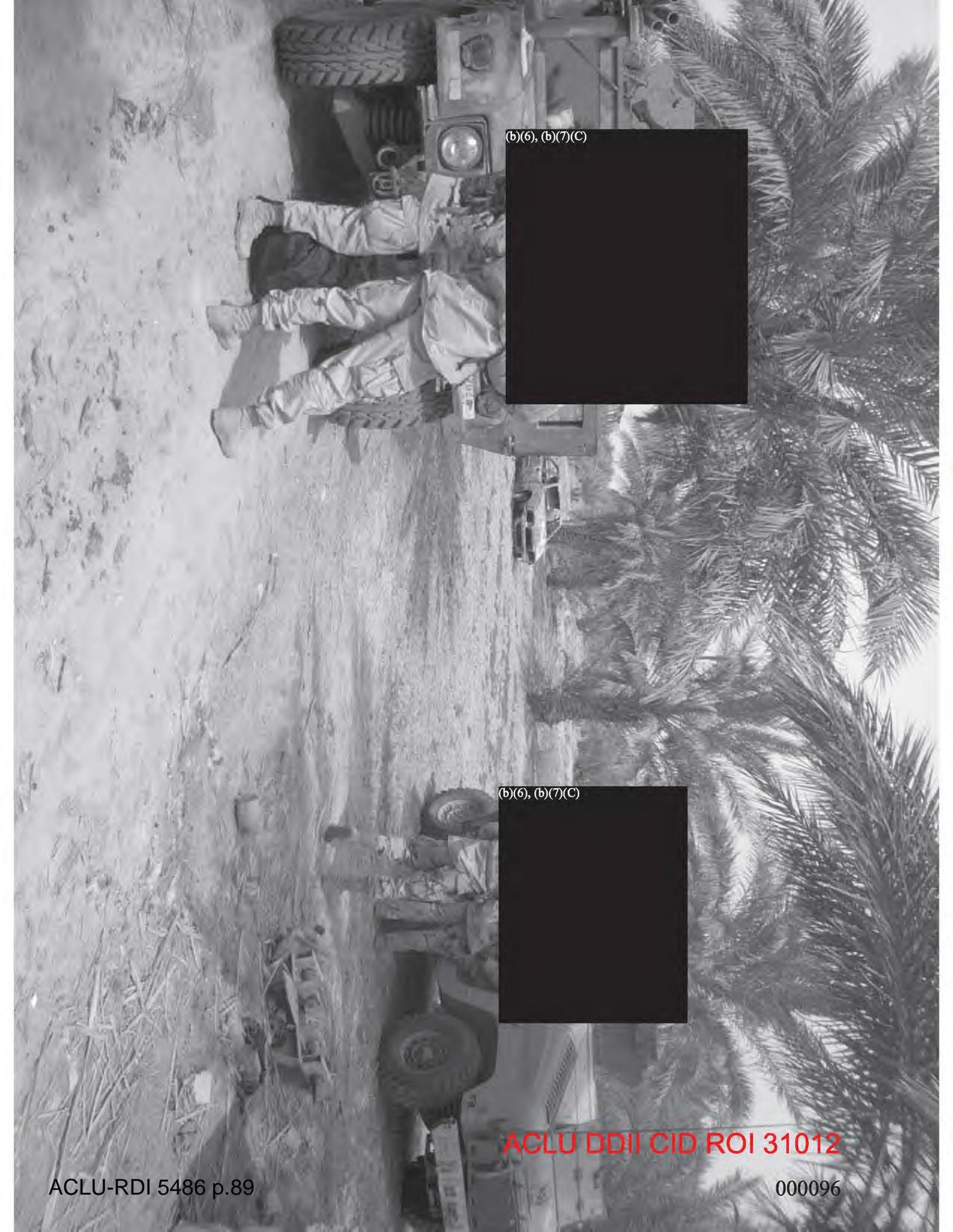
(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

ACLU DDII CID ROI 31010



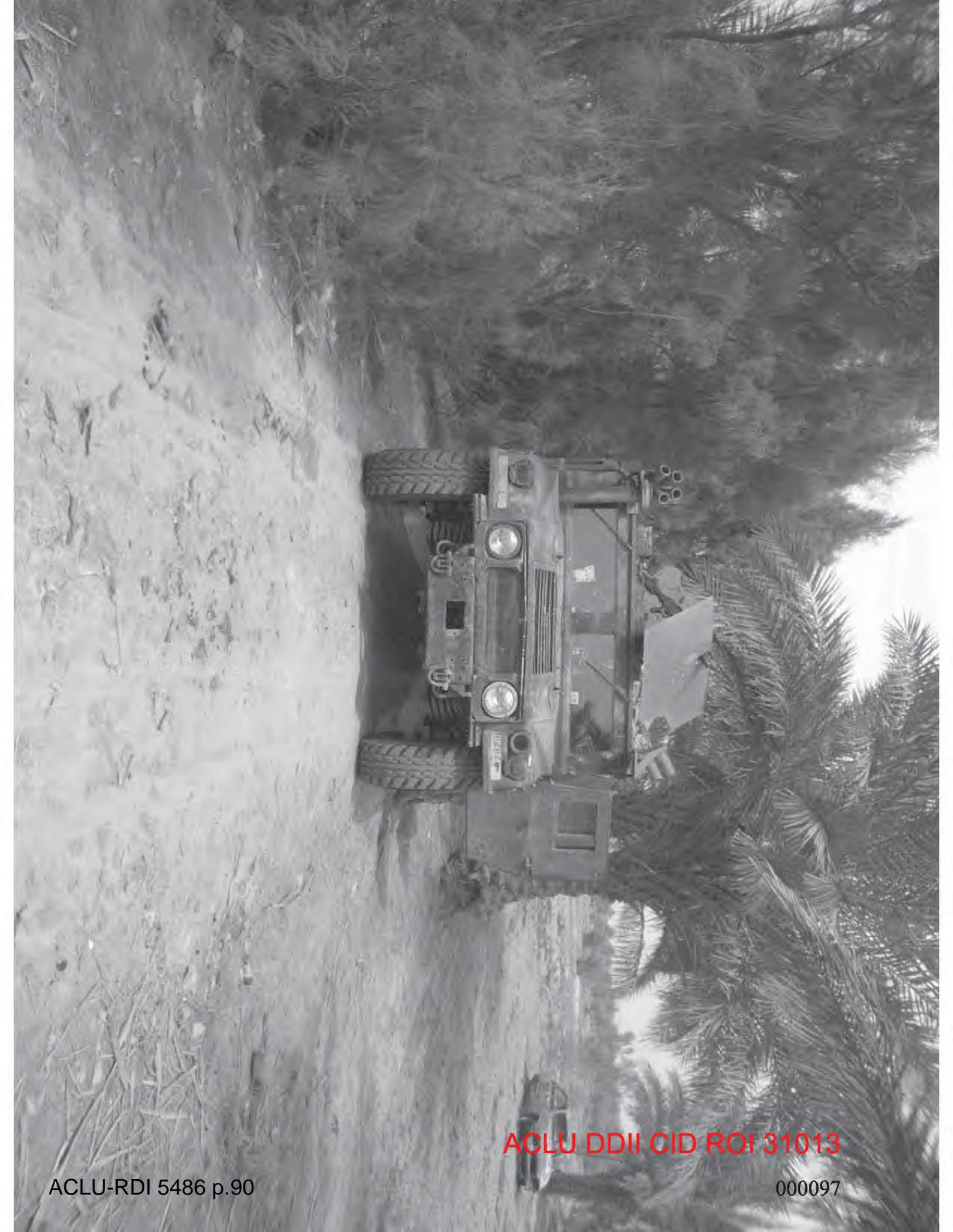
ACLU DDII CID ROI 31011



(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

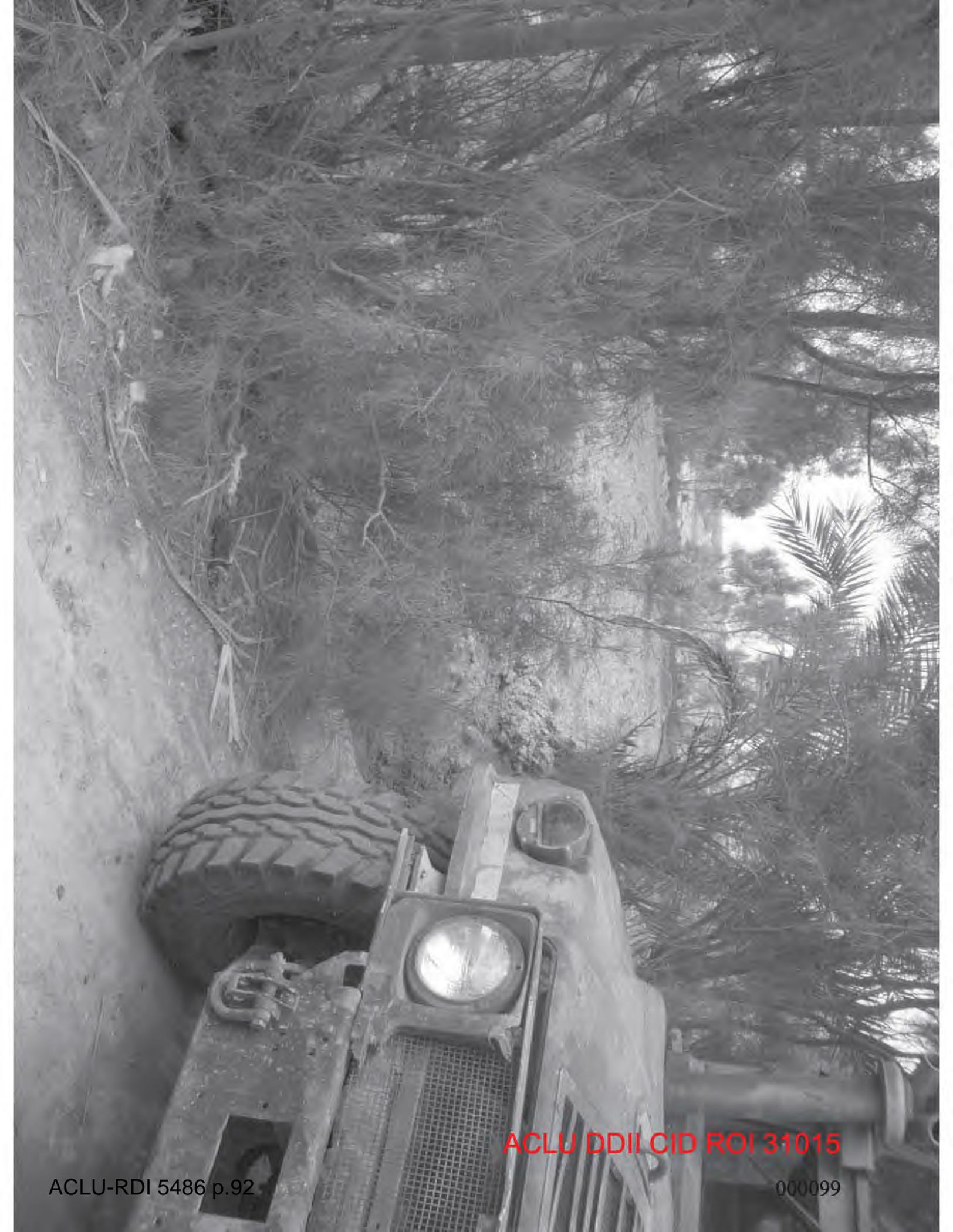
ACLU DDII CID ROI 31012



ACLU DDII CID ROI 31013



ACLU DDII CID ROI 31014



ACLU DDII CID ROI 31015



(b)(6), (b)(7)(C)

ACLU DDII CID ROI 31016



ACLU DDII CID ROI 31017

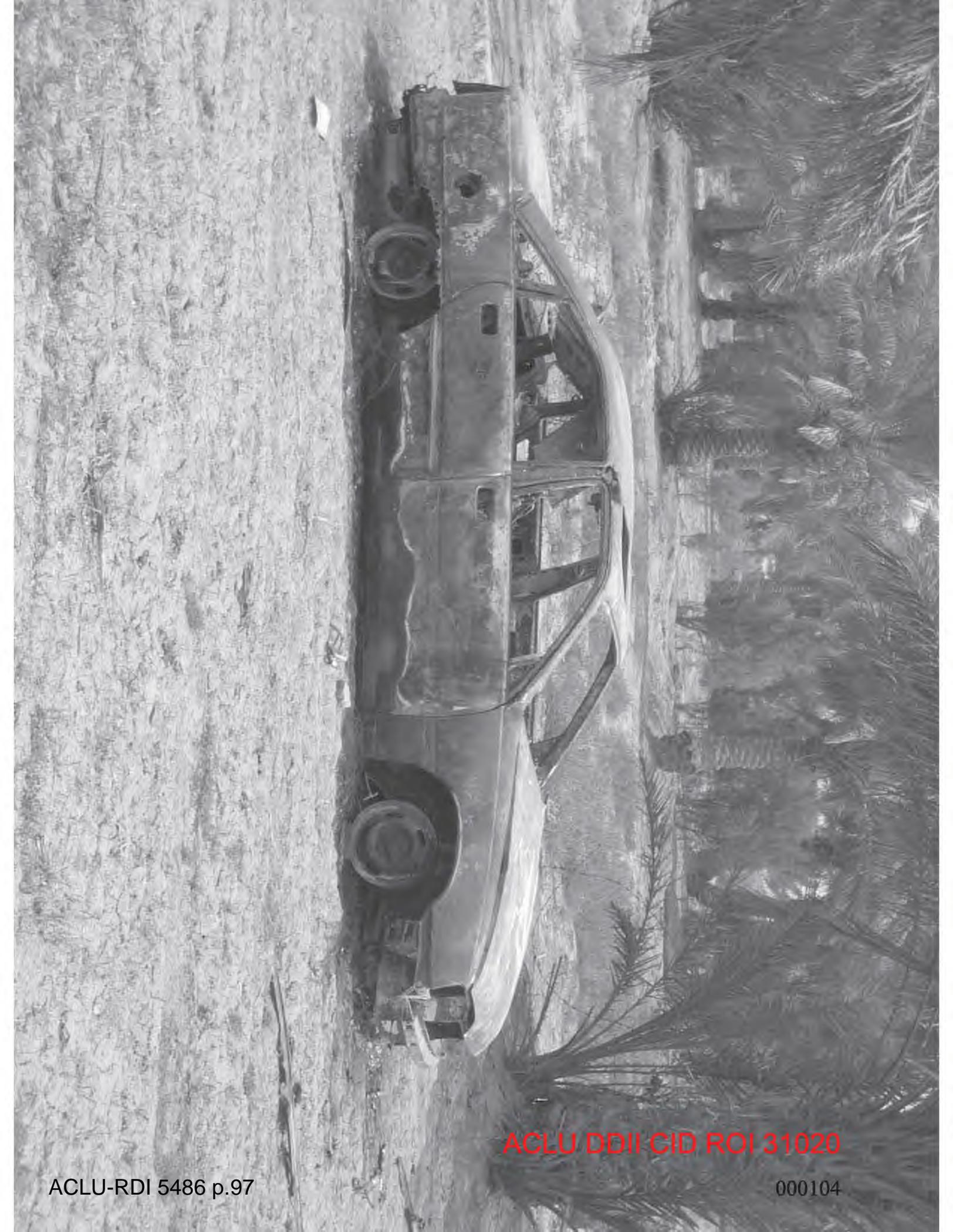


**ACLU DDII CID ROI 31018**



(b)(6), (b)(7)(C)

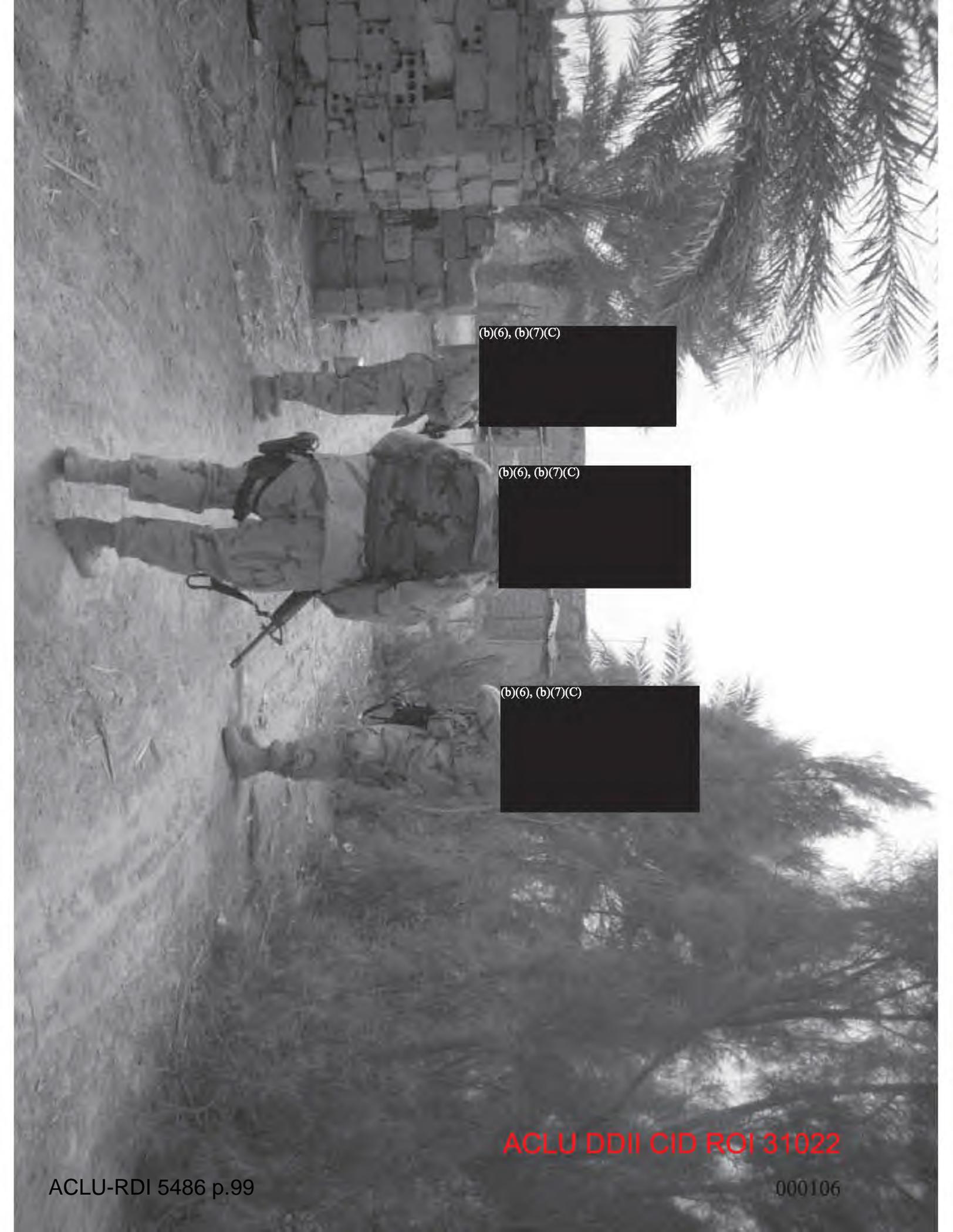
**ACLU DDII CID ROI 31019**



ACLU DDII CID ROI 31020



ACLU DDII CID ROI 31021



(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**ACLU DDII CID ROI 31022**



ACLU DDII CID ROI 31023



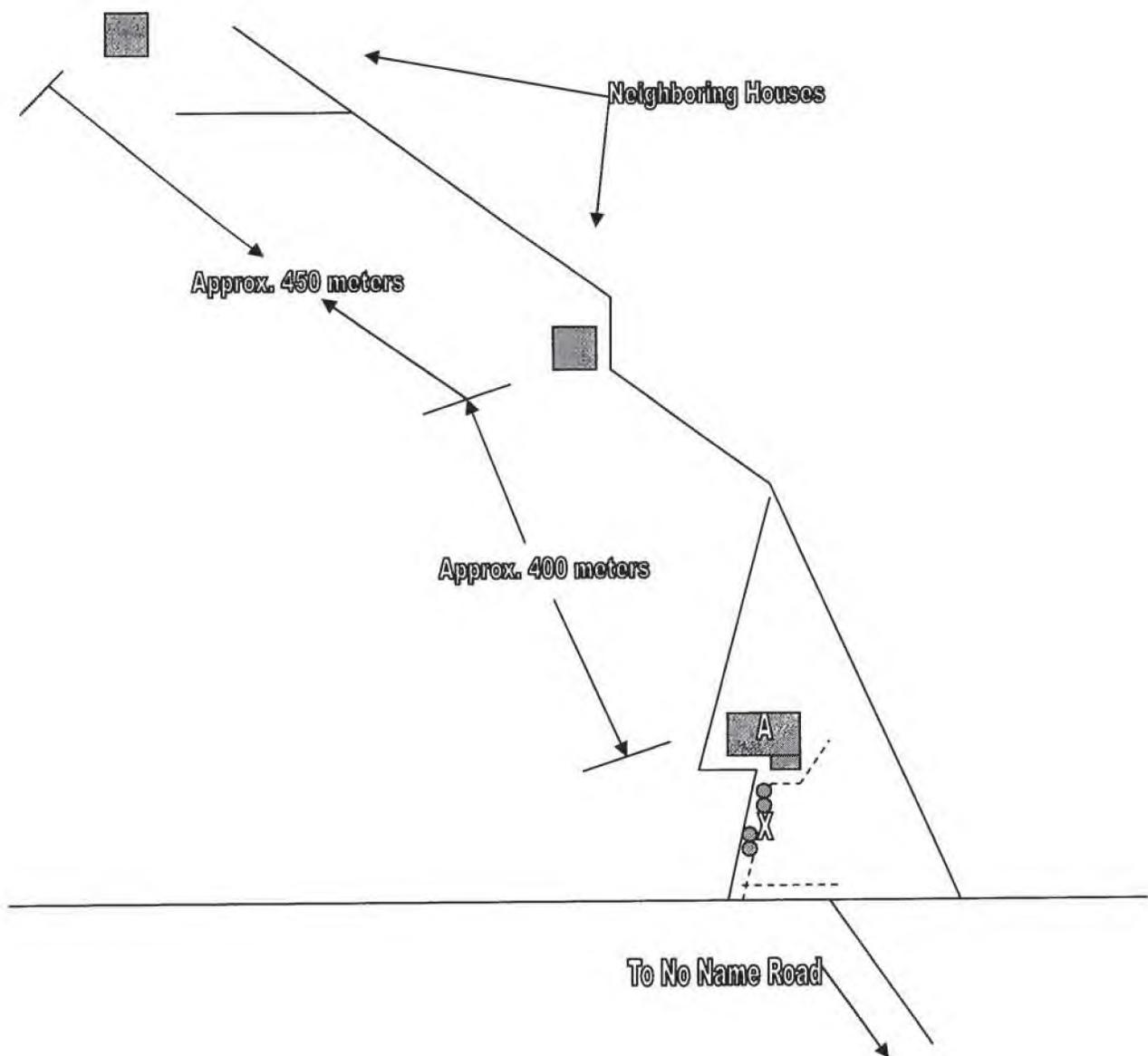
ACLU DDII CID ROI 31024

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

ACLU DDII CID ROI 31025

ROUGH SKETCH DEPICTING 0088 05 CID 259 36251  
CRIME SCENE



- LEGEND** NOT TO SCALE
- X Location of Body
  - A Victim's House
  - \_\_\_\_\_ = Road
  - = Irrigation Ditch
  - Trees

**TITLE BLOCK**

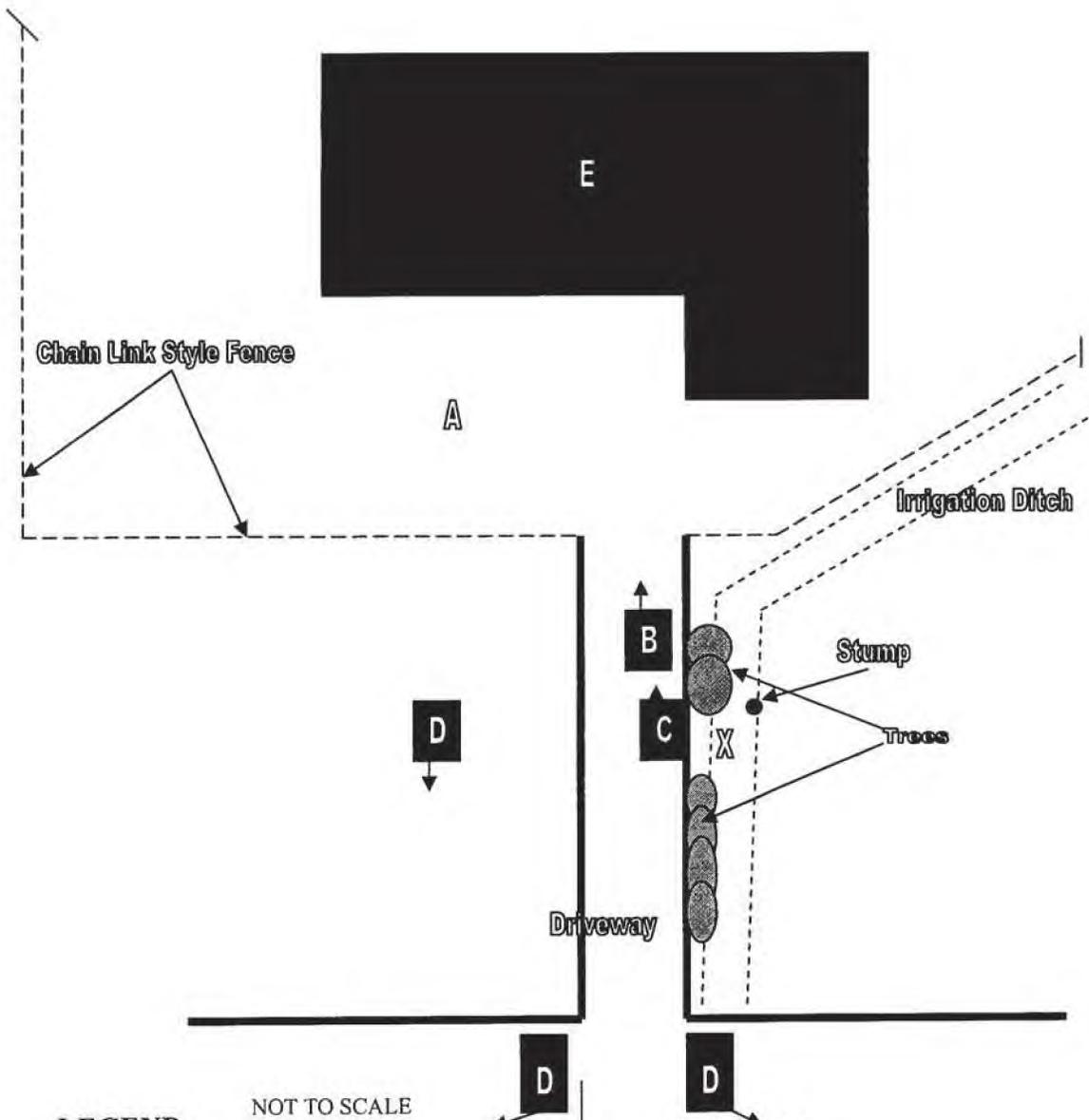
0088-05-CID259-36251  
 OFFENSE: Murder  
 DEPICTING: Location of Murder scene  
 LOCATION: Grid Coordinates 38S MB 26302 27623,  
 Jurf As Sakhr, Iraq  
 VICTIM: Sadunn Hamza FEIHAN  
 SUBJECT: SPC (b)(6), (b)(7)(C)  
 SKETCH BEGAN: 1400 / 09 Apr 05  
 SKETCHED BY: SA (b)(6), (b)(7)(C)  
 VERIFIED BY: SA (b)(6), (b)(7)(C)

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ACLU RDI CID ROI 31034

EXHIBIT 24

ROUGH SKETCH DEPICTING 0088 05 CID259 36251  
CRIME SCENE



**LEGEND**

NOT TO SCALE

- A. Approx. Location of Family
- B. Civilian Vehicle
- C. Commanders HMMWV
- D. HMMWV
- E. Victim's House
- X. Location of Body

**TITLE BLOCK**

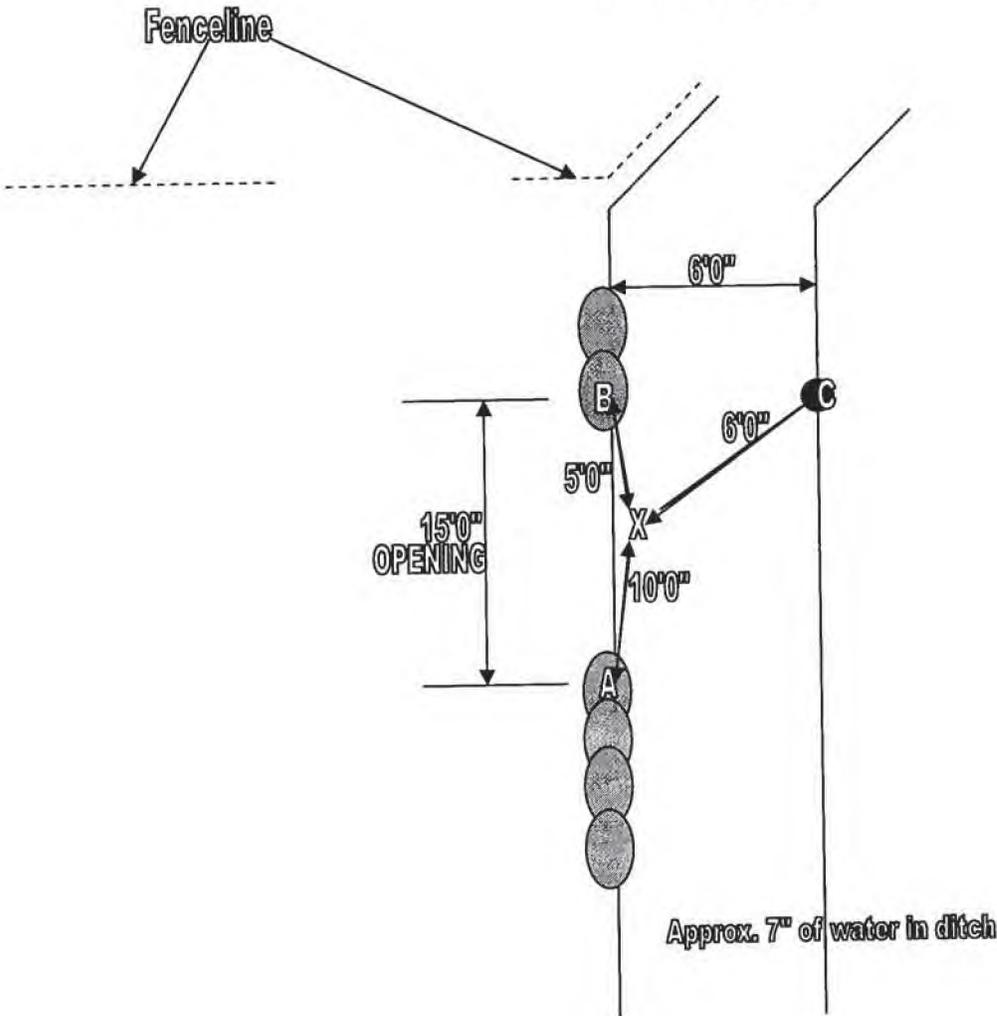
0088-05-CID259-36251  
 OFFENSE: Murder  
 DEPICTING: Location of Murder scene  
 LOCATION: Grid Coordinates 38S MB 26302 27623, Jurf As Sakhr, Iraq  
 VICTIM: Sadunn Hamza FEIHAN  
 SUBJECT: SPC (b)(6), (b)(7)(C)  
 SKETCH BEGAN: 1400 / 09 Apr 05  
 SKETCHED BY: SA (b)(6), (b)(7)(C)  
 VERIFIED BY: SA (b)(6), (b)(7)(C)

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ACLU RDI CID ROI 31035

ROUGH SKETCH DEPICTING 0088 05 CID259 36251  
 CRIME SCENE



- LEGEND**
-  Tree
  -  Tree Stump
  -  Location of Body

NOT TO SCALE



**TITLE BLOCK**

0088-05-CID259-36251  
 OFFENSE: Murder  
 DEPICTING: Location of Murder scene  
 LOCATION: Grid Coordinates 38S MB 26302 27623,  
 Jurf As Sakhr, Iraq  
 VICTIM: Sadunn Hamza FEIHAN  
 SUBJECT: SPC (b)(6), (b)(7)(C)  
 SKETCH BEGAN: 1400 / 09 Apr 05  
 SKETCHED BY: SA (b)(6), (b)(7)(C)  
 VERIFIED BY: SA (b)(6), (b)(7)(C)

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ACLU DDJ CID ROI 31036

RADIO WATCH LOG OF EVENTS

TIME	EVENTS FOR 28 MAR 05
0118	REAPER 1 LEAVING FOB
0125	REAPER 1 CP 1
0126	REAPER 1 CP 2
0131	REAPER 1 CP 11
0134	REAPER 1 CP 15 ENTERING PB
0144	OUTGOING 5M
0146	REAPER 1 CP 15 EXITING PB
0151	REAPER 1 CP R1N
0207	REAPER 1 CONDUCTING FOOT PATROL AT GRID 3150 1902
0226	REAPER 1 FRONT LINE 3250 2050
0254	REAPER 1 FRONT LINE 3332 2678
0312	CONTROL DET 1 M
0313	REAPER 1 FRONT LINE 3292 2682
0348	REAPER 1 DISMOUNTED AT MUSSAYIB POLICE STATION
0401	REAPER 1 BACK MOBILE
0424	REAPER 1 FRONT LINE 2910 2038
0438	REAPER 1 CP 15 ENTERING PB EOM
0540	COMSEC CHANGE OVER COMPLETE
0542	REAPER PB GREEN 2
0555	REAPER 3 GREEN 2
0558	GREEN 2 CALLED INTO STORM TOC - KH
0602	REAPER PB REPORTS A VBID BLEW NEAR PB MORE INFO BEING GATHERED BY PB
0608	REAPER PB REPORTS NOW THAT 4 EXPLOSIONS HAVE OCCURRED EAST OF CP 15 DOWN SAN JUAN TOWARD THE CIV BRIDGE IN MUSSAYIB MORE INFO TO FOLLOW
0609	REAPER 1 MOVED OUT TO CP 15 TO OBSERVE POSSIBLE FIRE
0615	REAPER 1 REPORTS EXPLOSIONS WERE A RPG ATTACK ON A BUILDING AT 3257 2751
0615	REAPER 1 REPORTS THAT INDIVIDUALS RESPONSIBLE ARE STILL IN AREA AROUND PB REAPER 1 CORDON OFF CP 15 SAN JUAN AND CLEVELAND
0619	REAPER 3 SP FROM FOB ESCORTING VEHICLES TO CP 61 AND CP 16
0624	REAPER 3 CP 1
0626	REAPER PB ADVISES THAT ING ON SITE REPORTS THAT IED'S WERE PLACED AROUND THE OLD IP STATION TARGETING CIV PERSONEL
0629	REAPER 3 CP 2
0630	REAPER 16 REPORTS BOTH IED'S AND RPG'S WERE USED IN THE ATTACK
0635	REAPER 3 CP 11
0639	REAPER 3 REQUESTED TO TEST FIRE ON MILITARY BRIDGE - STORM TOC NOTIFIED AND APPROVED REQUEST
0640	TEST FIRE COMPLETE
0643	REAPER 1 REPORTS SCHOOL IS CLEAR
0647	WARMONGER REQUESTED
0648	REAPER 1 REPORTS 4 IED'S AND AT LEAST 3 RPG'S WERE USED ON THE OLD IP STATION

ACLU DDII CID ROI 31037

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PAGE 1

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**RADIO WATCH LOG OF EVENTS**

<b>TIME</b>	<b>EVENTS FOR 28 MAR 05</b>
0650	REAPER 3 CP 61 CONTINUING TO CP 16
0652	WARMONGER ON SCENE
0707	REAPER 3 COMPLETE AT CP 16 MOVING TO CP 61 - ONCE COMPLETE AT 61 REAPER 3 IS ESCORTING ENGINEER'S TO THE BLAST SITE AT 3257 2751 TO CONDUCT POST BLAST ANALYSIS
0716	REAPER 3 COMPLETE AT CP 61
0721	REAPER 3 ON SITE
0744	REAPER 3 REPORTS THAT IED'S WERE BOMBS THAT WERE PLACED INSIDE THE BUILDING
0754	REAPER 3 CP 11
0801	REAPER 3 CP 2
0803	REAPER 1 ADVISES THAT 3-4 BOMBS WERE PLACED INSIDE THE BUILDING AND RPG'S MAY HAVE BEEN FIRED. THERE WAS 1 FEMALE WHITNESS THE IP'S WILL OCUPY A NEAR BUILDING (NO GRID) FOR US AS A TEMP IP STATION. 1 CIV WITH AN OLD LEG WOUND IS OCUPING THE BUILDING AND NEEDS HIGHER MEDICAL ATTN
0807	STORM TOC ADVISES REAPER 1 THEY CAN MOVE THE CIV WOUNDED TO BAS
0809	REAPER 3 ENTERING FOB EOM
0830	REAPER 1 SENT MOVEMENT ORDER AND SP FROM PB TO PICK UP CIVILIAN INJURED PERSON AND THEN MOVE TO THE FOB
0840	REAPER 1 CP 15 LOADED UP THE CIVILIAN AND HEADED TO THE FOB
0843	REAPER 1 CP 11
0847	REAPER 1 CP 2
0854	RPB REPORTED A VBIED EXPLOSION ON THE CIVILIAN, THEY DON'T KNOW A GRID OF IF THEY WERE ANY INJURIES. THERE IS ALSO A LOT OF SMALL ARMS FIRE COMING FROM THAT LOCATION.
0859	RPB REPORTS THAT IT WAS A MOTORCYCLE BOMB IN AND THE SMALL ARMS FIRE HAS SEEM TO STOP MB 331274 (CIVILIAN BRIDGE)
0909	REAPER 1 CP 1 IN FOB DROPPING OF INJURED AND PICKING UP REAPER 6 AND ROLLING BACK OUT TO THE VBIED SITE.
0916	STORM TOC ADVISES OF AIR ASSETS ON TAC1
0923	REAPER 1 SP FROM FOB TO CIVILIAN BRIDGE
0925	REAPER 1 CP 1
0929	REAPER 1 CP 2
0932	REAPER 1 CP 11
0934	YELLOW 09 IS THE BIRD
0931	REAPER 1 MB 332269 ASSESSING THE CIVILIAN BRIDGE
0931	REAPER 3 SP FROM FOB FOR RIP
0938	REAPER 1 LINK UP WITH THE IP'S THEY SAID IT WAS ON THE WEST SIDE OF THE RIVER AND REAPER 1 MOVING TO THAT LOCATION TIME NOW.
0939	REAPER 1 AT MB 328273 WEST SIDE OF BRIDGE
0940	REAPER 3 CP 1

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~~CONFIDENTIAL~~~~CONFIDENTIAL~~EXHIBIT 25  
000121

RADIO WATCH LOG OF EVENTS

TIME	EVENTS FOR 28 MAR 05
0946	REAPER 1 REPORTS THAT BICYCLE WAS BOOBYTRAPP AND WHEN IT WAS MOVED IT EXPLODED KILLING 2 CIVILIANS AND 2 IP'S. THE 2 CIVILAINS MAY HAVE BEEN INSURGENTS.
0948	REAPER 1 REPORTS THAT COLONEL (b)(6)(b)(7) KNOWS WHERE THE PERSON RESPONSIBLE FOR THE ATTACKS LIVES, REAPER 1 MOVING TO LOCATION. IN HAMIA
0949	LIGHTNING 21 IS GIVING WARMONGER 63 A SITREP. HE REPORTS THAT THERE IS 4 WIA ALSO.
0951	REAPER 3 CP 11
0954	STORM TOC ASK FOR CONFIRMATION ON KIA AND WIA
0954	REAPER 16 SAYS THAT THE ONLY THING THAT HE CAN CONFIRM IS 4 KILLED, 2 CIV AND 2 IP'S
0955	REAPER 3 CP 15 ENTERING THE PB
0957	REAPER 16 SAYS THAT IT WAS DIFFERENT INFO ON THE LOCATION OF THE PERSON WHO IS RESPONSIBLE.
1008	REAPER 16 IS BACK ON THE SCENE
1009	REAPER 1 REPORTS THAT THEY ARE MOVING BACK TO THE PATROL BASE
1016	REAPER 3 IS REQUESTING FOR COMMO AND GENERATOR
1017	REAPER 1 STILL ON SCENE
1025	REAPER 1 IS STATIC AT MB 331268 AT MUSAYIB POLICE STATION.
1033	REAPER 1 SITREP THE SAME
1035	STORM TOC ADVICES THAT THE INJURED CIVILIAN THAT REAPER 1 DROPPED OFF NEEDS A RIDE HOME
1046	REAPER 1 330 367 AT SCHOOL HANDING OUT SUPPLIES
1047	REAPER 3 CP 11
1049	REAPER CP 2
1050	REAPER CP 1
1052	REAPER 6 REPORTS AT THIS TIME ALL HE KNOWS OF 4 WIA IP'S, 2KIAIP'S, AND 1 PKIA CIVILIAN.
1053	REAPER 16 ALSO REPORTED EARLIER THAT THE IP'S DETAINED 2 INDIVIDUALS FROM BICYCLE BOOBYTRAP.
1053	REAPER 3 ENTERING FOB
1117	REAPER 1 SITREP THE SAME
1121	REAPER 3 CP 1
1122	REAPER 3 CP 2
1125	REAPER 3 REPORTED OF CIVILIAN MAN WITH AN AK-47, THEY SAW HIM WHEN COMING IN TO FOB, IF SEEN AGAIN THEY WILL QUESTION HIM.
1128	REAPER 1 HEADED TO PB
1130	REAPER 1 ENTERING PB WITH REAPER 6 AND STORM 8
1132	REAPER 3 REPORTS OF 4 CIVILIANS ON CLEVELAND WITH AK-47 MB 35553127 THE SHEIK SAYS THAT THEY ARE GUARDS.
1138	REAPER 6 ORDERED REAPER 3 TO BRAKE CONTACT AND MOVE OUT.
1138	REAPER 3 CP 11
1141	REAPER 16 SENT INFO UP TO STORM TOC ABOUT BICYCLE BOMB
1143	REAPER 3 CP 15 ENTERING THE PB

# RADIO WATCH LOG OF EVENTS

TIME	EVENTS FOR 28 MAR 05
1158	REAPER 1 HEADED BACK TO THE SITE FROM THE PB
1158	REAPER 3 CP 61
1201	REAPER 1 MB 327274 AT BICYCLE BOMB LOCATION.
1205	REAPER 1 SP SITE HEADED TO FOB
1206	REAPER 3A AT MB 28707 28367
1207	REAPER 1 CP 11
1212	REAPER 1 CP 2
1214	REAPER 1 CP 1
1228	REAPER 3B AT MB 25653 28199
1306	STORM TOC REPORTS NEAR TCP 3 THERE WILL BE CONSTRUCTION WORK, LEGITIMATE DIGGING IN THE GROUND.
1327	REAPER 3 AT 26312763 DETAINING PERSONNEL
1330	REAPER 6 REQUESTING AIRSUPPORT FOR REAPER 3 AT MB 2631327634
1333	REAPER 3 HAS SITE ON THE GRAY OPAL THAT MATCHES THE DESCRIPTION OF THE 1 THAT WAS A THE MORTAR FIRE SEEN AT CP 61. THEY ALSO HAVE A 7 ROCKETS AND ROCKET LAUNCHER AT THIS LOCATION.
1341	STORM TOC ADVISES THAT AIR ASSETS WONT BE AVAILABLE TO 1400
1343	REAPER 3 HAD 1 DETAINEE FROM GRAY OPAL, 3 ARE STILL AT LARGE.
1344	REAPER 3 HAS 3 PEOPLE DETAINED.
1346	REAPER 1 SP FROM FOB
1347	REAPER 1 CP 1
1347	REAPER 1 CP 2
1351	REAPER 1 CP 11
1353	STORM 8 SENT STORM TOC A SITREP ON THE SITUATION WITH REAPER 3, REPORTED THAT THEY SEARCHED THE HOUSE WHERE THE GRAY OPAL CAME FROM. THEY HAVE 3 DETAINEE'S AND 3 FROM GRAY OPAL ARE STILL ON THE RUN.
1355	REAPER 1 CP 15 DROPPING OFF THE CIVILIAN WHO WAS BROUGHT TO THE BAS FOR TREATMENT.
1357	STORM 6 ADVISES THAT WE WILL NOT TURN THE DETAINEE'S OVER TO THE ING.
1357	REAPER 3 HAS 1 DETAINEE.
1401	REAPER 1 CP 15 DROPPED OFF CIVILIAN AND MOVING BACK TO THE FOB
1403	REAPER 3 HAS PICTURES OF ALL THE EVIDENCE
1404	REAPER 1 CP 11
1404	WARMOUNGER 67 IS ON THE SCENE
1413	REAPER 1 CP 2
1418	REAPER 1 CP 1
1418	REAPER 3 REPORTS THAT THE ROCKETS ARE BEING USED AS FENCE POST AND HAVE BEEN DEFUSED.
1419	REAPER 3 REPORTS THAT IT WASN'T ANY WEAPONS IN THE CAR, SEVERAL ROCKETS ON THE GROUND, ROCKETS USED AS FENCE POST AND A ROCKET LAUNCHER.
1423	REAPER 1 ENTERING FOB EOM

# RAD WATCH LOG OF EVENTS

TIME	EVENTS FOR 28 MAR 05
1445	STORM TOC ADVISES OF A BLACK OPAL AND A WHITE OPAL THAT HAS ARMED ING SOLDIERS IN IT, TRAVELING FROM FOB TO TOWN ISK.
1455	REAPER 3 HAS 1 DETAINEE HE IS SHOT AND KIA.
1503	REAPER 3 SAYS THAT THEY HAVE A SOLDIER THAT NEEDS TO BE MEDAVAC BECAUSE HE IS SHOOK UP.
1505	MOUNTAIN WILL MOVE TO LOCATION WITH EOD.
1508	REAPER 3 ARE MOVING FROM THIS SCENE TIME NOW.
1514	REAPER 3 STILL ON SITE WILL BE LEAVING IN 5MIN.
1523	REAPER 3 REPORTS THAT THEY HAVE 2 DETAINEE'S, THEY WILL TAKE THE KIA TO THE MUSAYIB HOSPITAL AND THEN WILL MOVE TO THE FOB.
1525	REAPER 3 ON NONAME ROAD MOVING TOWARD CP 61, TO MUSAYIB.
1526	REAPER 3 CP 61
1530	REAPER 6 REPORTS THAT A FAMILY IS DESTROYING THE CAR THAT BELONGS TO THE INSURGENTS. HE FEELS THAT THE ROCKETS ARE NO THREAT.
1530	REAPER 3 CP 15
1533	REAPER 6 IS REQUESTING TO SEE STORM 6 AT BAS WHEN HE GETS THERE.
1556	RPB REPORTS THAT REAPER 3 WAS AT THE HOSPITAL 15M AGO.
<del>1600</del>	<del>REAPER 6 AND REAPER 3 LEAVING HOSPITAL EN ROUTE TO FOB</del>
1604	REAPER 6 AND REAPER 3 CP 11
1605	DOG 1 ASKING WHERE THE ROCKETS ARE
1606	REAPER 6 SAID THEY ARE BEHIND THE HOUSE
1606	REAPER 6 ASKING WHY DOG 1 IS AT THE HOUSE, STORM TOC ASKED DOG 1 ANDS THEY ADVISED THEY THOUGHT THE ROCKETS NEEDED SECURING BECAUSE THEY CAN STILL BE USED
1610	REAPER 6 AND REAPER 3 CP 2
1610	REAPER 6 REQUESTING DOG MOVE AWAY FROM THE AREA OF THE ROCKETS UNTIL HOSTILITIES CALM DOWN
1612	STORM BATTLE CAPTAIN TOLD DOG 1 TO MOVE AWAY FROM THE HOUSE, DOG 1 MOVING AWAY NOW, DOG 1 SAYS THEY DON'T SEE ANY HOSTILITIES APPARENT
1614	REAPER 6 AND REAPER 3 CP 1 ENTERING FOB
1700	RPB GREEN 2 GREEN, AWAITING REAPER 3 TO RETURN TO RPB TO GET THEIR STATUS
1723	STORM TOC SAYS NEW REPORT OF PVBIED TARGETING MULTINATIONAL FORCES IF NOT POSSIBLE WILL TARGET ING, IA, OR IP. VEHICLE DESCRIPTION IS 1992, 1993 BLACK OPAL LIC PLATE 6543
1725	1ST PLT GREEN 2 GREEN
1756	GREEN 2 CALLED INTO STORM TOC - BW
1934	REAPER 1 SP
1939	REAPER 1 CP 2
1945	REAPER 1 CP 11
1959	REAPER 1 CP 15 MOVING IN TO MUSSAYYIB
2006	REAPER 1 MB32982682 CONDUCTING DISMOUNTED PATROLS AT THIS TIME
2020	REAPER 1 SITREP SAME

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ACLU DDII CID ROI 31041

**EXHIBIT** 25  
000124

# RADIO WATCH LOG OF EVENTS

TIME	EVENTS FOR 28 MAR 05
2031	REAPER 1 MOUNTED AND MOVING
2034	REAPER 1 CP 15 ENTERING PATROL BASE TO PICK UP MECHANICS AND BRING THEM BACK TO THE FOB
2044	REAPER 1 CP 11
2049	REAPER 1 CP 2
2054	REAPER 1 ENTERING FOB
2127	REAPER 1 LEAVING FOB
2142	REAPER 1 CP 11
2144	REAPER 1 CP 15
2207	REAPER 1 CP 19
<del>2213</del>	<del>REAPER 1 MB32722114</del>
2244	REAPER 3 SP FROM FOB TO RPB
2247	REAPER 1 MB32722113 WILL BE THERE FOR THE REST OF PATROL
2247	REAPER 3 CP 1
2249	REAPER 3 CP 2
2256	REAPER 3 CP 11
2257	REAPER 3 CP 15 ENTERING RPB EOM
2350	REAPER 3 MOVEMENT REPORT

SWORN STATEMENT

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

LOCATION FOB Iskandaruyah, Iraq	DATE (b)(6), (b)(7)(C) TIME (b)(6), (b)(7)(C) 09 Apr 05 1800	FILE NUMBER 0088-05-CID259-
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	RANK/STATUS SGT/E-5
ADDRESS/ORGANIZATION HHC, 1/155 <sup>th</sup> Infantry BN, FOB Iskandariyah, Iraq		

(b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 28 March, 2005, at approximately 1300, I was standing, facing the house, guarding one of the three prisoners we had detained. I heard a shot from a pistol that came from the driveway. I heard some yelling, someone was saying "he's shot, he's shot". SSG (b)(6), (b)(7)(C) who had run over to the Humvee on the driveway, yelled "Doc". I got SPC (b)(6), (b)(7)(C) to stand guard over the prisoner I was watching and got my aid bag and ran over to the Humvee. I saw SPC (b)(6), (b)(7)(C) lying on his back in the ditch, SPC (b)(6), (b)(7)(C) had taken (b)(6), (b)(7)(C) pistol and was clearing the round from the chamber. (b)(6), (b)(7)(C) was saying "I'm shot" and "I don't know if I'm shot". I asked (b)(6), (b)(7)(C) if he was shot and he said "I don't know if I'm shot". I looked to the left and saw the older man, who lived at the house, that we had detained lying in the ditch. I could see that he had a gunshot wound to the right side of his head, at the base of the skull, in the brainstem. I noticed that he had one hand out of his flex-cuffs and the other side was very loose. I reached down and checked him for a pulse, even though I could tell he was already dead because there was arterial bleeding from the wound, but it was not spurting, indicating to me that his heart was not beating. I could also tell from the location that it was a fatal shot. Myself, (b)(6), (b)(7)(C) then helped (b)(6), (b)(7)(C) up and brought him to the last Humvee in the driveway and had him sit on the ground behind it. (b)(6), (b)(7)(C) kept saying "How did he get out of his cuffs", over and over. He also said that he hollered for (b)(6), (b)(7)(C). I asked (b)(6), (b)(7)(C) what happened and he said that he tried to get out of his cuffs, so he grabbed the subjects free hand, that had slipped out of the cuffs, and bent his thumb back to try and restrain him. (b)(6), (b)(7)(C) said he had his weapon out and they started struggling, then the guy knocked him on his back, and he shot him. I asked (b)(6), (b)(7)(C) if he was saying that this was an accident and he didn't say anything. I told (b)(6), (b)(7)(C) he needed to go back to the Battalion Aid Station, because I didn't think he was in a good mental state to continue with the mission. (b)(6), (b)(7)(C) said he wanted to finish the mission. I told him that I strongly suggested that he go back to the BAS. At that point I walked away from him and went over to the clothesline and found a large piece of nylon material, which I used to cover up the body. (b)(6), (b)(7)(C) told me that (b)(6), (b)(7)(C) didn't know he was watching him when he shot the guy. (b)(6), (b)(7)(C) told me that when the guy got out of his cuff, (b)(6), (b)(7)(C) pushed him down and shot him in the back of the head. Then (b)(6), (b)(7)(C) lunged himself off of the guy and landed on his back. Shortly after that CPT (b)(6), (b)(7)(C) showed up and talked with (b)(6), (b)(7)(C) about what happened. (b)(6), (b)(7)(C) said "Goddamnit (b)(6), (b)(7)(C) what happened? Did you have to shoot the guy? You're a big boy, you couldn't tackle him?" (b)(6), (b)(7)(C) said "Sir, he got one hand out of the cuff and I grabbed his thumb and tried to restrain him." (b)(6), (b)(7)(C) was demonstrating to (b)(6), (b)(7)(C) what he tried to do to restrain the guy. (b)(6), (b)(7)(C) then asked where the body was and I took him to where it was laying. I pulled off the sheet and showed him the body. (b)(6), (b)(7)(C) was pacing and cussing. I asked MAJ (b)(6), (b)(7)(C) what we needed to do with the body. (b)(6), (b)(7)(C) said we needed to move it out of the ditch and (b)(6), (b)(7)(C) said to put it in a Humvee and take it to the Police Station. I got some gloves and three other guys and I took the piece of nylon off of the body, laid it on the ground and rolled him onto it, and we picked him up and put him in the Humvee. We then left and went to the Musayaib Hospital and drove to the back, where the morgue is. We removed the body and opened up the door to the morgue. The Iraqi doctors said no and had us put the body on the ground in front of the morgue. I then went back and got in the Humvee. I have not seen (b)(6), (b)(7)(C) since that evening, when he walked in to the gym while everybody who had been at the incident was talking with the Combat Stress team, CPT (b)(6), (b)(7)(C) and his assistant. (b)(6), (b)(7)(C) walked in and asked (b)(6), (b)(7)(C) if he should be there. (b)(6), (b)(7)(C) told him he would talk to him later. That's the last time I saw (b)(6), (b)(7)(C).

Q: SA (b)(6), (b)(7)(C)  
A: SGT (b)(6), (b)(7)(C)

Q: Do you know of anyone other than SPC (b)(6), (b)(7)(C) that observed (b)(6), (b)(7)(C) shooting the detainee?  
A: No.

Q: Did you hear any yelling or other sounds of distress before you heard the shot?  
A: No

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

(b)(6), (b)(7)(C) STATEMENT (Continued)

(b)(6), (b)(7)(C) Did the detainee seem upset or angry before the shot?

A: No, he was actually very docile and was the last of the three subjects we handcuffed. He showed no signs of aggression and didn't even speak except when the interpreter was asking him questions.

Q: When was the interpreter talking to the detainee who was shot?

A: Before he was cuffed and separated from the other two detainees. He was asking him about why they had rockets and if he knew the other two detainees. The only thing I remember him answering was that he used the rockets for fence posts. The last time the interpreter talked with him was between thirty minutes and one hour before I heard the shot.

Q: Do you know of any relationship between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)?

A: No.

Q: What was (b)(6), (b)(7)(C) demeanor after the shooting?

A: He was calm, with kind of a blank look on his face. He kept repeating the same thing and I thought it was strange that when I asked him if the shooting was an accident, he didn't answer me. I checked his pulses, which was normal, and noticed that he didn't have any other signs of anxiety, such as sweating or shaking.

Q: Do you have anything further to add to this statement?

A: No.////End of Statement///// (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**AFFIDAVIT**

\_\_\_\_\_ HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 09 day of April, 2005 at FOB Iskandariyah, Iraq

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C)

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

Article 136 UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PER (b)(6), (b)(7)(C) ENT

**ACLU DDII CID ROI 31044**

PAGE 20 OF PAGES

SWORN STATEMENT

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

LOCATION FOB Iskandaruyah, Iraq	DATE 9 Apr 05	TIME 800/1956	NUMBER -05-CID259
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		RANK/STATUS SPC/E4
ADDRESS/ORGANIZATION B Company, 1 <sup>st</sup> Battalion, 155 <sup>th</sup> Infantry, FOB Iskandaruyah, Iraq			

(b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Around mid-day, 28 Mar 05, I was about to eat when my unit pursued a vehicle into a farm house area. The car stopped and the occupants got out of the vehicle, fleeing. The unit conducted a search and located two men, an older one and a middle aged one, and a young man. At first I was the guard for the three of them, who were sitting on the ground. The young man and the middle aged man were cuffed, but not the older man. CPT (b)(6), (b)(7)(C) the unit commander, ordered the three to be separated. I continued guarding the older man and the middle aged man; however, SPC (b)(6), (b)(7)(C) took the young man, bringing him to the left side of the house. I was on the right side of the house and I continued guarding the two for approximately 45 minutes. I asked for zip-cuffs for the older man and SGT (b)(6), (b)(7)(C) brought some, cuffing the old man. During the time I watched the old man he was calm and cooperative. He did not seem anxious or agitated. A couple of minutes later CPT (b)(6), (b)(7)(C) came back and said he wanted them completely separated. SGT (b)(6), (b)(7)(C) took the older man over to SPC (b)(6), (b)(7)(C) by the HUMMV parked behind the vehicle we'd pursued. SPC (b)(6), (b)(7)(C) and the old man were over at the right rear corner of the HUMMV where they stayed. SPC (b)(6), (b)(7)(C) relieved me and watched the middle-aged man. I went and assisted in getting a HUMMV unstuck out of one of the fields, which did not take long, and drove it parallel to the Commander's HUMMV. This was the HUMMV that SPC (b)(6), (b)(7)(C) was standing next to with the older man. There was about 20 feet between the two HUMMV's. I was standing at the front left bumper by the driver's door. I was hot so I took off my Kevlar, opened my vest to get some air, and put my weapon on the engine of the vehicle. I could see SPC (b)(6), (b)(7)(C) who was standing at the rear of the Commander's HUMMV. That HUMMV was facing towards the house. The one I was standing at was facing the opposite direction, so we were almost standing across from each other. I could see the top of the older man's head, but that was all I could see of him. I could hear the old man speaking. He was talking in a conversational tone, but in Arabic. SPC (b)(6), (b)(7)(C) said, "Hey (b)(6), (b)(7)(C) his guy is trying to talk to me." My nickname in the unit is (b)(6), (b)(7)(C) I went over to SPC (b)(6), (b)(7)(C) and looked at the old man. I started talking to the old man in Spanish, which confused him. I then motioned for him to be quiet by putting my hand to my mouth and saying hush. The old man nodded and was quiet, stepping back against the HUMMV. He did not seem anxious or agitated during this ordeal. I walked back to where I had been standing before and relaxed there. A couple minutes passed and I heard SPC (b)(6), (b)(7)(C) nonchalantly say, "Hey, (b)(6), (b)(7)(C) his guy is trying to get out of his cuffs." There was no urgency in his voice. It was calm. I looked over and I saw SPC (b)(6), (b)(7)(C) standing there and I saw the back of the old man's head. I was focused on what SPC (b)(6), (b)(7)(C) had said, so I don't recall if the old man was moving. SPC (b)(6), (b)(7)(C) repeated what he said and it was a bit louder, but I didn't feel any urgency. It just didn't make sense to me, because I'd watched the old man without cuffs for a long time and he didn't do anything. I started to walk over there and as I closed the gap between us I saw SPC (b)(6), (b)(7)(C) rush forward towards the old man. I could still see a bit of the old man's head, just not as much. They both disappeared and I heard a thud, like bodies hitting the dirt, and I hurried around the corner. I did not hear any yelling or even speaking, English or Arabic, as I came to where they were. As I rounded the corner I saw the old man in the ditch. He was on his side lying on one arm with his upper body looking into the ground. It didn't look like he was struggling. It looked like SPC (b)(6), (b)(7)(C) was lying with his chest on the back of the old man. SPC (b)(6), (b)(7)(C) left forearm was across the old man's back and SPC (b)(6), (b)(7)(C) legs were splayed out like he was trying to get a foot-hold. I then observed SPC (b)(6), (b)(7)(C) bring his right arm and hand up from the side facing away from me. He had his pistol in his hand and brought the muzzle of the pistol to the base of the old man's skull. The muzzle of the pistol made contact with the base of the old man's skull and SPC (b)(6), (b)(7)(C) shot the weapon. I heard the bang. SPC (b)(6), (b)(7)(C) rolled off the old man with the weapon in his hand and begins to complain of chest pains and not being able to breathe. The medic was called to the scene and looked at the dead guy. SPC (b)(6), (b)(7)(C) was still complaining of chest pains, so I opened up his Kevlar vest and asked if that felt better. He said yes and asked if he'd been shot. For a second I thought he had been because I saw a little bit of red on his shirt. I asked if he'd been shot too, but then I saw that it was his red dog-tag. I helped him out of the ditch and helped clear his weapon. I sat him in front of the HUMMV he'd initially been standing at and sat him down.

EXHIBIT	INITIALS OF (b)(6), (b)(7)(C) NG STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6), (b)(7)(C) EN AT \_\_\_ DATED \_\_\_ CONTINUED."  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

(b)(6), (b)(7)(C) (continued)

asked why I didn't hurry up when he told me about the old man trying to get out of his cuffs. He went on to say that everyone thinks it's so easy to kill somebody. He put his hand on his face, like he was crying, and started talking about the kids having no father. I told him I was getting him something to drink. I put the magazine I'd cleared from SPC (b)(6), (b)(7)(C) weapon in the HUMMV and walked away. I returned with his drink, gave it to him, and walked away. I couldn't be near him anymore. I was disgusted. I didn't have anything else to do with him from then on. The family became angry and we had to leave. We picked up the body and took it to the hospital morgue. Then we took the middle-aged man and the young man to the detainee center and turned in. Later that night SGT (b)(6), (b)(7)(C) told me he felt partially responsible for what happened. I asked him why and he said he did not put the cuffs on as tight as he usually does, because he was tired of people complaining they were putting on cuffs too tight.

Q: SA (b)(6), (b)(7)(C)

A: SPC (b)(6), (b)(7)(C)

Q: What is your relationship with SPC (b)(6), (b)(7)(C)

A: It's pretty much a working relationship, but as a unit goes. You talk about your family, etc., but we weren't close. I don't hate him or have anything vindictive against him. I'm not lying about what I saw.

Q: Do you believe the shooting of the old man was accidental?

A: No. I've seen accidents and this was not an accident.

Q: Do you believe from what you saw that there was a struggle or fight between SPC (b)(6), (b)(7)(C) and the old man?

A: From what I witnessed there I do not believe there was any type of fight or struggle.

Q: What time do you think it was when the shooting occurred?

A: It was way passed noon, but before 1700 hrs.

Q: Did you know who the old and middle aged men were when you detained them?

A: No.

Q: Did you know these men were some of the top men wanted in the area for insurgent activities?

A: No. It wasn't put out until later that evening after we'd all returned to the base.

Q: Is there anything you wish to add (b)(6), (b)(7)(C)?

A: No. ///END OF STATEMENT (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**AFFIDAVIT**

I, (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNDER THE OATH OF (b)(6), (b)(7)(C) STATEMENT.

(b)(6), (b)(7)(C) (Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 9th day of April, 2005 at FOB Iskandariyah, Iraq

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C), (b)(7)(F)

(Typed Name of Person Administering Oath)

Article 136 UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

ACLU DDII CID ROI 31046

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOIB Iskandariyah, Iraq
2. DATE (YYYY): 2009 04 10
TIME: 10:20
NUMBER:
7. GRADE/STATUS: SSG/E-6

8. ORGANIZATION OR ADDRESS: B Co, 1/155 Infantry BN, 155th BDE Combat Team

(b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

IN THE EARLY AFTERNOON OF 28 MARCH 2005, I WAS IN THE PROCESS OF ASSISTING MY GUNNER, SPC (b)(6), (b)(7)(C) WITH ATTEMPTING TO HOTWIRE OUR DETAINEE'S GREY OPAL. I WAS FACING THE CAR ON THE DRIVERS SIDE WITH THE DRIVERS DOOR OPEN. I HEARD (b)(6), (b)(7)(C) WHO WAS GUARDING A DETAINEE BEHIND CAPT. (b)(6), (b)(7)(C) TRUCK, SAY SOMETHING LIKE " (b)(6), (b)(7)(C) OR HEY) HE'S GETTING OUT OF HIS CUFF'S" OR "HE'S GETTING AWAY." I SAW A FLASH OF WHITE OUT OF THE CORNER OF MY EYE. I LOOKED OVER TO MY RIGHT AND SAW SPC (b)(6), (b)(7)(C) AND THE DETAINEE TUMBLING INTO AN IRRIGATION DITCH. I REACHED FOR MY WEAPON ON THE ROOF OF THE CAR TO PREPARE TO LEAD ASSISTANCE. AT THIS TIME I HEARD A "POP" LIKE A GUNSHOT. I RAN TO WHERE SPC (b)(6), (b)(7)(C) AND THE DETAINEE WERE IN THE DITCH. I SAW SPC (b)(6), (b)(7)(C) WITH HIS

10. EXHIBIT
11. INITIALS: (b)(6), (b)(7)(C)
NG STATEMENT
PAGE 1 OF 5 PAGES

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

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

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT FOB Iskandarriyah DATED 10 APR 05

9. STATEMENT (Continued)

WEAPON IN HIS HAND ROLLING AROUND ON HIS BACK SAYING "I CAN'T BREATHE, I CAN'T BREATHE." I TOOK A QUICK LOOK AT THE DETAINEE AND SAW THE BULLET HOLE IN THE RIGHT REAR OF HIS HEAD. I STATED "THIS GUY'S DEAD," BUT I CALLED FOR OUR MEDIC, SGT. (b)(6), (b)(7)(C) TO CHECK HIM OUT ANYWAY. SPC. (b)(6), (b)(7)(C) HAD ARRIVED AT THE SCENE AT ABOUT THE SAME TIME THAT I DID. I TOLD HIM TO CHECK SPC. (b)(6), (b)(7)(C) OUT TO MAKE SURE THAT HE WAS O.K. I THEN TOLD SPC. (b)(6), (b)(7)(C) TO SECURE SPC. (b)(6), (b)(7)(C) WEAPON, WHICH WAS STILL COCKED AND ON FIRE. I DIDN'T WANT AN ACCIDENTAL DISCHARGE BECAUSE HE APPEARED TO HAVE THE WIND KNOCKED OUT OF HIM. I THEN TOLD SPC. (b)(6), (b)(7)(C) TO MOVE SPC. (b)(6), (b)(7)(C) TO THE FRONT OF MY HUMVEE BECAUSE SPC. (b)(6), (b)(7)(C) APPEARED TO BE VERY DISTRESSED. WHILE THIS WAS HAPPENING, SGT (b)(6), (b)(7)(C) ARRIVED, TOOK A QUICK LOOK AT THE DETAINEE AND DECLARED THAT HE WAS DEAD. I THEN TOLD SGT. (b)(6), (b)(7)(C) TO CHECK SPC. (b)(6), (b)(7)(C) HE CHECKED SPC. (b)(6), (b)(7)(C) AND STATED THAT WE NEEDED TO GET SPC. (b)(6), (b)(7)(C) OUT OF THERE BECAUSE SPC. (b)(6), (b)(7)(C) WAS DISTRESSED. I BELIEVE THAT SGT. (b)(6), (b)(7)(C) THEN

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FOB Iskandariyah DATED 16 Apr 05

9. STATEMENT (Continued)  
WENT TO SECURE A CASUALTY BLANKET. I WENT TO CHECK ON SPC (b)(6), (b)(7)(C) AND HE WAS MUMBLING SOMETHING ABOUT "WHY DID I HAVE TO KILL THAT GUY?" OR SOMETHING LIKE THAT. I CANNOT RECALL EXACTLY. SHORTLY AFTERWARD CAPT. (b)(6), (b)(7)(C) ORDERED US TO SECURE THE BODY AND PULL OUT LEAVING OVER 40 ROCKETS AND A HOMEMADE ROCKET LAUNCHER ON THE PREMISES.

- Q (b)(6), (b)(7)(C)
- A.
- Q Did you see the detainee who was killed resist or fight with SPC (b)(6), (b)(7)(C) at any time?
- A. NO.
- Q Did you see SPC (b)(6), (b)(7)(C) shoot the detainee?
- A. NO.
- Q Do you know of any problems between SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C)?
- A. NO.

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

NOT USED  
DLR

(b)(6), (b)(7)(C)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

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

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT FOB Iskandriyah DATED 10 Apr 04

9. STATEMENT (Cont) (b)(6), (b)(7)(C)

Q. Did SPC (b)(6), (b)(7)(C) ever tell you why he shot the detainee?

A. NO.

Q. What was SPC (b)(6), (b)(7)(C) demeanor after the shooting?

A. HE APPEARED VERY UPSET AFTERWARDS. HE WAS SITTING IN FRONT OF MY NUMBER WITH HIS HEAD IN HIS HANDS AND CRYING.

Q. Did you hear the conversation between SPC (b)(6), (b)(7)(C) and

CPT (b)(6), (b)(7)(C) after the shooting?

A. NOT ALL OF IT. CAPT. (b)(6), (b)(7)(C) WAS ASKING SPC (b)(6), (b)(7)(C) IN A LOUD TONE OF VOICE WHAT HAPPENED. I DIDN'T HEAR SPC (b)(6), (b)(7)(C) REPLY. ~~SAID~~ (b)(6), (b)(7)(C)

Q. Do you have anything to add to this statement?

A. NO. /// END of STATEMENT /// (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 4 OF 6 PAGES

(b)(6), (b)(7)(C)

STATEMENT OF

TAKEN AT FOB Iskandariyah DATED 10 APR 05

9. STATEMENT (Continued)

NOT USED

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITH (b)(6), (b)(7)(C) OUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE,

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of April, 2005 at FOB Iskandariyah

ORGANIZATION OR ADDRESS

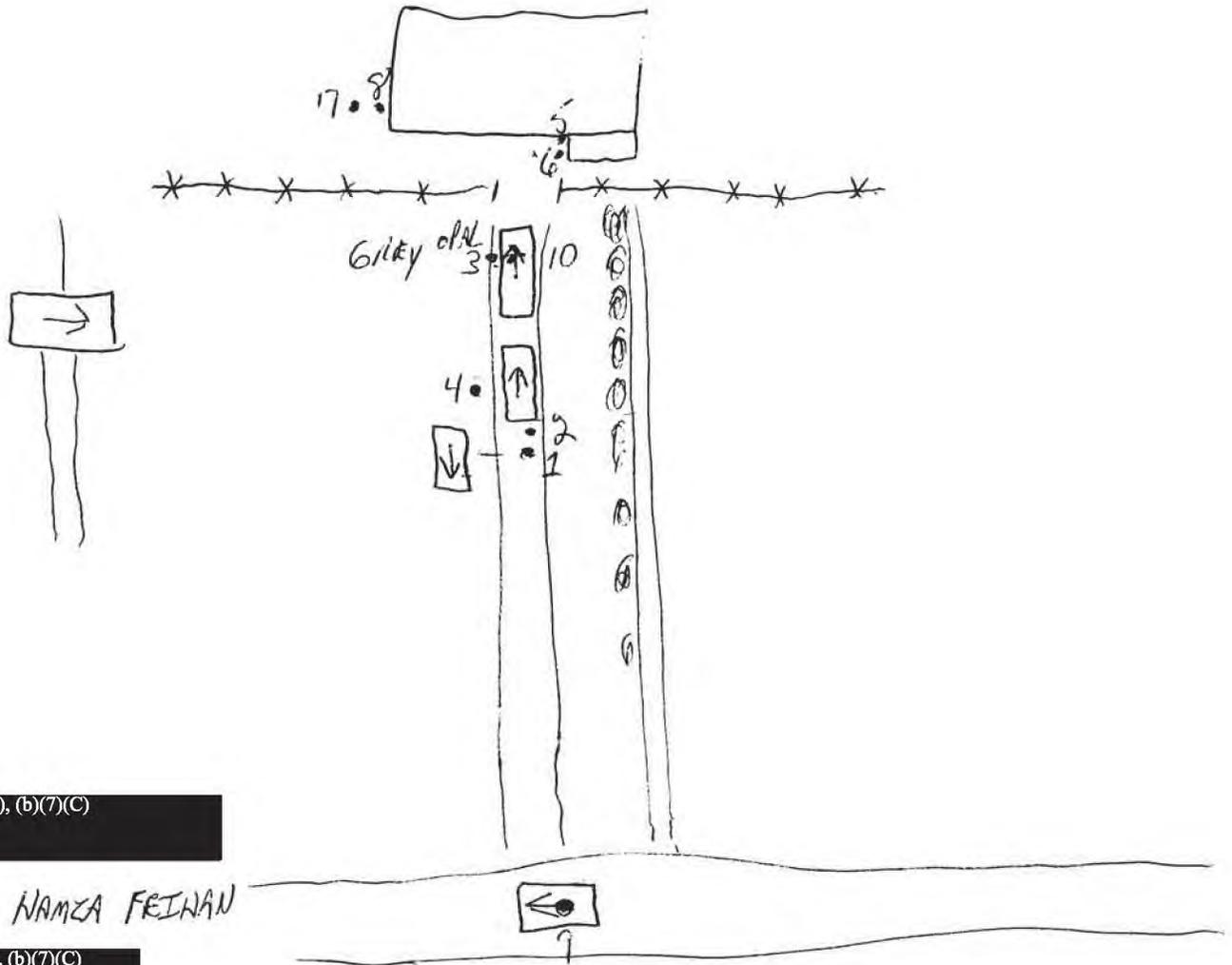
(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136 UCMJ (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

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1. Spc. (b)(6), (b)(7)(C)

2. SHOUUN NAMZA FEINAN

3. SSG (b)(6), (b)(7)(C)

4. Spc. (b)(6), (b)(7)(C)

5. (b)(6), (b)(7)(C)

6. Spc. (b)(6), (b)(7)(C)

7. Spc. (b)(6), (b)(7)(C)

8. (b)(6), (b)(7)(C)

9. SGT (b)(6), (b)(7)(C)

10. Spc. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

556.  
10 April 2005  
09:35

About 1045, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) 426-51-1705, Infantry Soldier, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, who stated he was at the third house with CPT (b)(6), (b)(7)(C) when he heard the gunshot. He stated the two lieutenants from the unit ran to them from the first house and informed them there had been a shooting. SPC (b)(6), (b)(7)(C) returned to the first house with CPT (b)(6), (b)(7)(C) and helped load the vehicles to depart the scene. SPC (b)(6), (b)(7)(C) stated he did not talk to SPC (b)(6), (b)(7)(C) after or since the incident.

About 1130, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Infantry Soldier, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning the incident. SGT (b)(6), (b)(7)(C) stated he was outside of the farm house area on the dirt road conducting perimeter security as a gunner for one of the vehicles when he heard the shot. He was facing away from the house when he heard a shot, turned, and saw SPC (b)(6), (b)(7)(C) being assisted out of a ditch by SPC (b)(6), (b)(7)(C). SGT (b)(6), (b)(7)(C) stated he maintained perimeter security and did not respond to the shot. He has not talked to SPC (b)(6), (b)(7)(C) after or since the incident.

About 1420, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Infantry Soldier, B CO, 1/155<sup>th</sup> INF, BCT, FOB Iskandariyah, APO AE 09352, who provided a written sworn statement detailing the incident. SPC (b)(6), (b)(7)(C) detailed how he was attempting to start the suspect vehicle when he heard a gunshot and started to respond, but was told it was under control. They had to leave the suspect vehicle behind due to the family becoming increasingly angry and returned to the FOB. Later that day SPC (b)(6), (b)(7)(C) ran into SPC (b)(6), (b)(7)(C) and asked what had happened. SPC (b)(6), (b)(7)(C) said there was a struggle, they fell into a ditch, and the gun went off, making it sound possibly like an accident. SPC (b)(6), (b)(7)(C) further stated SPC (b)(6), (b)(7)(C) had not been acting "normal" recently due to a prior incident and had been taking medication (See statement for details).

About 1435, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) Chaplain's Assistant, HHC, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning this investigation. SGT (b)(6), (b)(7)(C) confirmed he'd talked to SPC (b)(6), (b)(7)(C) about the incident and had admitted to SPC (b)(6), (b)(7)(C) he had talked to SPC (b)(6), (b)(7)(C). SGT (b)(6), (b)(7)(C) stated he told SPC (b)(6), (b)(7)(C) he did not initially believe SPC (b)(6), (b)(7)(C) story. SGT (b)(6), (b)(7)(C) stated he had gone by SPC (b)(6), (b)(7)(C) room after the incident to see how he was doing. SPC (b)(6), (b)(7)(C) was upset, stating the victim had gotten out of his cuffs, started fighting him, and he had to shoot him. SGT (b)(6), (b)(7)(C) stated he did not initially believe SPC (b)(6), (b)(7)(C) because he could not understand how the victim was able to get out of his cuffs. SGT (b)(6), (b)(7)(C) stated he went to talk to SPC (b)(6), (b)(7)(C) to see if he was okay after having talked to SPC (b)(6), (b)(7)(C) about the incident. These conversations occurred on the same day as the incident.

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature (b)(6), (b)(7)(C) Date: Exhibit:

ACLU RDI CID ROI 31053

AGENT'S COMMENT: SGT (b)(6), (b)(7)(C) was upset at being interviewed, stating he had immunity as a Chaplain's Assistant concerning what SPC (b)(6), (b)(7)(C) disclosed to him. SGT (b)(6), (b)(7)(C) was reminded he'd breached that immunity when he'd discussed what SPC (b)(6), (b)(7)(C) said to SPC (b)(6), (b)(7)(C). SGT (b)(6), (b)(7)(C) continued with the interview, but refused to provide a sworn statement.

About 1530, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C) D CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning the incident. PFC (b)(6), (b)(7)(C) stated he was conducting perimeter security on the roadway outside of the farm house area when he heard a 'pop' sound. SPC (b)(6), (b)(7)(C) turned and looked, but could only see part of a white-colored dress that Iraqi men wear in the ditch. SPC (b)(6), (b)(7)(C) maintained perimeter security and did not respond to the shooting. However, when they were departing the scene he assisted in loading the victim's body into the vehicle he was in and unloading it at the Al-Mussayib Hospital's morgue. SPC (b)(6), (b)(7)(C) stated at the morgue he had to assist in rolling the victim over, looking down at his face. SPC (b)(6), (b)(7)(C) stated there was a lot of blood; however, he did not see an exit wound.

About 1600, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C) who provided a written sworn statement detailing the incident. 1LT (b)(6), (b)(7)(C) related how he heard SPC (b)(6), (b)(7)(C) ask for assistance, because the victim was escaping, and then heard a 'pop' sound. He went to the rear of the vehicle SPC (b)(6), (b)(7)(C) was at and saw SPC (b)(6), (b)(7)(C) in the ditch with the victim who was bleeding. 1LT (b)(6), (b)(7)(C) provided a diagram of how the vehicles were set up and the location of everyone he could remember at the scene (See statement and sketch for details).

About 1607, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) Infantry Soldier, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, who provided a written sworn statement detailing the incident. SGT (b)(6), (b)(7)(C) stated he was the soldier who flex-cuffed the victim and detailed how he cuffed the victim. He stated he was with CPT (b)(6), (b)(7)(C) when he heard the shot and returned with CPT (b)(6), (b)(7)(C) to the scene (See statement for details).

About 1800, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) Infantry Soldier, D CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning the incident. SPC (b)(6), (b)(7)(C) stated he was standing on the left side of the first farm house when he heard the first shot. SPC (b)(6), (b)(7)(C) assumed guard duty over one of the suspects for SGT (b)(6), (b)(7)(C) who responded to the scene. About ten minutes later someone else took over guarding the suspect and he was able to walk over to the scene. SPC (b)(6), (b)(7)(C) took four photographs of the body and assisted in loading the body into a vehicle. SPC (b)(6), (b)(7)(C) stated he did not see if there was an exit wound and he did not know of anyone who saw the shooting (See photographs for details).

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature: (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 31054

About 1815, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Infantry Soldier, D CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning the incident. SGT (b)(6), (b)(7)(C) stated he was with SPC (b)(6), (b)(7)(C) when he heard a 'pop' and heard someone call for a medic. He had been walking between both suspects that were being detained. He waited a bit, but then was directed by CPT (b)(6), (b)(7)(C) to take photographs of the victim (See photographs provided by SSG (b)(6), (b)(7)(C)).

About 1903, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C) 518-80-2420, Fire Support Officer, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, who provided a sworn statement detailing the incident. 1LT (b)(6), (b)(7)(C) stated he was sitting in the driver's seat of the commander's vehicle with SPC (b)(6), (b)(7)(C) guarding the victim outside of the vehicle. He heard SPC (b)(6), (b)(7)(C) make a comment about the victim being uneasy since hearing his young son was going to jail, but he didn't seem agitated. 1LT (b)(6), (b)(7)(C) then heard SPC (b)(6), (b)(7)(C) say the victim was trying to get out of his cuffs and then he heard the shot. 1LT (b)(6), (b)(7)(C) responded to the incident and then went to retrieve CPT (b)(6), (b)(7)(C). They returned and SPC (b)(6), (b)(7)(C) attempted to tell what occurred several times, but it seemed to change with each telling (See statement for details).

About 2005, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed MAJ (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Battalion Executive Officer, HHC, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning the incident. MAJ (b)(6), (b)(7)(C) stated he was with CPT (b)(6), (b)(7)(C) when the shot went off. They continued to complete their search of the two other farm houses when two lieutenants ran up and informed them of the shooting. They returned to the scene where they found the family members screaming and throwing rocks at the grey Opel they'd been pursuing. MAJ (b)(6), (b)(7)(C) called for people to assist in loading the body into a vehicle and exiting the area. MAJ (b)(6), (b)(7)(C) did not hear SPC (b)(6), (b)(7)(C) try to explain what occurred and has not talked to him since the incident.

About 2030, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Tanker, D CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning the incident. SPC (b)(6), (b)(7)(C) stated he was guarding a suspect on the left side of the first house when he heard the shot. SPC (b)(6), (b)(7)(C) did not see what occurred and did not talk to SPC (b)(6), (b)(7)(C) about the incident.

About 2243, 10 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) the commander of the unit, who provided a sworn statement detailing the incident. CPT (b)(6), (b)(7)(C) detailed why the patrol began pursuing the grey Opel, where the vehicle stopped in front of the farm house, his being at the third house when he heard the shot, and his responding to the scene. CPT (b)(6), (b)(7)(C) stated what SPC (b)(6), (b)(7)(C) said to him about how the incident occurred and

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 Signature (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 31055

inconsistencies from SPC (b)(6), (b)(7)(C) about how it occurred afterwards (See statement for details).

About 1215, 11 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Dr. (b)(6), (b)(7)(C) House Officer (Intern), Al-Musayyib Hospital, Grid Coordinate 38S MB 3297 2681 (NFI), concerning this incident. Dr. (b)(6), (b)(7)(C) verified that on 28 Mar 05, he was the attending physician when the American soldiers brought the victim's body in. Dr. (b)(6), (b)(7)(C) stated he did not conduct an examination of the body as that is the job of a Forensic Science Office, which the hospital does not have. He did not see if there was an exit wound. Dr. (b)(6), (b)(7)(C) stated there was an IP from the Al-Musayyib IP Station who looked at the body and took notes; however, he did not know if a report was made. Dr. (b)(6), (b)(7)(C) explained that usually a report is not made concerning these incidents and it is only documented the body came into the hospital and then released. Dr. (b)(6), (b)(7)(C) provided a copy from his personal journal documenting the receipt of the victim's body and several other hospital papers that talk about the body. All the documents were written in Arabic (See the journal page and hospital document copies with their translations for further information).

About 1947, 11 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) Infantry Soldier, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, who provided a written sworn statement detailing the incident. SPC (b)(6), (b)(7)(C) stated he was working perimeter security as a gunner when he heard SPC (b)(6), (b)(7)(C) call out about the victim trying to get out of his cuffs. SPC (b)(6), (b)(7)(C) turned to see SPC (b)(6), (b)(7)(C) and the victim drop to the ground, but there was no yelling or screaming. SPC (b)(6), (b)(7)(C) detailed what he saw as the men dropped to the ground, hearing the shot, and afterwards. SPC (b)(6), (b)(7)(C) stated from what he witnessed he did not believe the incident occurred in self-defense (See statement for details).

About 2109, 11 Apr 05, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) Infantry Soldier, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, who provided a sworn statement detailing the incident. SSG (b)(6), (b)(7)(C) detailed the reason SPC (b)(6), (b)(7)(C) was transferred to the patrol several weeks earlier, how SSG (b)(6), (b)(7)(C) was with CPT (b)(6), (b)(7)(C) when the shot was heard, their response to the incident, and his assisting in loading the victim's body, and SPC (b)(6), (b)(7)(C) actions afterwards. SSG (b)(6), (b)(7)(C) verified the weapon SPC (b)(6), (b)(7)(C) was carrying that day belonged to SPC (b)(6), (b)(7)(C) B CO, 1/155<sup>th</sup> IN BCT, FOB Iskandariyah, APO AE 09352 (See statement for details).

About 2130, 11 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) 427-39-9212, Infantry Soldier, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning the incident. SFC (b)(6), (b)(7)(C) stated during the evening of 28 Mar 05, SPC (b)(6), (b)(7)(C) came into his room and talked to him and SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) was mostly concerned

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
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Signature (b)(6), (b)(7)(C) Date: Exhibit:

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with his family, finances, and getting sent home because of the incident. SPC (b)(6), (b)(7)(C) said several times while they talked that it was a "good kill" and that the victim was coming out of his cuffs. However, SPC (b)(6), (b)(7)(C) was vague about the incident. SFC (b)(6), (b)(7)(C) stated that when SPC (b)(6), (b)(7)(C) returned from Camp Echo he talked to him for a short period and SPC (b)(6), (b)(7)(C) mentioned that the victim was going for his gun. SFC (b)(6), (b)(7)(C) has not talked to SPC (b)(6), (b)(7)(C) since.

About 1130, 12 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Infantry Soldier, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, who provided a written sworn statement concerning the incident. SPC (b)(6), (b)(7)(C) verified he was SPC (b)(6), (b)(7)(C) roommate and was not at the scene when the incident occurred. SPC (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) the victim became frantic when told his son was going to be arrested. The interpreter was called and told to calm the victim. The victim broke free and went after SPC (b)(6), (b)(7)(C). They wrestled and the victim grabbed for SPC (b)(6), (b)(7)(C) gun. They fell into the ditch and the gun went off, making it sound like an accident. SPC (b)(6), (b)(7)(C) verified he was signed for the weapon SPC (b)(6), (b)(7)(C) had during the incident and had allowed SPC (b)(6), (b)(7)(C) to borrow it. SPC (b)(6), (b)(7)(C) did not know the serial of the 9mm pistol he let SPC (b)(6), (b)(7)(C) borrow and did not know of any marks he could identify the weapon with (See statement for details).

About 1145, 12 Apr 05, SA (b)(6), (b)(7)(C) coordinated with MAJ (b)(6), (b)(7)(C) Commander, Battalion Aid Station (BAS), FOB Iskandariyah, APO AE 09352, and obtained copies of SPC (b)(6), (b)(7)(C) medical records. The medical records did not indicate any prescriptions or medical issues with SPC (b)(6), (b)(7)(C) before 28 Mar 05 (See medical records for details).

About 1315, 12 Apr 05, SA (b)(6), (b)(7)(C) coordinated with ISG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, and obtained a copy of the Weapons Control Register, AGO Form 190-3, showing SPC (b)(6), (b)(7)(C) signed for a weapon with the serial number #1106876; a Request for Issue or Turn-In, DA Form 3161, showing SPC (b)(6), (b)(7)(C) signed for a 9mm pistol with serial number #1106876; and a Hand Receipt/Annex Number, DD Form 2062, showing the weapon being assigned to another soldier on 2 Apr 05. The weapon was not assigned to anyone else during this time (See documents for details).

About 2033, 12 Apr 05, SA (b)(6), (b)(7)(C) interviewed LTC (b)(6), (b)(7)(C) Battalion Commander, HHC, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, who provided a sworn statement detailing how he learned of the incident and his subsequent conversation with SPC (b)(6), (b)(7)(C) upon his return from the incident (See statement for details).

About 2050, 12 Apr 05, SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C) who provided a written sworn statement detailing how he learned of the incident and what he learned while investigating the

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Signature (b)(6), (b)(7)(C) Date: Exhibit:

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incident as the Commander's Inquiry Officer. 1LT (b)(6), (b)(7)(C) stated he heard SPC (b)(6), (b)(7)(C) say he was walking with the victim when the victim broke out of his flexi-cuffs and grabbed him by the neck with one hand, grabbing his pistol with the other. SPC (b)(6), (b)(7)(C) said his weapon went off by accident; however, it went off during a struggle. 1LT (b)(6), (b)(7)(C) observed SPC (b)(6), (b)(7)(C) give a demonstration of what he'd said occurred. 1LT (b)(6), (b)(7)(C) witnessed this incident before becoming the Commander's Inquiry Officer. When he became the Commander's Inquiry Officer he discovered this testimony conflicted with information his investigation was uncovering. It conflicted with information obtained from SPC (b)(6), (b)(7)(C) who claimed to witness the incident. Various Soldiers interviewed that SPC (b)(6), (b)(7)(C) tried to explain the incident to, and SPC (b)(6), (b)(7)(C) himself when later interviewed by 1LT (b)(6), (b)(7)(C) (See statement for details).

About 1005, 13 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) Al-Musayyib IP Station (NFI), who provided a copy of a document from Mr. (b)(6), (b)(7)(C) brother to the victim, and signed by a judge to release the body to the family (See document for details).

About 1055, 13 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) coordinated with Mr. (b)(6), (b)(7)(C) brother to the victim, and obtained his original police report and a copy of the victim's death certificate. Copies were made of the reports and the originals were returned to the family (See police reports and death certificate concerning the victim for details).

About 1230, 13 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) interpreter, Titan Corporation #S-2016, assigned to B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning the investigation. Mr. (b)(6), (b)(7)(C) stated he did not talk to SPC (b)(6), (b)(7)(C) about the incident; however, has been with SPC (b)(6), (b)(7)(C) when he's shot at other people. Mr. (b)(6), (b)(7)(C) stated SPC (b)(6), (b)(7)(C) was extremely aggressive. Mr. (b)(6), (b)(7)(C) mentioned a time in a crowded marketplace when SPC (b)(6), (b)(7)(C) started shooting above vehicle to get them out of the way, but it was crowded and no one could move. Mr. (b)(6), (b)(7)(C) stated he had a Public Address system to tell people to move, which was his job, but SPC (b)(6), (b)(7)(C) started shooting. Mr. (b)(6), (b)(7)(C) felt this was very inappropriate. Mr. (b)(6), (b)(7)(C) stated before the incident SPC (b)(6), (b)(7)(C) had told him if he killed another Iraqi he would be sent back home to the states. SPC (b)(6), (b)(7)(C) sounded happy about it, like he wanted to go home. SPC (b)(6), (b)(7)(C) was also unhappy about his move from third platoon to the Commander's Vehicle. Mr. (b)(6), (b)(7)(C) believed he'd heard SPC (b)(6), (b)(7)(C) in the interpreter's tent; however, believed it was before the shooting incident, and could not recall what was said.

AGENT'S COMMENT: Mr. (b)(6), (b)(7)(C) has been working as an interpreter for approximately two years and had learned English through watching American movies. Mr. (b)(6), (b)(7)(C) studied German Language in college; however, has been working as an interpreter since the war.

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 Signature (b)(6), (b)(7)(C) Date: Exhibit:

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About 1300, 13 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Interpreter, Titan Corporation, assigned to B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning the investigation. Mr. (b)(6), (b)(7)(C) stated he did not see or hear SPC (b)(6), (b)(7)(C) in the Interpreter's tent; however, (b)(6), (b)(7)(C) knew him and said he was always a nervous person. Mr. (b)(6), (b)(7)(C) stated SPC (b)(6), (b)(7)(C) had told him once that if he killed one more Iraqi, he would be sent home. Mr. (b)(6), (b)(7)(C) was not sure what SPC (b)(6), (b)(7)(C) meant by this.

AGENT'S COMMENT: Mr. (b)(6), (b)(7)(C) was an English teacher at the University of Babylon for several years. Approximately seven months ago he started working as an interpreter.

About 1325, 13 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Interpreter, Titan Corporation #S-2031, assigned to B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning the investigation. Mr. (b)(6), (b)(7)(C) stated he was a friend of SPC (b)(6), (b)(7)(C) and was not in the Interpreter's tent when SPC (b)(6), (b)(7)(C) talked about the shooting incident. Mr. (b)(6), (b)(7)(C) stated SPC (b)(6), (b)(7)(C) has not talked about the incident with him and only talks about his family.

About 1508, 13 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Infantry, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, who provided a written sworn statement concerning this investigation. SPC (b)(6), (b)(7)(C) stated he was not at the incident; however, talked to SPC (b)(6), (b)(7)(C) in his room about the incident. SPC (b)(6), (b)(7)(C) told him the victim was getting upset because his son was arrested. SPC (b)(6), (b)(7)(C) asked an interpreter to explain to the victim what was going on, but the interpreter told the victim his son was going to jail. The victim became more upset and tried to get loose. SPC (b)(6), (b)(7)(C) checked the victim's flexi-cuffs three times and on the third time they were loose. The victim then attacked him, tried to get his pistol, and they began to struggle. They fell into the ditch and when they hit the bottom the gun went off shooting the victim in the head (See statement for details). ///LAST ENTRY///

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
 Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
 Signature: (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 31059

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB Iskandariyah, Iraq
2. DATE (YYYYMMDD): 0205 04 10
TIME: 14:20
4. FILE NUMBER:
7. GRADE/STATUS: E-4/SPC
B Co, 1155th Inf. BN

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At the time of the incident I was hotwiring a car. I was in the process of messing with the wires under the steering when I heard someone yell, "He's escaping." Moments later there was a gunshot that went off. I immediately rolled out of the car and put my gear on, 'cause I couldn't get to the wires with everything on my body. That's when it was called out that the situation was defused, meaning that our guys was good but the Iraqi guy was dead. The family started to get out of hand, so I immediately started the vehicle, but found out that the steering wheel was locked. I tried numerous times to get it to break but couldn't, so they said, Cpr. [redacted] & SSG [redacted] I mean, to leave the vehicle. Shortly after we loaded up the dead body & left.

10. EXHIBIT
11. INITIALS: [redacted] MAKING STATEMENT
PAGE 1 OF 4 PAGES

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

ACLU DDII CID ROI 31060

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

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

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT FOB Iskandariyah DATED 10 APR 05

9. STATEMENT (Continued)

Later on that night, after the combat stress team talked to everyone as a group but right before they went to speak to SPC. (b)(6), (b)(7)(C) alone, I ran into SPC. (b)(6), (b)(7)(C) outside of his room while walking towards mine. He gave me a cig. & we smoked it while talking about the incident that happened earlier. I asked, "So what happened while I was under the dash." He replied, "The man had gotten out of his flex cuffs, and that that was a struggle. He (b)(6), (b)(7)(C) we fell in a ditch and the gun went off." I asked him to go into more details, but the combat stress team came, and said that they needed to talk to him. He told me that he would tell me everything later, but unfortunately later never came, because I didn't see him after that night.

Honestly, all of the other times I've talked to SPC. (b)(6), (b)(7)(C) he just hasn't been the same. He still hasn't gotten over our first incident when the (b)(6), (b)(7)(C) 2 innocent people was killed. Everytime he talks about any event he adds to it & starts exaturating, blowing things out of proportion. He makes everything his fault & blames himself.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 4 PAGES

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

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT FOB Iskandarlyah, DATED 10 APR 05

9. STATEMENT (Continued)

Q. (b)(6), (b)(7)(C)  
A. (b)(6), (b)(7)(C)

Q. Has anyone told you that they observed the shooting?  
A. No

Q. What happened during the first incident you referred to?  
A. We, the four humvys, were stopped in Musayibah when this incident happened. The dismounts got out and did a 5-25 scan. They stopped a vehicle and searched, cause it was 02:00 A.M. and as they released that vehicle another was coming. That is when warning shots were fired, but the vehicle sped up, so they shot the vehicle then. Graham shot the driver after everyone jumped out of the way, except the old man who was hit.

Q. Was that shooting justified within your ROE at the time?  
A. yes it was

Q. Do you know if SPC (b)(6), (b)(7)(C) was prescribed any medication?  
A. yes but I'm not sure what, it was something to help him sleep

Q. Do you have anything to add to this statement?  
A. No /// End of Statement /// (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 3 OF 4 PAGES

FOR OFFICIAL USE ONLY

ACLU DDI CID ROI 31062

FOR OFFICIAL USE ONLY

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT *FOB Iskanderiyah* DATED *10 Apr 05*

9. STATEMENT (Continued)

*Not*  
(b)(6), (b)(7)(C) *(D)*

**AFFIDAVIT**

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INFLUENCE.

(b)(6), (b)(7)(C)  
*(Signature of Person Making Statement)*

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this *10* day of *April*, *2005* at *FOB Iskanderiyah*

(b)(6), (b)(7)(C)  
*(Signature of Person Administering Oath)*

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

*Art 136 UCMJ*  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE *4* OF *4* PAGES

ACLU DDII CID ROI 31063

### SWORN STATEMENT

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

#### PRIVACY ACT STATEMENT

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

1. LOCATION FOB Iskandariyah	2. DATE (YYYYMMDD) 2005 04 10	3. TIME 1600	4. FILE NUMBER (b)(6), (b)(7)(C)
5. LAST NAME (b)(6), (b)(7)(C)	6. GRADE/STATUS 02/1LT		
8. ORGANIZATION OR ADDRESS D Co 2/11 ACR attached as 1/155 Inf BN.			

(b)(6), (b)(7)(C), I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the day of the incident I was sitting on the hood of a HUMMV about 10-20m from another HUMMV from which SPC (b)(6), (b)(7)(C) and the detainee were standing behind. At the time the two HUMMVs were facing different directions and were roughly parallel to one another. SPC (b)(6), (b)(7)(C) was guarding the detainee who was flexcuffed behind his back. At some point, SPC (b)(6), (b)(7)(C) yelled out that "this guy is trying to get away", or something to that effect. At that point SPC (b)(6), (b)(7)(C) and the detainee went to the side of the HUMMV they were behind away from my view. It was clear that SPC (b)(6), (b)(7)(C) was going after the detainee who was moving away from him. It was not long, approximately no more than 10 seconds, when I heard a "pop." I went to the rear of the HUMMV where I could see SPC (b)(6), (b)(7)(C) and the detainee were in an irrigation ditch that was about three feet deep. The detainee was lying on the side of the ditch with blood coming from his head. SPC (b)(6), (b)(7)(C) was lying in the ditch, which was dry, saying he could not breathe. SSG (b)(6), (b)(7)(C) was on scene almost as soon if not sooner than I was. I yelled for a medic. I stepped back from the HUMMV and went with LT (b)(6), (b)(7)(C) to find the CO. He was in the CO was clearing a house a few hundred meters away. I came back and called BN to inform them on the net. The detainee had one wrist in the flexcuffs, he was wearing and one wrist out, both arms were under the longer ~~arm~~ <sup>arm</sup> ~~of~~ <sup>of</sup> his back, in front of the detainee not behind his back.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

ACLU DDII CID ROI 31064

TOP SECRET  
 LAW ENFORCEMENT SENSITIVE

EXHIBIT 32

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

Q. (b)(6), (b)(7)(C)

A. (b)(6), (b)(7)(C)

Q. Do you recall anyone else in the ditch or helping you get there?

SRC  
(b)(6), (b)(7)(C)

A. No

Q. Did you see the detainees become aggressive at any time?

A. Not aggressive, but clearly frustrated

Q. Did anyone tell you they saw what happened?

A. No

Q. Do you have any thing to add to this statement?

A. No // End of Statement // (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of April, 2005 at FOB Iskandariyah

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

JA (b)(6), (b)(7)(C)  
(Typed name of person administering Oath)

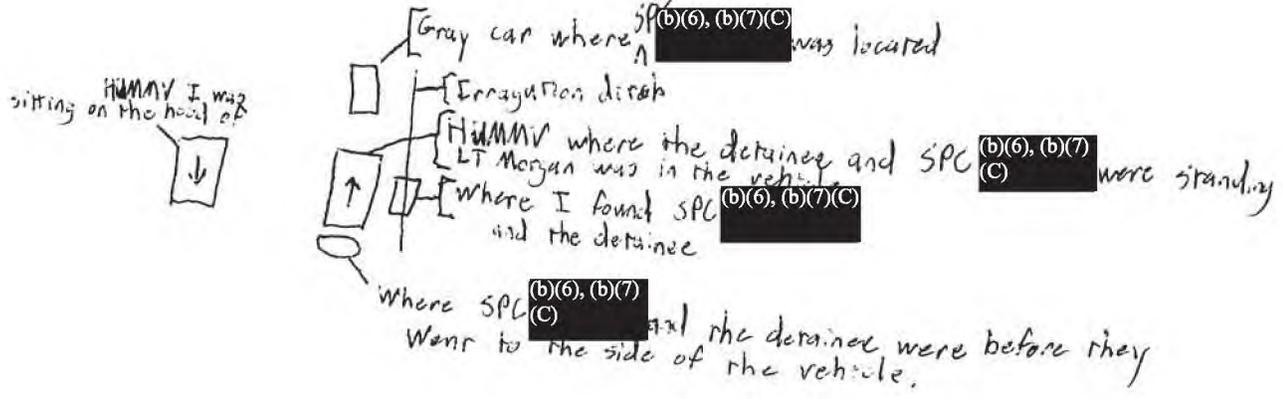
ORGANIZATION OR ADDRESS

Art 136 UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 2 PAGES

Detainee's House



1LT (b)(6), (b)(7)(C) 10 Apr 05 15:48

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB Iskandariyah, Iraq
2. DATE (YYYYMM): 2005 04 10 TIME: 1607
4. FILE NUMBER:
7. GRADE/STATUS: E-5/SGT

1. IDENTIFICATION OF WITNESS:
D Co 1st Sst Inf BAV
(b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE DAY IN QUESTION AFTER DETAINING THREE MEN I WAS TOLD TO FLEX CUFF AND WIPE TEST ALL THREE. WHEN I PUT THE FLEX CUFFS ON THE MAN WHO WAS SHOT I USED THE METHOD OF PUTTING ONE FINGER IN BETWEEN SO THAT THERE WOULD BE NO LOSS OF CIRCULATION. AT THE TIME I FLEX CUFFED THE MAN HE WAS CALM AND COOPERATIVE SO I DIDNT SEE A NEED TO PUT THEM ANY TIGHTER. AFTER CUFFING AND WIPE TESTING THEM I PROCEEDED ACROSS THE FIELD NEXT TO THE HOUSE WITH CPT (b)(6), (b)(7)(C) (MAJ) (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) AND SPC (b)(6), (b)(7)(C) TO SEARCH SOME MORE HOUSES, I DIDNT HEAR ANY SHOTS JUST SOME KIDS SCREAMING AND CRYING AND THEN 1LT (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) RAN OVER AND INFORMED US. WE THEN WENT BACK TO THE HOUSE AND IT WAS THEN THAT CPT (b)(6), (b)(7)(C) DECIDED TO LOAD UP ALL DETAINEES AND THE BODY AND LEAVE.

Q (b)(6), (b)(7)(C)
A.

Q. Did anyone tell you they saw what had happened?

A. No

Q. Did you see the body while it was lying in the ditch?

A. YES I NOTICED ONE HAND OUT OF THE CUFFS AND WONDERED IF I HAD PUT THEM ON TIGHT ENOUGH.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6), (b)(7)(C) DATED

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

ACLU DDII CID ROI 31067

LAW ENFORCEMENT SENSITIVE

EXHIBIT 34
000150

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT FOB ISKANDARIYAH DATED 10 APR 05

9. STATEMENT (Continued)

Q. Do you have anything to add to this statement?  
A. No !!! End of Statement !!! (b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR (b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of April, 2005 at FOB Iskandariyah, Iraq

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

SA (b)(6), (b)(7)(C)  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136 UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 2 PAGES

ACLU DDII CID ROI 31068

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 34  
000151

SWORN STATEMENT

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

LOCATION FOB Iskandariyah, Iraq	DATE 10 Apr 05	(b)(6), (b)(7)(C)	FILE NUMBER 0088-05-CID259
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		RANK/STATUS 2LT/AD
ADDRESS/ORGANIZATION B Company, 1 <sup>st</sup> Battalion, 155 <sup>th</sup> Infantry, FOB Iskandaruyah, Iraq			

(b)(6), (b)(7)(C) \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The following occurred while Bravo Company was executing an O.P. in hopes of finding a suspected mortar man. We detained and separated 3 men who were in the area and tried to run from us. After detaining them a squad pushed out further in an attempt to find more suspects or cache. I was positioned in the company commander's vehicle which was facing the target's house. From the driver's seat, I could not see the shooter or the suspected target that was shot. Both were behind and to the passenger side of the vehicle. Before the shooting Spc. (b)(6), (b)(7)(C) had made some comments that the detainee was uneasy after hearing that his son was going to jail, but neither seemed to be agitated about it. Things changed in tone when Spc. (b)(6), (b)(7)(C) elevated his voice to explain "he is trying to get out of his cuffs." At that point there was a shot fired and I immediately moved from the driver's seat and circled around the back of the (b)(6), (b)(7)(C) to the location of both Spc. (b)(6), (b)(7)(C) and the suspect. Both were lying face down in a ditch. The Iraqi was lifeless, while (b)(6), (b)(7)(C) still laid face down grumbling non-sensical complaining about some pain. 2 other soldiers approached and secured the weapon while I repeatedly asked (b)(6), (b)(7)(C) if he had been shot. It is unclear whether his failure to answer was due to shock or not actually knowing himself. Once the weapon was secured, the medic on the scene approached and pronounced the Iraqi dead. At this point SSG (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) took a noticeably shaken (b)(6), (b)(7)(C) away from the scene to comfort him. I moved immediately with 1LT (b)(6), (b)(7)(C) to find Cpt. (b)(6), (b)(7)(C) and report the shooting. My only other contact with SPC (b)(6), (b)(7)(C) was the return drive back to FOB Iskandariyah. He seemed shaken and very confused. He tried to tell the story a few times (although no one asked him to) but each time it was a little misconstrued and different. It is my opinion this was due to him being in some form of shock. He was adamant that none of the (b)(6), (b)(7)(C) find out about this. I simply gave some comforting comments but tried to avoid conversation.

Q: (b)(6), (b)(7)(C)  
A: (b)(6), (b)(7)(C)  
Q: Did you see the detainee resist or fight with SPC (b)(6), (b)(7)(C) in any way?  
A: No.  
Q: Do you know of anyone who saw the actual shooting?  
A: I didn't think anybody did.  
Q: Did SPC (b)(6), (b)(7)(C) sound like he was calling for help, or was concerned when he made the comment about the detainee trying to get out of his cuffs?  
A: Yes. If the shot hadn't been fired almost immediately I would have been over to help him.  
Q: Did SPC (b)(6), (b)(7)(C) talk to you after the shooting?  
A: Not other than the ride back to the FOB.  
Q: Do you have anything further to add to this statement?  
A: No.//////End of Statement////// (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

NOT USED

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL (b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 10th day of April, 2005 at FOB Iskandarivah, Iraq

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

Article 136 UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

ACLU DDII CID ROI 31075

(b)(6), (b)(7)(C)

SWORN STATEMENT

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

LOCATION FOB Iskandariyah, Iraq	DATE 10 Apr 05	FILE NUMBER 0088-05-CID259
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	RANK/STATUS CPT/AD
ADDRESS/ORGANIZATION B Company, 1 <sup>st</sup> Battalion, 155 <sup>th</sup> Infantry, FOB Iskandaruyah, Iraq		

(b)(6), (b)(7)(C) \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

About 1206, 28 MAR 05, my company was tasked to establish listening/observation post (LPOP) in the vicinity of 38S MB 2870728367. At this location was 3rd Platoon, Section A, and my vehicle. My vehicle consisted of 5 (five) soldiers, my driver SSG (b)(6), (b)(7)(C) my gunner SPC (b)(6), (b)(7)(C) my Fire Support Officer 2LT (b)(6), (b)(7)(C) my Battalion Executive Officer MAJ (b)(6), (b)(7)(C) and myself. The other two vehicles at my location were commanded by SGT (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C). As to the individuals who were in their vehicles I would have to get with the two vehicle commanders to determine. 3rd Platoon, Section B, was located at 38S MB2565328199. The two vehicles were commanded by SSG (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C). Our purpose at the LPOPs was to listen for mortar thumbs and a to watch for a BOLO on a Grey Opel which was previously observed leaving the area of a possible point of origin (POO) from a previous mortar attack on U.S. Forces. As my section was set, I emplaced SSG (b)(6), (b)(7)(C) and 2LT (b)(6), (b)(7)(C) on top of a bunker which could over watch our position. Our section had been set for approximately 20 to 30 minutes. At which time SGT (b)(6), (b)(7)(C) spotted a Grey Opel moving towards our position. He immediately told me, "Sir, I see the BOLO" and proceeded to flag the car down. Once the Grey Opel saw SGT (b)(6), (b)(7)(C) he turned off on a dirt road at a high right of speed. The vehicles at my location pursued the grey opel. Thus leaving SSG (b)(6), (b)(7)(C) and 2LT (b)(6), (b)(7)(C) at MB 2870728367. I had no communications with (b)(6), (b)(7)(C) but felt that they would be safe until our return. The suspect(s) drove to the first house they came to and the vehicle chase ended at 38S MB 2631273. At this location the foot chase begin. I immediately dismounted my vehicle, which at this time was driven by me along with MAJ (b)(6), (b)(7)(C) and my gunner SPC (b)(6), (b)(7)(C). As I exited the M1114 I spotted one subject running across the open field. I fired my M4 (5.56) rifle to warn the subject to stop which is in accordance with my Rules of Engagement (ROE). The individual was middle-aged and identified as (b)(6), (b)(7)(C). He dropped down and hid in a wood line which he was later found by SGT (b)(6), (b)(7)(C) and his vehicle. During our detainment of Mr. (b)(6), (b)(7)(C) another subject was seen running across another field which later was detained. The individual was a young man, possibly 14-years-old, and identified as (b)(6), (b)(7)(C). We returned to the house the grey Opel had stopped in front of with the two subjects. We were met by an older man, later identified as SADUNN HAMZA FEIHAN. Not knowing if Mr. Feihan was linked to the grey Opel or not I had my soldiers separate them and zip tie him as well. Once we had all three subjects separated and the area secured I informed my soldiers that I was going to go back to our original location and retrieve SSG (b)(6), (b)(7)(C) and 2LT (b)(6), (b)(7)(C). As I moved back to this location approximately 1000 meters I contacted 3rd Platoon, Section B, by means of (b)(6), (b)(7)(C) instructing them to meet me at 38S MB 2870728367. I retrieved SSG (b)(6), (b)(7)(C) and 2LT (b)(6), (b)(7)(C) and upon my return my 3rd Platoon B section arrived. We then moved back to Mr. Feihan's home to complete our investigation of the detainees. During our questioning of the 3 subjects I requested from higher to have helicopters check in on station to assist me in finding any additional individuals who may have been laying in one of many fields. The aircraft arrived on station in approximately 15 minutes and started their search. During our questioning of the subjects Mr. (b)(6), (b)(7)(C) told me that he was a farmer and he worked in this area. I asked Mr. Feihan if this was true and he said he had never seen Mr. (b)(6), (b)(7)(C) before. I conducted a GSR test (Gun powder residue) test on Mr. (b)(6), (b)(7)(C) and it immediately turned BLUE. This indicated that Mr. (b)(6), (b)(7)(C) was covered with gun powder. I asked Mr. (b)(6), (b)(7)(C) if he had fired a weapon within the past few days and he said he had not fired a weapon in a long time. After testing Mr. (b)(6), (b)(7)(C) I started questioning Mr. (b)(6), (b)(7)(C) he said he saw 4 (four) individuals run from the gray Opel once it stopped at his house. I conducted a wipe test on Mr. (b)(6), (b)(7)(C) to determine if he was a possible occupant of the gray opel and indeed his test came back positive for residue. The last person that I tested for GSR was Mr. Feihan. Mr. Feihan's test came back negative for GSR. I instructed my soldiers to maintain guards on all three subjects and to ensure they were all zip tied. I had made the decision without informing my soldiers that I was going to transport Mr. (b)(6), (b)(7)(C) back to FOB Iskandariyah. I had not informed anyone of this decision. I wanted all three to continue to be separated and zip tied until we were ready to depart. During which time several soldiers reported to me that they had found empty mortar crates along with a makeshift launcher. They also found 3 missiles lying around the fields of Mr. Feihan's home. As I reported our findings to Battalion they

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED."  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

"STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FOB Iskandariyah, Iraq  
DATED 10 Apr 05 CONTINUED."

(b)(6), (b)(7)(C) alerted EOD team (Explosive Ordinance Disposal Team) to come to our location. Knowing that it would take some time for EOD to arrive, I decided to take a small team and myself back to the house across the field to confirm that I had not missed anyone on my initial search. The soldiers that were with me were SSG (b)(6), (b)(7)(C) MAJ (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) my interpreter, and SGT (b)(6), (b)(7)(C). As we departed I informed SSG (b)(6), (b)(7)(C) that I was taking a small team to re-check the two houses to confirm we had not missed anything or anyone. We had been away from Mr. Feihans home for approximately 15-20 minutes when we heard a gun shot. We all stopped and each asked was that a gun shot and we did not hear anything else that would lead us to believe something was wrong. We did a 5-10 second halt and I decided to continue my search, which we then heard some yelling from Mr. Feihans home and we started to revisit the thought it may have been a shot. I observed two soldiers running at a quick time towards my location. As the two soldiers came closer I identified them as 2LT (b)(6), (b)(7)(C) and 1LT (b)(6), (b)(7)(C) 3rd Platoon, Platoon Leader). They informed me that SPC (b)(6), (b)(7)(C) had shot the "old man." I not knowing which one, I asked Mr. (b)(6), (b)(7)(C) or Mr. Feihan? They informed me it was Mr. Feihan. I quickly took pictures of the occupants of the house I was searching and immediately started my move to Mr. Feihans home. As I was approaching the house I could hear the family (2 daughters-ages probably 15 and 17) and a young boy (probably 6-8 years old) screaming and throwing bricks at the grey Opel. As I arrived back at the home I asked SPC (b)(6), (b)(7)(C) "What the fuck did you shoot him for?" He replied by saying sir, "He slipped out of his zip tie and he started to wrestle with me." The two ended up in an irrigation ditch where SPC (b)(6), (b)(7)(C) said he shot Mr. Feihan. As the family began to become more hostile towards U.S. soldiers I made the decision to depart the area without EOD investigating the missiles. I reported the death of Mr. Feihan to higher and cancelled EOD support. I informed higher that I was going to leave the grey Opel and depart due to the level of hostilities that were present. I informed higher that I was going to take Mr. Feihan's body to Al Musayyib Hospital. This is SOP for Iraqi KIA's. During our egress back to FOB Iskandariyah, SPC (b)(6), (b)(7)(C) was showing signs of confusion. He began to re-explain the actions that led up to the shooting of Mr. Feihan. He said, "Sir, He slipped out of his zip tie and went for my pistol." I explained to him he did the right thing and for him not to worry. He continued to replay the scene of the children screaming and how he felt bad for them. I again told him to relax and it was going to be alright. In my own mind I was very confused as to the death. In my mind Mr. Feihan was not at any point hostile nor upset with him being zip tied. He was in the normal attire of a "dress" and sandals. I was trying to justify to myself why would a man who was zip tied, in a dress and sandals, and had a fully armed Infantry Platoon surrounding him try to attack a soldier who was armed? I felt compelled to ask SPC (b)(6), (b)(7)(C) was Mr. Feihan upset about anything? SPC (b)(6), (b)(7)(C) told me that he became hostile after (b)(6), (b)(7)(C) "interpreter" told him that we were going to take his son with us. This even confused me more because Nick was with me at the other home. With all this running through my head, I doubted the validity of SPC (b)(6), (b)(7)(C) story. As we were moving back to the FOB I called on FM Net and request Storm 6 "LTC (b)(6), (b)(7)(C) Storm Chaplin and for them to contact Combat Stress Team (CST) at FOB Kalsu to send someone to talk to SPC (b)(6), (b)(7)(C) and the rest of the soldiers present. With all the inconsistencies in SPC (b)(6), (b)(7)(C) story I felt that I needed to take it to LTC (b)(6), (b)(7)(C) my battalion commander, to have an investigation. I stand behind my men and stand behind the Rules of Engagement. I was not there to witness the statements of SPC Graham, but felt that I needed to have this death investigation to ensure all actions were done without malice.

Q: SA (b)(6), (b)(7)(C)

A: CPT (b)(6), (b)(7)(C)

Q: What was the approximate time that you heard the gunshot?

A: Between 1400-1415 hours is when I heard the shot. I can't be exact as I was finishing up where I was and had to travel back to where the incident was.

Q: When you responded to the scene of the shooting did you examine the body or see the injury?

A: I observed the body lying in the ditch and saw the blood. I was focused on the kids and the family yelling and screaming, so I had the body covered with something.

Q: Who loaded the body into the vehicle and extracted it when you arrived at the hospital?

A: SSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) I think SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) loaded the body. SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) myself, and some of the Iraqi hospital workers unloaded the body.

Q: What was SPC (b)(6), (b)(7)(C) demeanor when you talked to him at the scene?

A: He was shook up, crying with tears, and in emotional distress.

Q: What did SPC (b)(6), (b)(7)(C) say to you when you talked to him?

A: The first time I talked to him I was upset with him. He told me the man was trying to get out of his cuffs, that they rolled into the ditch, and he shot him. I said he was in a dress, flip-flops, and zip-tied. I asked why he had to shoot him. I didn't wait for him to reply, cause I started getting everyone ready to go. I told everyone to start getting ready. SPC (b)(6), (b)(7)(C) was talking to me, but I was trying to get everyone moving to leave. Then I heard him say, "Sir, he was going for my gun," and I asked was he going for your gun or was he trying to get away from you. He responded that it all happened so fast. The next thing he knew he was in the ditch and his gun went off.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGES 2 OF 3 PAGES  
ACLU DDH CID ROI 31077

(b)(6), (b)(7)(C)

STATEMENT (Continued)

Q: When you arrived back into the FOB you got out of your vehicle with SPC (b)(6), (b)(7)(C) and met with LTC (b)(6), (b)(7)(C) What was discussed at that meeting?

A: Actually it was LTC (b)(6), (b)(7)(C) the chaplain, SPC (b)(6), (b)(7)(C) and myself at the meeting. LTC (b)(6), (b)(7)(C) started talking to SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) said, "Sir, I was just trying to protect my commander and my soldiers." This struck me as odd, because *I WAS NO WHERE NEAR THE LOCATION WHERE THIS OCCURRED AND SPC (b)(6), (b)(7)(C) DOESN'T HAVE ANY SOLDIERS, HE HAS FELLOW TROOPS.* (b)(6), (b)(7)(C)

Q: You said in your statement that you felt there were many inconsistencies in how SPC (b)(6), (b)(7)(C) related how the incident occurred. What inconsistencies are you talking about?

A: The first time the old man is trying to get away and they wrestled. The second is the old man then went for his weapon. The third inconsistency is that the wind was knocked out of him when SPC (b)(6), (b)(7)(C) landed in the ditch, which is inconsistent with what SPC (b)(6), (b)(7)(C) told me. The fourth is when he said (b)(6), (b)(7)(C) told the old man that we were taking his son and made it sound like he became instantly agitated by it. However, (b)(6), (b)(7)(C) was with me for 15-20 minutes before we heard the shot. I had accidentally left the first house without (b)(6), (b)(7)(C) but realized it before I went past the first field. I then yelled back for (b)(6), (b)(7)(C) to come back with me.

Q: Did you know that SPC (b)(6), (b)(7)(C) was taking medications?

A: I knew he was taking medications, but not what type of medications. I knew it was something to help him sleep, which is not unusual. My soldiers don't have a regular sleep schedule, so we've all gone to the Battalion Aid Station to get medications to help us sleep.

Q: Why was SPC (b)(6), (b)(7)(C) moved from 3rd Platoon to the command section as your gunner?

A: I was trying to tighten the reins on him and have more command and control over him. He was identified by his platoon sergeant as being quick to firing his weapon. He was an aggressive soldier. With me there was an incident of him shooting the tires of a vehicle that didn't get over to the side of the road fast enough. That was the first day he was in my vehicle. He had also killed a man trying to come through a check point. There was also a man he shot from the tower, but we weren't able to confirm it, cause they put the man in a car and took off.

Q: Do you know of any issues or problems between SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C)?

A: None. No one has a problem with SPC (b)(6), (b)(7)(C)

Q: Is there anything you wish to add to your statement?

A: No. //END OF STATEMENT// (b)(6), (b)(7)(C)

AFFIDAVIT

(b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 10th day of April, 2005 at FOB Iskandariyah, Iraq

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C), (b)(7)(F)

(Typed Name of Person Administering Oath)

Article 136 UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

ACLU DDII CID ROI 31078

PAGE 2 OF 2 PAGES

- 1- A body was brought by the Americans at 4:10 afternoon.....[[illegible]] the name of the dead is Saadoun Feihan Hamzah , there for the Almaseeb police office center has been informed and the body was put in the refrigerator
- 2- Transferring of two injured detainees to Alhillah hospital at 3:00 O'clock one transferred to surgery and the other to fracture's division
- 3- Transferring of an interior sickness person C H B to the Ragan hospital At 3:30 Afternoon
- 4- When opening the refrigerator there are unidentified bodies and. For long times. Could they possibly be transferred to Alhillah?
- 5- An injured officer has been transferred by an order from the centre to the American base by an ambulance. And by your knowledge.
- 6-Some one died in the hall At 10:00 O'clock evening, the sick person has a cardiogenic chock
- 7- (b)(6), (b)(7)(C) is absent today for safety reasons or emergency tightness.

(b)(6), (b)(7)(C) [[personal signature]]  
 Head of doctors  
 M/interior

Translated by

(b)(6), (b)(7)(C)  
 Translator cat II Titan Corporation  
 Assign to:  
 48<sup>th</sup> Military Police Detachment (MPCET) (CID) (FWD)  
 Camp Victory, Baghdad, Iraq APO AE 09342

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- 1- They brought a dead body by the American at 4:10 pm from the base the murder name SADUNN HAMZA FEIHAN reported to MUSIAB police station and place him in the fridge.
- 2- Delivers injure prisoner to a surgeon at 3:00PM and take them to surgery.
- 3- Deliver patient C H B to LIETENANT (b)(6), (b)(7)(C) at 3:30 PM .
- 4- During Fridge opening unknown bodies found it appear it had been their for long time they transfer to Hella.
- 5- Deliver wounding officer under police commanders responsibilities to the U.S. base in ambulance with your knowledge.
- 6- Patient died at the hospital with Cardio geris stomach at 10PM.
- 7- Captain (b)(6), (b)(7)(C) at emergency room that day.

///signed///

(b)(6), (b)(7)(C)

Doctor in charge

Translated By:

(b)(6), (b)(7)(C)

Interpreter, Category II  
Titan Corporation  
48<sup>th</sup> Military Police Detachment (CID)(FWD)  
Abu Ghraib, Iraq APO AE 09342

The Gurn Aagz police centre

03/31/2005

Number 312

To Almuseeb public hospital  
M/ Corpse handing over

As an Execution to the decision of Almuseeb investigation judge dated on 03/31/2005  
require handing over the corpse of Saadoun Hamzah Feihan. No autopsy required as the  
death cause is known . Looking forward to handing over the corpse  
And a death certificate issuance. With my regards.

Lieutenant

Dr. (b)(6), (b)(7)(C) [personal signature]]

Officer of the centre

Translated by

(b)(6), (b)(7)(C)

Translator cat II Titan Corporation

(b)(6), (b)(7)(C)

Assign to:

48<sup>th</sup> Military Police Detachment (MP) (DET) (CID) (FWD)  
Camp Victory, Baghdad, Iraq APO AE 09342

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

ACLU DDII CID ROI 31085

JERF AL AJAZ POLICE STATION  
3/31/2005  
SEREAL #312

TO MUSIAB GENERAL HOSPITAL

SUBJECT: RECEIVED DEAD BODY

Execution an order by MUSIAB INTREGATOR JUDGE dated 3/31/2005  
To give the deceased Sadunn Hamza Feihan without autopsy because the incident  
known  
Please give the body and issue death certificate with best regard.

Sign By  
LEITENANT COLONEL

(b)(6), (b)(7)(C)

Translated By:

(b)(6), (b)(7)(C)

Interpreter, Category II  
Titan Corporation  
48<sup>th</sup> Military Police Detachment (CID)(FWD)  
Abu Ghraib, Iraq APO AE 09342

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ACLU DDII CID ROI 31086

Gurn Aliz police office  
Number 320  
Date 04/10/2005

To Almuseeb public hospital  
M/ Corpse handing over

As an Execution to the decision of Almuseeb investigation judge dated on 03/31/2005 required handing over of the corpse of Saadoun Hamzah Feihan to his relatives with no autopsy .and supply us with a copy of death certificate.

Knowing that the injured person was shot in the head to the left and exited from the right side. With my regards.  
A copy from the doctor's report.

Lieutenant

(b)(6), (b)(7)(C) [[personal signature]]

Illegible wrighting

Translated by

(b)(6), (b)(7)(C)

Translator cat II Titan Corporation

Assign to:

48<sup>th</sup> Military Police Detachment (MP) (DET) (CID) (FWD)  
Camp Victory, Baghdad, Iraq APO AE 09342

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ACLU RDI CID ROI 31089



SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB ISKANDARIYAH, Iraq
2. DATE (YYYYMMDD): 2005 04 11 19:47
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E4/AD
8. ORGANIZATION OR ADDRESS: B Co, 1/155th Inf. BN

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I believe the incident in question occurred on the 28th of march. After we inventoried the contraband items and ordinance materials, our Squad was instructed to move the vehicles to a line with the Capt.'s vehicle at the rear. Behind that line my vehicle and Sgt. (b)(6), (b)(7)(C) vehicle were parked in a "V" shaped security fashion. most of the time I just looked out to pull security, However I turned a few times and I noticed that spe. (b)(6), (b)(7)(C) had walked to a vehicle and had a prisoner in his custody. I didn't think much about it and continued to pull security for about half an hour. At this time my team leader Sgt. (b)(6), (b)(7)(C) came from the center of mission focus to my vehicle and shot the Breeze while he got something out of the vehicle. This didn't (b)(6), (b)(7)(C) take more than five minutes. When he went to go back to the mission focus point (I don't know exactly where or what he was

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 5 PAGES

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

ACLU DDII CID ROI 31091

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EXHIBIT 47

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

STATEMENT OF

(b)(6), (b)(7)(C)

TAKEN AT FOB Iskandariyah DATED 11 Apr 05

(b)(6), (b)(7)(C)

STATEMENT (Continued)

doing.) I remember going back to pull Security. Immediately I heard a comment "He's trying to get out of the cuffs," because of the manner it was said - the tone and intensity of the voice; I didn't think anything about it. I thought Sp. (b)(6), (b)(7)(C) was just talking to someone. It didn't seem as though there was any distress in what was said. Probably 3 seconds later I heard a rustle behind me. Immediately I turned around to see two men already dropping. It was clear that one man had overtaken the other. They were exactly in front of the vehicle from where they were originally standing. At this point I thought a dog or something was attacking someone. I didn't hear any yelling or grunting - one of the figures on the bottom I could tell he was wearing a white or light colored man dress thing. The one on top was wearing darker colored clothing. Immediately they began rolling. The one on top switched to a side mount position to begin to roll the man on the bottom. When the roll began it easily continued. The two figures rolled into a ditch about 5 meters away parallel to the direction of the vehicle. I could see the individual in darker colored clothing on the back of the individual in lighter apparel. - I only saw this due to their legs sticking out from the ditch. I could not see their upper bodies due to some trees blocking the way. At that moment I heard a muffled shot.

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE

2

OF 5

PAGES

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

STATEMENT OF

(b)(6), (b)(7)(C)

TAKEN AT *FoB Iskandariyah* DATED *11 Apr 05*

(b)(6), (b)(7)(C) CONT (Continued)

Then Sgt. (b)(6), (b)(7)(C) turned to me and said (b)(6), (b)(7)(C) just smoked that dude." only then did I realize that Spe. (b)(6), (b)(7)(C) was the one who did that. I had turned the lock off of my turret in order to spin it around because of the possibility that one of them tried to run away (before the shot while the rolling was happening) I did notice the man had no where to go due to the position of the vehicles and there was an individual wearing shades - U.S. Army personell standing on the corner of the tree line coming towards my vehicle - closer to Sgt. (b)(6), (b)(7)(C) I knew if he did get anywhere that guy would give chase and/or fire, so there was no need to spin around the turret. After the comment about smokin the dude I heard Spe. (b)(6), (b)(7)(C) complaining about breathing. Immediately after that I remember commenting on the speed of the shot. - I thought it was extremely fast for someone to struggle with someone and then pull their weapon and fire like that. (based upon what I knew at the time) directly following, a small child saw the body and became extatic. The older family members in the area then followed suit. I did see the medic go and check the body but there was nothing he could do. He spoke with (b)(6), (b)(7)(C) shortly and (b)(6), (b)(7)(C) and his weapons were taken away. By now the scene was horrendus and the captain ordered us to leave.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 3 OF 5 PAGES

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FOB ISKANDARIYAH DATED 11 Apr 05

(b)(6), (b)(7)(C) STATEMENT (Continued)

Q: (b)(6), (b)(7)(C)  
A: (b)(6), (b)(7)(C)  
Q: Did it look like the detainee was fighting or resisting?  
SPC (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) A: No. I've been in martial arts for several years and I feel that I know what it looks like when 2 grown men fight. That looked ~~to~~ easy. There was no resisting or struggle that I saw.

Q: You said in your statement that "it was clear that one man had overtaken the other". Which man had overtaken the other?

A: The man in the darker clothing was the one overtaking the other. I didn't know who it was at the time. I could only distinguish between the light clothing and the dark clothing.

(b)(6), (b)(7)(C) Q: You what did you mean when you said their feet were sticking out of the ditch?

A: When they went or rolled into the ditch, they were about 80% in the ditch with their feet on the bank. It looked like SPC (b)(6), (b)(7)(C) feet were on top. When the shot went off both pairs of feet disappeared into the ditch.

Q: Who's pistol was SPC (b)(6), (b)(7)(C) carrying?  
A: It was SPC (b)(6), (b)(7)(C) pistol. Soldiers sometimes trade off weapons depending on what missions they go on. It happens a lot. (b)(6), (b)(7)(C)

Q: Did you talk to SPC (b)(6), (b)(7)(C) after the shooting?  
A: No, and I haven't talked to him since.

Q: Do you know of any problems, personal or otherwise, between SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C)?

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 4 OF 5 PAGES

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT FOB Iskandoriyah DATED 11 Apr 05

(b)(6), (b)(7)(C)

STATEMENT (Continued)

A: No.

Q: IS THERE ANYTHING YOU WISH TO ADD TO THIS STATEMENT?  
A: NO. III END OF STATEMENT III (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of April 2005 at FOB (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

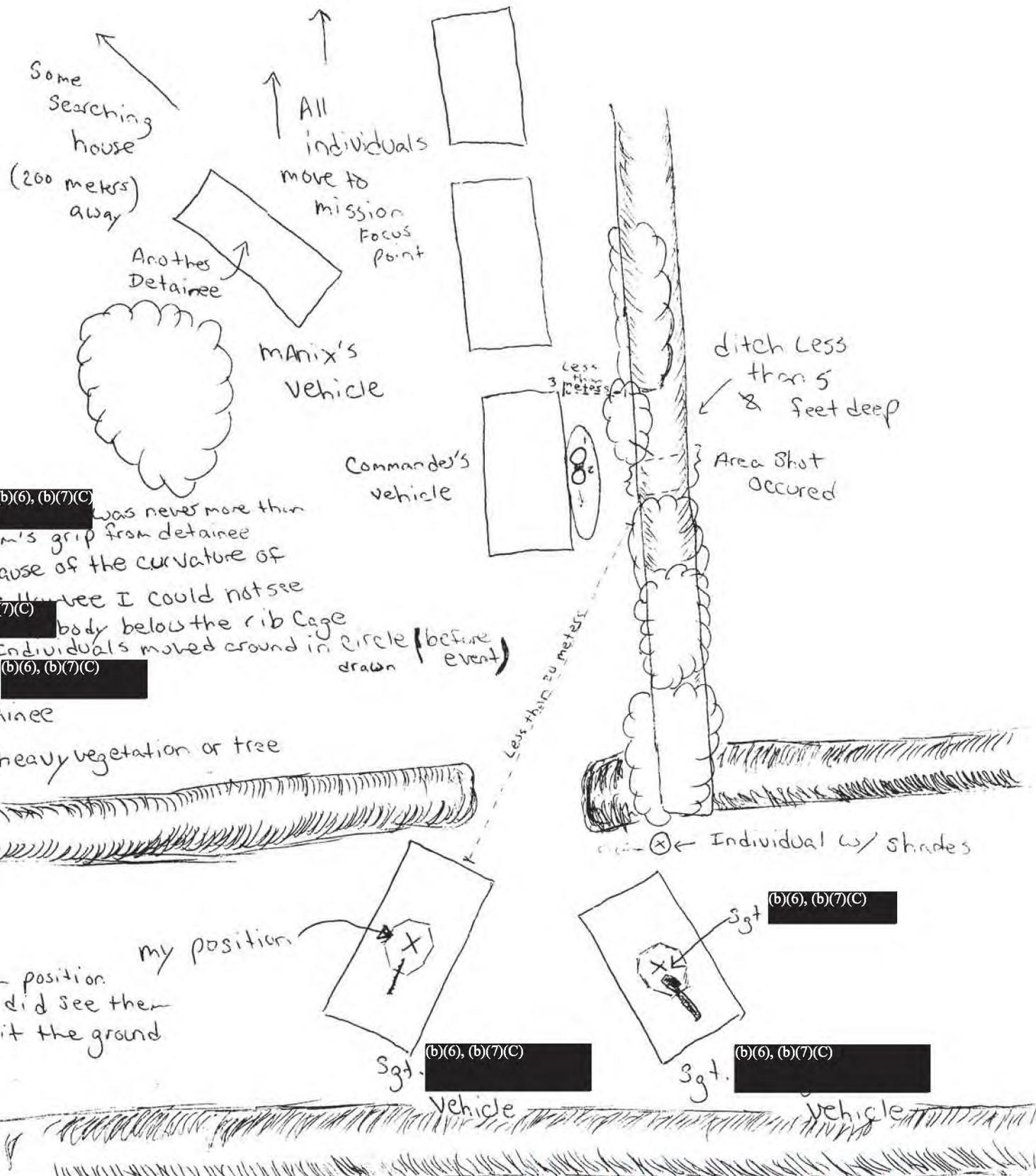
(b)(6), (b)(7)(C)  
54  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Act 136 UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 5 OF 5 PAGES



(b)(6), (b)(7)(C) was never more than  
 \* spc [redacted] arm's grip from detainee  
 \* because of the curvature of  
 (b)(6), (b)(7)(C) body below the rib cage  
 0: 2 individuals moved around in circle (before  
 1: spc [redacted] drawn event)  
 2: detainee

(b)(6), (b)(7)(C) heavy vegetation or tree

\* From position I did see them Hit the ground

ACLU DEI ID RO I 31096

SWORN STATEMENT

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

LOCATION FOB Iskandariyah, Iraq	DATE 11 Apr 05	FILE NUMBER 2109 0088-05-CID259
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	RANK/STATUS SSG/AD
ADDRESS/ORGANIZATION B Company, 1 <sup>st</sup> Battalion, 155 <sup>th</sup> Infantry, FOB Iskandaruyah, Iraq		

(b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 28 March 2005, 3rd Platoon, B CO, 1-155 INF, was conducting an Observation Post (OP) at the end of "No Name Road", out by the Ammo Supply Point (ASP). The commander's vehicle consisted of CPT (b)(6), (b)(7)(C) LT (b)(6), (b)(7)(C) MAJ (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and myself. SPC (b)(6), (b)(7)(C) had been moved to our vehicle as gunner a couple of weeks prior. He had been having some problems and was getting very "trigger happy" in the platoon he was in. He went to the Battalion Aid Station (BAS) and was prescribed Valium, which on several occasions, I witnessed him taking more than the prescribed amount. Often his speech would be slurred and he would appear to be "drunk". I spoke with SPC (b)(6), (b)(7)(C) several times about this matter. He told me he was fine and the Valium just helped take the edge off. After we got set in our position at the OP, CPT (b)(6), (b)(7)(C) had myself and LT (b)(6), (b)(7)(C) go and recon some old abandoned buildings approximately 300-400 meters away. As we were searching the buildings we heard the vehicles crank up and drive off at a high rate of speed. We continued searching the area and then moved back towards "No Name Road" to wait for them to come back for us. About fifteen minutes later they came back. CPT (b)(6), (b)(7)(C) was driving and SPC (b)(6), (b)(7)(C) was in the gunner's position. They said they chased a car that ran from them to a house and had detained two personnel. We got to the house and dismounted the vehicle, at which time we began to question the two personnel. A third man was then separated and moved to the vehicles and zip tied. At this point SPC (b)(6), (b)(7)(C) was out of the vehicle and was pulling security on the old man. Members of third platoon had found some old rockets and a rocket launcher behind the house. We were waiting on EOD to come out and check them out. While we were waiting, CPT (b)(6), (b)(7)(C) MAJ (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) the Interpreter, and I went to check another house approximately 500-700 meters away. When we came out of the house I thought I heard a shot fired. A few minutes later LT (b)(6), (b)(7)(C) and LT (b)(6), (b)(7)(C) came running across the field and told CPT (b)(6), (b)(7)(C) that SPC (b)(6), (b)(7)(C) had shot the old man. We quickly finished our search and headed back to the vehicles. When we arrived back at the house the children and women were screaming and crying. I walked straight to our vehicle and to the best of my recollection LT (b)(6), (b)(7)(C) was sitting in the driver's seat with the door open. I asked him what happened and he told me that SPC (b)(6), (b)(7)(C) had shot the old man. Shortly after we had returned, CPT (b)(6), (b)(7)(C) ordered everyone to load up and get ready to leave. I drove the commander's vehicle and we backed up and got ready to go. I was sitting there waiting and MAJ (b)(6), (b)(7)(C) started yelling that he needed one soldier. I dismounted the vehicle and moved back up the driveway to where he was. He said they needed one more person to help put the dead old guy in the vehicle. We positioned the dead guy on a piece of tarp and moved him to the vehicle. There was a lot of blood and fluid all over the man's face and the back of his head and it was pouring out all over the tarp. We finally got him in the vehicle and then moved to load up into ours. CPT (b)(6), (b)(7)(C) LT (b)(6), (b)(7)(C) MAJ (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and I were in our vehicle on the way back. SGT (b)(6), (b)(7)(C) PARKS was the gunner. At some point on the way back SPC (b)(6), (b)(7)(C) started crying. He was telling CPT (b)(6), (b)(7)(C) not to tell the other guys in the company that he was crying. He said that he was upset from the kids crying and screaming, not because he killed the old guy. He said that the old man got upset when he realized we were taking his son and that's when he tried to escape the zip ties. SPC (b)(6), (b)(7)(C) said he wrestled with the guy and they wound up in the ditch and that's when the gun went off. He said that at first he thought he had shot himself. He also mentioned that "killing up close was way different than killing someone far away". We made it back to the Forward Operating Base (FOB) without incident. I believe SPC (b)(6), (b)(7)(C) went over to the BAS once we got back. As best as I recall, it was the next day when SPC (b)(6), (b)(7)(C) went to talk to CPT (b)(6), (b)(7)(C) who works with the Combat Stress Team. CPT (b)(6), (b)(7)(C) and I escorted him over to the BAS. CPT (b)(6), (b)(7)(C) went in to talk with CPT (b)(6), (b)(7)(C) first and SPC (b)(6), (b)(7)(C) and I were standing outside smoking and talking with one of the medics. SPC (b)(6), (b)(7)(C) told the medic that Reapers made their job (the medics) easy. That all they had to do is put toe tags on them. He was laughing while he said this. He would often make comments as we were getting ready to go out on patrols. He would always ask me if we were going to baby sit or if we were going to kill. A couple of days later SPC (b)(6), (b)(7)(C) was told he would be sent to Camp Echo due to recommendations made by the Combat Stress Team. Before he left he came into my room to talk to me and SFC (b)(6), (b)(7)(C). He kept asking if there was anything we could do.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADINGS STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED."  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU DDII CID ROI 31097

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

EXHIBIT 49

"STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FOB Iskandariyah, Iraq  
DATED 11 Apr 05 CONTINUED."

(b)(6), (b)(7)(C) He kept saying that all of his kills were justified and that he didn't do anything wrong. I told him it was out of my hands and there was nothing I could do. When he returned from Camp Echo he came into my room and gave me a hug and said it was good to be back. He said that he would be working up at the Command Operation Center (COC) for a while until came back to Bravo Company.

Q: SA (b)(6), (b)(7)(C)

A: SSG (b)(6), (b)(7)(C)

Q: When you helped move the body did you see if there was an entrance and exit wound?

A: I could not tell. I was trying not to look. He had blood all over the back of his head.

Q: Who's pistol was SPC (b)(6), (b)(7)(C) carrying?

A: He had SPC (b)(6), (b)(7)(C) weapon. SPC (b)(6), (b)(7)(C) is also SPC (b)(6), (b)(7)(C) roommate. It's not unusual for soldiers to switch out weapons either. I believe he had that weapon even when he came over from 3rd Platoon.

Q: Did SPC (b)(6), (b)(7)(C) look, act, or sound like he'd taken to much medication before starting this mission?

A: Not that I can recall. You could tell when he took to much medication. Nothing really stands out to make me think he took too much or even took any before the mission.

Q: Do you know the approximate time you heard the gunshot?

A: No. I don't remember.

Q: Do you know of any problems, personal or otherwise, between SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C)?

A: No. There's none that I know of. I thought they were friends.

Q: Do you know why SPC (b)(6), (b)(7)(C) wanted to talk to SFC (b)(6), (b)(7)(C)?

A: Yes. SPC (b)(6), (b)(7)(C) actually wanted to talk to us both about the same thing. Basically, he wanted us to help him to stay here as the commander's gunner. We told him there was nothing we could do and that it was out of our hands.

Q: What was the old man's demeanor before the incident?

A: He was calm. At some point I saw him with SPC (b)(6), (b)(7)(C) at the front of the commander's vehicle and SPC (b)(6), (b)(7)(C) was talking to him. SPC (b)(6), (b)(7)(C) was asking if there were 2 or 4 men that fled the vehicle. The old man was answering in Arabic and I made a joke of it, because for all SPC (b)(6), (b)(7)(C) knew the man was telling him about his farms. The next time I saw SPC (b)(6), (b)(7)(C) and the old man they'd moved towards the rear of the commander's vehicle and SPC (b)(6), (b)(7)(C) was slapping him on his back saying in Arabic "No good, No good". That's when I left with CPT (b)(6), (b)(7)(C) MAJ (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and the Interpreter to go search the third house. From the time I arrived on scene to the time I went to search the third house I did not see the old man become aggravated or angry.

Q: Is there anything you wish to add to this statement?

A: No. //END OF STATEMENT// (b)(6), (b)(7)(C)

ACLU DDII CID ROI 31098

STATEMENT (Continued)

(b)(6), (b)(7)(C)

**AFFIDAVIT**

HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS

ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT (b)(6), (b)(7)(C) THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAW

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 11th day of April, 2005

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C), (b)(7)(F)

(Typed Name of Person Administering Oath)

Article 136 UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 3 OF 3 PAGES

**ACLU DDII CID ROI 31099**

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB Iskanderiyah, Iraq
2. DATE (YYYYMMDD): 2005 04 12
4. FILE NUMBER: [redacted]
7. GRADE/STATUS: E-4 / AD

8. ORGANIZATION OR ADDRESS: B Co 1/155th Inf BN

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am SPC [redacted] [redacted]. The morning after the shooting my squad came in for commo checks. He told me what had happened out there. He told me that the man was getting frantique after he found out his sons were being arrested. He told me he had called the interpreter over to him a few times trying to calm the man. Then after a while he said the man broke free and went after him. He said they wrestled around and fell into a ditch. He said the man was grabbing for his gun. That when they fell into the ditch that his gun went off shooting the man.

Q [redacted]
A [redacted]

Q. When you say "He", who do you mean?

A. [redacted]

Q. Was anyone else around when SPC [redacted] told you this?

A. SPC [redacted] told me this in our [redacted] [redacted] in his

Q. WAS THE WEAPON (PISTOL) THAT SPC [redacted] HAD IN HIS POSSESSION YOURS?

A: The weapon that SPC [redacted] had the night of the shooting was hand returned to me.

Q. Did SPC [redacted] tell this to you as if his gun went off by accident?

10. EXHIBIT
11. PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 2 PAGES

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

ACLU DDII CID ROI 31100

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 50

(b)(6), (b)(7)(C)

STATEMENT OF ~~FOB Iskandariyah, Inc.~~ TAKEN AT FOB Iskandariyah, Inc. DATED 12 Apr 05

9. STATEMENT (Continued)

A. It seemed that spc (b)(6), (b)(7)(C) fell into the ditch so hard that it made the gun have an accidental discharge.

Q. Was SPC (b)(6), (b)(7)(C) taking any medication during this time?

A. I don't know.

Q. Did SPC (b)(6), (b)(7)(C) tell you that he had the interpreter talk to the detainee several times to try + calm him down?

A. yes

Q. Do you have anything further to add to this statement?

A. I was in the process of moving out of the room, because of spc. (b)(6), (b)(7)(C) behavior. He would have spontaneous outbursts for the littlest things. The (b)(6), (b)(7)(C) new at (b)(6), (b)(7)(C) was not the (b)(6), (b)(7)(C) over here.

Q. Do you have anything else to add to this statement?

A. no !!! End of Statement !!! (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of April, 2005 at FOB Iskandariyah, Inc.

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)  
54  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Am 136 UcmJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 2 PAGES

WEAPONS CONTROL REGISTER

RACK/SLOT/ MASK NUMBER	SERIAL NUMBER	UNIT: DET 1 CO B 1-155 <sup>TH</sup> INF BN	DATE/TIME OUT	LOCATION: ISSUED TO POPULARVILLE, MS PRINTED NAME	ISSUED TO SIGNATURE	DATE: DATE & TIME RETURNED	RECEIVED BY (INITIALS)
RACK 16/6 150	012959 1104816	M249SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 16/7 151	013142 (b)(6), (b)(7)(C)	M249SAW	3 Jan 04	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 16/8 152	012829	M249SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 16/9 153	013097 1106872	M249SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 17/1 154	013423 1103842	9SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 17/2 155	012658 1104782	9SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 17/3 156	012819 11021809	9SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 17/4 157	013616	M249SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 17/5 158	012840	M249SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 17/6 159	012763 1108306	M249SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 17/7 160	012795	M249SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 17/8 161	013031 (b)(6), (b)(7)(C)	M249SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 17/9 162	013511 (b)(6), (b)(7)(C)	M249SAW		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 18/1 163	C6611475	M24 SNIPER		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 18/2 164	20475	MARKI9		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		
RACK 18/3 165	1572890	.SOCAL		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)		

\*TYPE OF WEAPONS CODED AS FOLLOWS:  
 RI - RIFLE RE - REVOLVER SG - SUBMACHINEGUN GL - GRENADE LAUNCHER  
 PS - PISTOL MG - MACHINEGUN MT - MORTAR RL - ROCKET LAUNCHER O - OTHER (SPECIFY)

AGO FORM 190-3 (JUN 84, Previous editions are obsolete)

ACLU DDII CID ROI 3110

EXHIBIT 32





SWORN STATEMENT

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

(b)(6), (b)(7)(C)

LOCATION FOB Iskandariyah, Iraq	DATE 12 Apr 05	FILE NUMBER 0088-05-CID259
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	RANK/STATUS LTC/AD

ADDRESS/ORGANIZATION

HHC, 1/155<sup>th</sup> Infantry BN, FOB Iskandariyah, Iraq

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 29 March 05, CPT (b)(6), (b)(7)(C) informed me by FM that one of the detainees had been killed and that they were evacuating the soldier involved in the incident to the BAS for shock. He requested the Chaplin and me be present at the BAS so we could talk to the soldier. When CPT (b)(6), (b)(7)(C) vehicle arrived, I learned the soldier was SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) was visibly upset about the incident. He kept saying that he felt sorry for the children, and that he could not get their crying out of his head. SPC (b)(6), (b)(7)(C) had grass stains, soil, and dirt on the right side arm and leg. It was obvious that he had rolled hard on the ground. SPC (b)(6), (b)(7)(C) informed me that he was guarding the detainee when he got loose from his flex cuffs. He told those around that "he is getting out of his cuffs" (or something to that effect). He told me that as he was trying to recuff him, when the detainee reached to grab him behind the neck. He thought the detainee was attacking him to get his pistol. He then tackled the detainee to the ground. They rolled down a ditch and when they finally stopped, he fired his pistol at the detainee's head. Initially, he thought he was wounded, because he was having difficult breathing. Other members of the platoon then reached the scene to help him.

Q: (b)(6), (b)(7)(C)

A: (b)(6), (b)(7)(C)

Q: Did SPC (b)(6), (b)(7)(C) say the detainee grabbed his pistol?

A: No.

Q: Do you have anything further to add to this statement?

A: SPC (b)(6), (b)(7)(C) was visibly upset and very emotional about the fact that the man's kids had seen him die which made (b)(6), (b)(7)(C) think of his own kids.

Q: Do you have anything else to add to this statement?

A: No.////End of Statement////

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

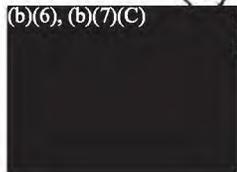
EXHIBIT	STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADLINE TAKEN AT \_\_ DATED \_\_ CONTINUED."  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INITIALED BY THE PERSON MAKING THE STATEMENT AND BE INITIALED  
 AS "PAGE \_\_ OF \_\_ PAGES." WHEN ADDITIONAL PAGES ARE USED THE BACK OF PAGE 1 WILL BE LINED OUT AND THE  
 STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

NOT USED

(b)(6), (b)(7)(C)



(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C)  
BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE STATEMENT WHICH I HAVE MADE BY ME. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

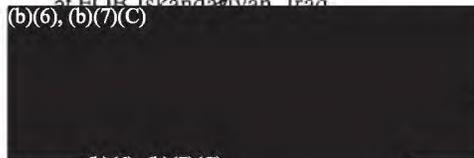
STATEMENT WHICH I HAVE MADE BY ME. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

I, (b)(6), (b)(7)(C)  
do hereby administer oaths, this 12th day of April, 2003  
at FOR Iskandariyah, Iraq

(Signature)  
Authorized by Law to

ORGANIZATION OR ADDRESS



SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

Article 136 UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)



ACLU DDII CID ROI 31114

PAGE 2 OF 2 PAGES

SENSITIVE

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary. (b)(6), (b)(7)(C)

1. LOCATION: FOR ISKANDARIYAH, IRAQ
2. DATE (YYYYMM): 2005 04 12 2050
3. FILE NUMBER
4. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
5. GRADE/STATUS: O-1
6. ORGANIZATION OR ADDRESS: HHC 1155 IN, 155 BCT, APO AE 09325

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 30 MAR 2005 I WAS ASSIGNED TO CONDUCT A COMMANDERS INQUIRY INTO THE 29 MAR 2005 SHOOTING DEATH OF INSURGENT LEADER SADUUN HAMZA (FEIHAN) BY SPC (b)(6), (b)(7)(C) WHILE DETAINED BY BCO 1155 IN. ON 9 APRIL 2005 AGENTS FROM C.I.D. BEGAN AN INVESTIGATION INTO THIS INCIDENT. I WAS INSTRUCTED THAT MY INQUIRY WAS TO CEASE PENDING FINALIZATION OF THE C.I.D. INVESTIGATION, AND THAT I WAS NOT TO DISCUSS THIS MATTER WITH ANYONE UNTIL SUCH TIME. THE FOLLOWING INFORMATION IS BASED OF MY FINDINGS PRIOR TO THE BEGINNING OF THE C.I.D. INVESTIGATION; ON 29 MAR 05 ELEMENTS FROM BCO 1155 IN WERE OBSERVING A PREVIOUSLY USED MORTAR LAUNCH SITE NEAR THE A.S.P. ON NO NAME ROAD. THEY SPOTTED A SUSPICIOUS VEHICLE WHICH FLED THE SCENE. AFTER GIVING CHASE

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 8 PAGES

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

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

STATEMENT OF ZLT (b)(6), (b)(7)(C) TAKEN AT Los Iskandar DATED 12 APR 05

(b)(6), (b)(7)(C) ENT (Continued)

PATROL WAS LED TO A FARM HOUSE WHERE 3 MALES WERE DETAINED. 2 OF THE DETAINEES TESTED POSITIVE FOR GUNPOWDER RESIDUE. ROCKETS AND A LAUNCHER WERE FOUND AT THE LOCATION. WHILE IN CUSTODY ONE OF THE DETAINEES, SAOUUN HAMZA (FEIHAN) (WHO DID NOT TEST POSITIVE) WAS BEING GUARDED BY SPC (b)(6), (b)(7)(C) WAS SHOT IN THE HEAD WITH AN M9 9MM PISTOL. HAMZA DIED AT THE SCENE. PHOTOS WERE TAKEN AFTER THE SHOOTING WHICH SHOWED ONE OF HAMZA'S HANDS OUT OF HIS FLEX CUFFS. I BEGAN MY INVESTIGATION BY GOING OUT TO REAPER (Bco) FIRM BASE TO TALK TO AND GET STATEMENTS FROM PERSONNEL WHO WERE INVOLVED IN THE PATROL. I DO NOT HAVE MY STATEMENTS AT THIS TIME AS THEY ARE CURRENTLY IN POSSESSION OF C.I.D. SO I AM GOING STRICTLY ON MEMORY AT THIS TIME. I SPOKE ALONE WITH EACH INDIVIDUAL WHO GAVE STATEMENTS. SEVERAL OF THEM TOLD ME THAT SPC (b)(6), (b)(7)(C) HAS BEEN INVOLVED IN SEVERAL INCIDENTS INVOLVING "QUESTIONABLE SHOOTINGS." THEY FELT HE HAS HAD A HABIT (b)(6), (b)(7)(C) OF SHOOTING

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 2 OF 8 PAGES

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STATEMENT OF ZLT (b)(6), (b)(7)(C) TAKEN AT EOB Al-Kandari DATED 12 April 2005

STATEMENT (Continued)

(b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

AMZI'S ~~HABESSE~~ UNJUSTIFIABLY. ONE SOLDIER TOLD ME OF A SHOOTING WHICH HE CLAIMS WAS NOT REPORTED IN WHICH (b)(6), (b)(7)(C) SHOT A MAN FROM THE TOWER CLAIMING HE WAS FIRED ON BUT THAT THERE WERE ONLY SNOTS FIRE BY (b)(6), (b)(7)(C) THEY TOLD ME THEY FELT THIS LATEST SHOOTING WAS ONLY ANOTHER IN A SERIES OF QUESTIONABLE SHOOTINGS BY (b)(6), (b)(7)(C) I WAS ALSO TOLD THAT (b)(6), (b)(7)(C) WAS FAMILIAR WITH REMOVING HANDS FROM FLEX CUFFS WITHOUT BREAKING THEM. IN A SWORN STATEMENT SPC (b)(6), (b)(7)(C) CLAIMS THAT HE HEARD SAY "THIS GUY IS TRYING TO GET OUT OF HIS CUFFS". AFTER THAT HE WITNESSED SPC (b)(6), (b)(7)(C) RUSH FORWARD TOWARDS HAMZA, AT WHICH POINT HE DISAPPEARED FROM VIEW BEHIND A HMWV FOR ABOUT 15 SECONDS. SPC (b)(6), (b)(7)(C) CLAIMS HE THEN WALKED TO THE EDGE OF THE DITCH THAT THEY WENT INTO AND WITNESSED HAMZA ON HIS HANDS AND KNEES WITH SPC (b)(6), (b)(7)(C) ON TOP OF

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 3 OF 8 PAGES

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STATEMENT OF 2LT (b)(6), (b)(7)(C) TAKEN AT FAJ Kharandijan DATED 12 MAR 05

(b)(6), (b)(7)(C) STATEMENT (Continued)

M. HE STATED HAMZA WAS NOT RESISTING IN ANY WAY AND THERE WAS NO STRUGGLE GOING ON. (b)(6), (b)(7)(C) STATED (b)(6), (b)(7)(C) TOOK HIS M9 PISTOL, PLACED IT TO THE MANS NECK AND SHOT HIM. HE SAID (b)(6), (b)(7)(C) THEN ROLLED ONTO HIS BACK CLAIMING HE COULD NOT BREATHE. HE SAID (b)(6), (b)(7)(C) LATER SAID THE GUN JUST WENT OFF. I WAS PERSONALLY PRESENT IN THE INTERPRETERS TENT ON THE NIGHT OF 29 MAR WHEN (b)(6), (b)(7)(C) CAME IN AND GOT INTO AN ARGUMENT WITH A COUPLE OF INTERPRETERS. I HEARD HIM SAY HE WAS WALKING WITH THE DETAINEE WHEN HE BROKE OUT OF HIS CUFFS AND GRABBED (b)(6), (b)(7)(C) BY THE NECK WITH ONE HAND AND GRABBED HIS PISTOL WITH THE OTHER. HE STATED THE WEAPON WENT OFF DURING THE STRUGGLE BY ACCIDENT. SPC (b)(6), (b)(7)(C) GAVE A LITTLE DEMONSTRATION TO SHOW HOW IT HAPPENED WHILE STANDING AT THE EDGE OF THE DITCH.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

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USAPA V1.00

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EXHIBIT 54

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

STATEMENT OF ZLT (b)(6), (b)(7)(C) TAKEN AT FOR Khamis DATED 12 APR 05

(b)(6), (b)(7)(C) STATEMENT (Continued) (b)(6), (b)(7)(C)

HAD TO ASK (b)(6), (b)(7)(C) TO LEAVE IN ORDER TO KEEP THE SITUATION FROM GETTING OUT OF HAND. STATEMENTS WERE LATER OBTAINED FROM INTERPRETERS. SPC (b)(6), (b)(7)(C) WAS SENT TO CAMP ECHO TO ATTEND THE COMBAT STRESS CENTER. A DAY OR SO LATER. DURING THE COURSE OF MY INVESTIGATION CPT (b)(6), (b)(7)(C) CO FOR B CO 1/55 GAVE ME AN S-2 INTEL PACKET (CLASSIFIED SECRET) WHICH INDICATED HAMZA WAS A WANTED INSURGENT LEADER RESPONSIBLE FOR ATTACKS ON COALITION FORCES AND OTHER ACTS OF AGGRESSION AND CRIMES. I LATER WENT TO CAMP ECHO TO INTERVIEW (b)(6), (b)(7)(C) AND TO TALK WITH THE COUNSILORS THERE TO FIND OUT ABOUT HIS TREATMENT AND STATUS. I WAS TOLD THAT HE WAS BASICALLY A "MODEL PATIENT", AND FIT FOR RETURN TO DUTY. DURING MY INTERVIEW AND SWORN STATEMENT BY (b)(6), (b)(7)(C) HE RECALLED THE STORY HE TOLD THE INTERPRETERS. HE TOLD ME HE ONLY SAID THAT BECAUSE

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 5 OF 9 PAGES

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STATEMENT OF ZLT (b)(6), (b)(7)(C) TAKEN AT Fob Iskandar Ariyah DATED 12 April 05(b)(6), (b)(7)(C)  
STATEMENT (Continued)

(b)(6), (b)(7)(C) WANTED TO HURRY UP AND LEAVE THE TENT. (b)(6), (b)(7)(C) STATED THAT HE WAS ATTACKED BY THE DETAINEE, THEY STRUGGLED, FELL INTO THE DITCH, AND THAT THE INSURGENT WAS FIGHTING WITH HIM OVER THE WEAPON. HE SAID THE GUN WAS POINTED AT HIS (b)(6), (b)(7)(C) HEAD AND HE PUSHED IT AWAY THEN SHOT THE MAN IN SELF DEFENSE. AFTER INTERVIEWING HIM I ESCORTED (b)(6), (b)(7)(C) BACK TO FOB ISKAND-ARIYAH WHERE HE HAS BEEN REASSIGNED TO TOC DUTY IN HEADQUARTERS COMPANY PENDING OUT COME OF THE INVESTIGATION. I HAD PLANNED FURTHER QUESTIONING OF PERSONEL INVOLVED BASED ON (b)(6), (b)(7)(C) STATEMENTS AS WELL AS ATTEMPTING TO TALK WITH CIVILIAN AUTHORITIES TO ASCERTAIN THE CONDITION OF THE BODY. IN PARTICULAR LOCATION OF ENTRY AND EXIT WOUNDS (IF ANY) AS WELL

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 1 OF 2 PAGES  
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STATEMENT OF 2LT (b)(6), (b)(7)(C) TAKEN AT FBI Kalamazoo DATED 12 April 05

(b)(6), (b)(7)(C) (Continued)

THE ANGLE OF SHOT IF IT WAS DETERMINED. AS STATED HOWEVER MY INVESTIGATION IS NOW ON HOLD PENDING COMPLETION OF C.I.D. INVESTIGATION, THIS STATEMENT IS TRUE TO THE BEST OF MY RECOLLECTION DUE TO NOT HAVING ACCESS AT THIS TIME TO STATEMENTS AND EVIDENCE THAT I GATHERED PRIOR TO ARRIVAL OF C.I.D.

Q: SA (b)(6), (b)(7)(C)

A: 1LT (b)(6), (b)(7)(C)

Q: Did this incident happen on the 29th of March 2005?

A: I think it was.

Q: Who did you talk to that believed his previous shootings were questionable?

A: I think one was SPC (b)(6), (b)(7)(C) but he didn't put that all in his statement. I told him to keep to what he knew when writing his statement. SPC (b)(6), (b)(7)(C) also mentioned it. I can't remember who else, but the general consensus of the people I interviewed was that it wasn't an accident or in self-defense.

Q: What did the soldiers mean when they said (b)(6), (b)(7)(C) even or was familiar with removing limbs from flex-cuffs without breaking them?

A: Some of the soldiers, especially SPC (b)(6), (b)(7)(C) said you can loosen the flex-cuffs with a multi-tool. You put a flat head screwdriver or something to hook up on the ratcheting teeth and

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

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ACLU DDII CID ROI 31121

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EXHIBIT 21

STATEMENT OF [REDACTED] TAKEN AT FAB ISLANDARIYAH DATED 12 April 05

[REDACTED] ENT (Continued)

LOOSEN THEM.  
Q: WHEN YOU WERE IN THE INTERPRETERS TEST DID YOU ACTUALLY HEAR SPC [REDACTED] SAY THAT HE WAS WORKING WITH THE VICTIM WHEN HE BROKE OUT OF HIS CUFFS, GRABS SPC [REDACTED] BY THE THROAT/NECK, GRABS FOR HIS PISTOL, AND THEN THE PISTOL GOING OFF BY ACCIDENT?

A: YES.

Q: DO YOU KNOW WHO'S WEAPON SPC [REDACTED] WAS USING?

A: NO. AS FAR AS I KNOW IT WAS HIS.

Q: DO YOU KNOW OF ANY PROBLEMS BETWEEN SPC [REDACTED] AND SPC [REDACTED]?

A: NO. I THOUGHT THEY GOT ALONG FINE. EVEN DURING SOME OF MY INTERVIEWS OF SPC [REDACTED] HE MADE IT SOUND LIKE SPC [REDACTED] WAS HIS BEST FRIEND.

Q: DO YOU KNOW IF SPC [REDACTED] WAS TAKING ANY MEDICATIONS?

A: NOT THAT I AM AWARE.

Q: DID YOU TALK WITH SPC [REDACTED] RIGHT AFTER THE INCIDENT?

A: NO. MY FIRST RUN IN WITH SPC [REDACTED] WAS IN THE INTERPRETERS TEST. I HAD TO GET INVOLVED BECAUSE HE WAS UPSETTING THEM AND WOULDN'T LEAVE, SO I HAD TO TELL HIM TO LEAVE. THAT'S WHEN I HEARD HIM TALKING ABOUT HOW IT HAPPENED. HE DEMONSTRATED IT. THE NEXT TIME I INTERVIEWED HIM IN MY OFFICIAL CAPACITY AT CAMP ECHO.

Q: DO YOU WISH TO ADD ANYTHING TO YOUR STATEMENT?

A: NO. /// END OF STATEMENT ///

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY [REDACTED] THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE [REDACTED]

(Signature of Person Making Statement)

WITNESSES:  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of April, 2005 at FAB ISLANDARIYAH, IRAQ.

[REDACTED] (Signature of Person Administering Oath)

SA [REDACTED] (Typed Name of Person Administering Oath)

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

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 8 OF 8 PAGES

To Almaseeb police office

04/04/05

From /Algurn police office  
323

----- At hour 1300 O'clock on date 04/02/05 Came to our office (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) a farmer from al boght inhabitants claiming that the American forces has shot his brother Saadon Hamzah Feihan born on 1957 And he was transported to Almaseeb hospital where he died as a result of him being shot , and he asked to complain against the American forces . a medical check was done to the body and it shows that he was hit in his neck by a bullet and the representative decided to give the body to relatives and with out autopsy to be done to the corpse .and to bring the plaintiff in front of the accident location / not clear righting (at location 6 the basic centre 14 and the investigator here (b)(6), (b)(7)(C) please regard and we will inform you .....)

Lieutenant

(b)(6), (b)(7)(C) [[personal signature]]

Officer of the centre

Translated by

(b)(6), (b)(7)(C)

Translator cat II Titan Corporatio

(b)(6), (b)(7)(C)

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EXHIBIT 56  
000202

4/4/2005

To Musyib police directory

From AL Jaret police center

#323 at Hrs1300 on,4/2/2005 arrived at police center (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) farmer from albujeha area complain that the U.S. forces shooting by firing  
Bullet at his brother **Sadunn Hamza Feihan Al Janabej** born in 1957 which cause  
his death and than transfer the dead body to Musayb hospital and I report the incident  
to U.S. forces they check the body of the decease and found out he been shot at his  
neck area with bullets the judge decide to give the body of the decease t o his family  
without autopsy describing the personal right

**NOTE: THE LAST LINE NOT CLEAR**

SIGN BY

Lieutenant Colonel

(b)(6), (b)(7)(C)

Translated By:

(b)(6), (b)(7)(C)

Interpreter, Category II  
Titan Corporation  
48<sup>th</sup> Military Police Detachment (CID)(FWD)  
Abu Ghraib, Iraq APO AE 09342

The master the respectful Almuseeb investigation Judge  
Gurn Alagz police office

Telegraph number /323 D: 04/04/2005

03/31/2005

At 1400 O'clock came to our centre the (b)(6), (b)(7)(C) claiming that on 03/28/2005 at 12:50 the American forces has killed his brother Saadoun Hamzah Feihan in his home located at Gurn Alagz, and detained his son (b)(6), (b)(7)(C) (not clear words) and they put him in Almuseeb hospital and he requested to have the body with no autopsy. His words were written and accompanied [[illegible]] we are wishing the follow up 2-A medical exam was done to the corpse. And accompanied folding, wishing the review[[illegible]] ....and what you consider consistent. With my regards

(b)(6), (b)(7)(C)

Investigation officer [[stamp and personal signature]]

- 1-.....
- 2-.....
- 3-.....

04/10/2004

Translated by

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

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To Museib Interrogator Judge

Telegram# 323  
3/31/2005--4/42005

Jerf Al Ajez police station

At 1400 report to us by (b)(6), (b)(7)(C) claiming at 3/28/2005 12:50 pm  
The American forces killed his brother named SADUNN HAMZA FEIHAN in his  
house locator at JERF AL AJEZ and arrested his son named (b)(6), (b)(7)(C) he take him to  
MUSIAB general hospital he requested not to perform the autopsy and his words been  
recorded. This to inform you.  
The body of the deceased been inspected this include in this document to inform you and  
Will leave it up to you for any commend with best regard.

Signature

Note: several line unable to read

Translated By:

(b)(6), (b)(7)(C)

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Abu Ghraib, Iraq APO AE 09342

Gurn Alagz police centre  
03/31/2005

Opening of the Case

Came to our office the (b)(6), (b)(7)(C) claiming that on date 03/28/2005 the American forces has killed his brother Saadon Hamzah Feihan while he was in his home and they took him with them there fore the case was opened and investigation .

(b)(6), (b)(7)(C) [personal signature]]

The story told by (b)(6), (b)(7)(C) (not clear address) born (b)(6), (b)(7)(C) farmer lives in (b)(6), (b)(7)(C)

On 03/28/2005 at 13:50 O'clock and while I was at the ..... This located at Albohat I heard a sound of bullets so I ran out side the house I saw American solders following an Opel car? I don't remember it is color and after that the driver escaped to unknown destination and he left the car in front of my brother's house the victim Saadoun. So the army surrounded my brother's home and then detained him with his son. [Not clear first name]... Saadoun. And during that time I heard a sound of bullets and after it the translator came to the American leader and told him that the solders killed my brother Saadoun Hamzah Feihan in his house, with out any guilt. There fore they took the body and the son with them. We searched for the corpse of my brother the victim Saadoun. In hospitals and lately found in Almuseeb public hospital and I request handing over the body to me with no autopsy and these are my word.

(b)(6), (b)(7)(C)

Translated by (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

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JERF AL AJEZ POLICE STATION  
3/31/2005

Statement record

Came to AJEZ police station (b)(6), (b)(7)(C) reported that on 3/28/2005 the American forces killed his brother the decease SADUNN HAMZA FEIHAN in his house this his statement recorded.

Sign by

First Lieutenant

(b)(6), (b)(7)(C)

Interrogator officer

Statement by (b)(6), (b)(7)(C) his work farmer his address (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) he said below:

In 3/28/2005 at the hrs. 1350 when I was sitting at my home in (b)(6), (b)(7)(C) area I heard sound of firing shots I run outside the house and I saw American unit chasing a car model OPEL red color after I saw the driver running away to unknown area he left his car in front my brother house SAFUNN they surround the house they arrest him and his son his son name (b)(6), (b)(7)(C) and than I heard sound of firing shots after the translator cam to the American general and reported that unit killed my brother SADUNN HAMZA FEIHAN at his house without any reason they took the decease and his son with them I search at the hospital for my brother body I found him at MUSEIB GENERAL HOSIPTAL they brought him their by the U.S. forces and I am requesting to received the decease (body) without autopsy and this is my statement

Signed by

(b)(6), (b)(7)(C)

Sign by

First Lieutenant

Translated By:

(b)(6), (b)(7)(C)

Interpreter, Category II

Titan Corporation

48<sup>th</sup> Military Police Detachment (CID)(FWD)

Abu Ghraib, Iraq APO AE 09342

ACLU/DII CID ROI 31134

(b)(6), (b)(7)(C)

03/31/2005

The medical exam to the body

Based on the information brought to us by (b)(6), (b)(7)(C) for the killing of his brother the victim Saadon Hamza Feihan by the American forces to the hospital we moved. And noticed the coming.

- 1- I have seen the victim and he is 48 years old.
- 2- I have seen the victim and he was hit by a bullet on the left side of the head above the ear and exited from the right side under the jaw
- 3- I have seen the victim and he was wearing a white dishdasha and it was stained with blood after a strong bleeding from nose and head.
- 4- I have seen the victim and he was wearing a trouser
- 5- I have seen the victim and he is of a middle size with gray hair
- 6- I have not seen any thing can be useful to the investigation

2/first

(b)(6), (b)(7)(C)

Investigator [[personal signature]]

Translated by

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Translator cat II Titan Corporation

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EXHIBIT 65

JERF AL AJEZ POLICE STATION  
3/31/2005

Deceased discovery

According to incoming news from reporter, (b)(6), (b)(7)(C) his brother killed the murder SADUNN HAMZA FEIHAN by the American forces and than transfer to a hospital notice below

- 1- I saw the decease he appear 48 year of edge.
- 2-I saw the decease when was injur with gunshot wound in his head area the left side above his ear and exited from under his jar.
- 3-I saw the decease he wearing whit Deshdasha full of blood due to heavy bleeding from his nose and head area.
- 4- I saw decease wearing gray pants.
- 5- I saw the decease he is medium size with little white hear.
- 6-I didn't sea any thing else benefit the investigation.

Sign by

1<sup>st</sup> LIEUTENANT

(b)(6), (b)(7)(C)

Translated By:

(b)(6), (b)(7)(C)

Interpreter, Category II  
Titan Corporation  
48<sup>th</sup> Military Police Detachment (CID)(FWD)  
Abu Ghraib, Iraq APO AE 09342

Gurn Alagz police centre  
04/09/2005

drawing of the accident location

Based on the coming information to us by (b)(6), (b)(7)(C) about the death of his brother Saadon Hamza Feihan caused by the American forces we moved to the place of the accident and we found that.

- 1- The place of the accident is about 15 kilometer far from Alnasiah centre.
- 2- The place of the accident is a farm land that include a living home in it surrounded by date trees from all sides.
- 3- it is 3 kilometers far from the main road approximately
- 4- I haven't seen something else that can be useful to the investigation

[[A hand drawing of the accident location]

(b)(6), (b)(7)(C) [[personal signature]]

Translated by:

(b)(6), (b)(7)(C)

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Assign to Military Police Detachment  
(MP)(DET) (CID) (FWD)  
Camp Victory, Baghdad, Iraq APO AE 09342 A/M

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ACLU/DDII CID ROI 31141

**JERF AL AJEZ POLICE STATION**

**4/9/2005**

Incident location and drawing

According to the reported received to us by (b)(6), (b)(7)(C)  
He reported of his brother death SADUNN HAMZA FEIHAN by the American forces  
We want to the incident location below.

- 1- Incident location distance from NASSERIA POLICE approximately fifteen kilometers.
- 2- Incident location contains farmland and houses surrounded with date tree from all side.
- 3- Distance from main road 3 kilometers approximately.
- 4- Didn't observe any thing else outside the integration report.

Translated By:

(b)(6), (b)(7)(C)

Interpreter, Category II  
Titan Corporation  
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Abu Ghraib, Iraq APO AE 09342

Gurn Alajz police centre

04/10/2005

The plaintiff's words or story (b)(6), (b)(7)(C) born on the (b)(6), (b)(7)(C) wife of the victim Saadoun Hamzah Feihan and she [[illegible]] lives at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

On date 03/28/2005 the American forces surrounded the house in Alboyhat location .then three army personnel accompanied my husband Saadoun Hamzah Feihan out side the house then they handcuffed him and after that another group went to the house of my husband's brother his name is (b)(6), (b)(7)(C) and after that I heard a sound of bullets and fire shots where it occur that the American solder fired a bullet in my husband's head Saadon Hamzah Feihan [[ illegible righting]] And these are my words [[personal signature]]

(b)(6), (b)(7)(C)

Investigation officer [[stamp and personal signature]]

Translated by:

(b)(6), (b)(7)(C)

Translator cat II Titan Corporation (b)(6), (b)(7)(C)  
Assigned to Military Police Detachme  
MP DET CID FWD  
Camp victory Baghdad, Iraq APO AE 09342

~~CONFIDENTIAL~~  
~~CONFIDENTIAL~~

ACLU RDI CID ROI 31145

EXHIBIT 71  
000217

JERF AL AJEZ POLICE STATION  
4/10/2005

She claims her personnel right (b)(6), (b)(7)(C) born in (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) wife of the murder **SADUNN HAMZA FEIHAN**; She is housewife at (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) Three American soldier brought her husband SADUNN HAMZA  
FEIHAN out side house and tied him after that anther group want to a person named  
(b)(6), (b)(7)(C) after that she heard sound of firing bullet it appear that the American soldier fire  
the shot at my husband head SADUNN HAMZA FEIHAN I am filing this claim I am  
asking for compensation.

Sign by Wife

Translated By:

(b)(6), (b)(7)(C)

Interpreter, Category II  
Titan Corporation  
48<sup>th</sup> Military Police Detachment (CID)(FWD)  
Abu Ghraib, Iraq APO AE 09342

Gurn Alagz police centre 04/10/2005

The respectful Almuseeb investigation judge

Your decision dated on 03/31/2005

1-The words of the plaintiff (b)(6), (b)(7)(C) were written. The wife of Saadoun Hamzah Feihan. Accompanied here with the papers. Wishing the reviewing.

2-We bring to your honor the case above wishing recording her words and giving the right decision. with regards

3- The autopsy ..... Illegible righting

Also illegible wrighting

1-.....

2-.....

3-.....

(b)(6), (b)(7)(C) [[personal signature]] with stamp

Translated by

(b)(6), (b)(7)(C) (b)(6), (b)(7)(C)  
Translator cat II Titan Corporation

Assign to:  
48<sup>th</sup> Military Police Detachment (MPCET) (CID) (FWD)  
Camp Victory, Baghdad, Iraq APO AE 09342

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COMMON SENSE SENSITIVE

ACLU DDII CID ROI 31149

EXHIBIT 74

000220

1-Request for Review

BEN AL AJEZ POLICE STATION  
4/10/2005

Dear Sir (b)(6), (b)(7)(C) Interrogator Judge  
Your decision dated 3/31/2004

The witness claim her personnel right (b)(6), (b)(7)(C) the wife of SADUNN  
HAMZA FEIHAN including file approved please take a look at.  
Please take her statement and make a decision.

Note : Several line unable to read .

Translated By:

(b)(6), (b)(7)(C)

Interpreter, Category II  
Titan Corporation  
48<sup>th</sup> Military Police Detachment (CID)(FWD)  
Abu Ghraib, Iraq APO AE 09342

Certificate number 746180

The Republic of Iraq  
Ministry of health

Division of health and living census Death certificate

1-name and surname of the dead person...Saadoun Hamzah Feihan

2- Gender. Male

3-nationality Iraqi

4-religion Muslim

5-occupation accountant

6-marital status: married

7-date of birth 07/01/1957

8-place of birth

9-permanent residence not clear

10-place of death Alboyhan

Village Alfakher

Location Babel

Court

State Babel

11-date of the death (written): hour.....day 28 month 03 year 2005

12-name of the father of the dead person (b)(6), (b)(7)(C)

13-name of mother of the dead person (b)(6), (b)(7)(C)

14-name of the person who filed the case (b)(6), (b)(7)(C)

15-his relation with the dead brother

16-full address of the informer not clear

17- Clinical death certificate

(1) The disease or the direct cause of the death. Sickness cases (if found) that led to the above cause with mentioning the original cause at the end (A) the investigation on 03/30/ (caused by or as a result of the following)

(B) Handing over the body with no autopsy (caused by or as a result of the following)

(2) Other circumstances helped to cause the death and doesn't relate to the main cause of the death, if the dead woman in an age birth (15-49) cross one of these fields

The death happened during pregnancy .....while giving birth .....

19-I certify that the death happened from the reasons above

Doctor's name, signature and address

[[Stamp saying: Babil Health circuit .Almuseeb Public hospital authority]]

Translated by

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Translator cat II Titan Corporation

Assign to:

48<sup>th</sup> Military Police Detachment (MPCET) (CID) (FWD)

Camp Victory, Baghdad, Iraq APO AE 09342

ACLU DDII CID ROI 31153

~~CONFIDENTIAL~~  
~~CONFIDENTIAL~~

The Seal Babel Public Health Directory Health Institution

**27-Medical Autopsy Certificate (Must Be Completed By Autopsy Doctor)**

Sign below MD (Blank)

MD In (blank)

I Did Autopsy for the Deceased (blank)

Which Sent By (blank)

Document Number (blank)

Dated at (blank)

In Hour (blank)

Dated (blank)

I Found The Death Reason (blank)

Doctor Signature (blank)

Medical Autopsy Seal

**28-Information From Birth Certificate Directorate (Taken from Birth Certificate Number 62298**

Register Number (blank)

Page number (blank)

Governorates or Muhafaza (blank)

Birth Certificate Number (blank)

The Certificate Attached

Copy to Birth Certificate Directorate

Copy to Person Involve

Copy to the Person Who Document This Certificate

Recorded At Health Authority (blank)

Under Serial Number (blank)

Year (blank)

Seal And Signature (blank)

Translator By:

(b)(6), (b)(7)(C)



Interpreter, Category II

Titan Corporation

48<sup>th</sup> Military Police Detachment (CID)(FWD)

Abu Ghraib,Iraq APO AE 09342

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~~LAW ENFORCEMENT PURPOSES~~

ACLU DDII CID ROI 31154

- 1- Certificate number 746180
- 2- Date 4/1/2005
- 3- REPUBLIC OF IRAQ Health Ministry
- 4- Health Inventory Section
- 5- Death Certificate
- 6- Name of death person and family name (blank)
- 7- Sex (blank)
- 8- Nationality (Iraqi #71)
- 9- Realigns (blank)
- 10- Employment (Labor)
- 11- Marriage Status Single (blank) Married (blank) (Widow) Divorce (blank)
- 12- Date Of Birth (not readable)
- 13- Place of birth (blank) County (blank) Governorates (Babil)
- 14- Permanente Resident House Number (blank) Village (blank)(blank) County (blank) Governrate (blank)
- 15- Date of the Death (In writing) The hour (blank) The Day (blank) The Month (blank) The Year (blank)
- 16- Place of the death AL BAHBAHN Neighbor or Farm (Al Fakhar) Village (AL Musaib) Province Illegible Governorates or Muhafza (Babil)
- 17- Deceased Father Name (b)(6), (b)(7)(C)
- 18- Deceased Mother Name (blank)
- 19- Name Of Person Who Report The Death (blank)
- 20- Relation To The Deceased (Brother)
- 21- His Complete Address (blank)
- 22- Medical Death Certificate
- 23- Approximate period between diagnoses and the death
- 24- (1) Illness or The Condition That Cause Immediate Death Condition Illness (If Found) That Cause Above And The Original Reason AT The End  
(A) Interrogation at 3/30 (Which Cause or result of below)  
(B) Received The Deceased without Autopsy.  
(C) Illegible
- 24\_ (2) other important Condition Help Causing His Death and Not Related to Illness or the Condition Causing the Death If the Female At Pregnancy Age (15-49) Circular Any One of these Condition Below  
Time of the Death during Pregnancy X during Delivery (blank)
- 25- Place of death (blank) House (blank) Hospital (blank) Other Place (blank)
- 26- I swear that the death happens from the reason above Doctor name--Illegible  
Doctor signature (blank)  
Doctor Work Address (Blank)

~~FORN DISSEM~~ **ACLU RDI CID ROI 31155**  
~~LAW ENFORCEMENT SENSITIVE~~

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB Iskandariyah, Iraq
2. DATE (YYYYMMDD): 2005 04 13
7. GRADE/STATUS: E-4/AD
8. ORGANIZATION OR ADDRESS: B Co, 1st Platoon, 1/155th Inf BN. SSN

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

that on day that [redacted] was to leave, we had a conversation in his room about an incident that I had heard about. I asked him what really happened and he told me that they had detained two guys and the one that he was guarding; the old man, he said that the old man was flexcuffed at the back of the Humvee. He said the old man was steady moving and getting upset when he seen his son being arrested. He said that he then asked him to stop and checked the cuffs. The cuffs were o.k. so he continued to guard him. He said he asked the interdeur to explain to him, the detainee, what was going on and when [redacted] told him that his son was going to prison that the old man got upset and tried to get loose. [redacted] again checked the flexcuff and they were still on. He said he then asked Sgt [redacted] and Lt [redacted] for some assistance. He checked the guy the third time and the guys band was loose. The old man then grabbed him by the neck with his right hand and tried to take his

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

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

ACLU DDII CID ROI 31161

FOIA b(7)(C)
LAW ENFORCEMENT SENSITIVE

EXHIBIT 80

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FOB Iskandoriyah DATED 12 Apr 05  
Iraq

9. STATEMENT (Continued)

Weapon, M-9, with his left hand. The two of them began to struggle and fell in a ditch that was about five feet deep and when they hit the bottom the gun went off shooting the old man in the head.

(b)(6), (b)(7)(C)

Q. (b)(6), (b)(7)(C)

A. (b)(6), (b)(7)(C)

Q. Did (b)(6), (b)(7)(C) say the pistol went off by accident?  
A. (b)(6), (b)(7)(C) said that the pistol went off when they hit the bottom of the ditch.

(b)(6), (b)(7)(C)

Q. Did SPC (b)(6), (b)(7)(C) how many times did SPC (b)(6), (b)(7)(C) say he checked the flex-cuffs on the detainee?

(b)(6), (b)(7)(C)

A. SPC (b)(6), (b)(7)(C) said that he checked the flex-cuffs three times.

Q. Did SPC (b)(6), (b)(7)(C) say the wind was knocked out of him when he hit the bottom of the ditch?

(b)(6), (b)(7)(C)

A. SPC (b)(6), (b)(7)(C) said that when they hit the ditch that he was breathing hard because of the fall. Yes

Q. Do you have anything further to add to this statement?

(b)(6), (b)(7)(C)

A. No. /// End of Statement ///

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FOB Iskameloriyah, DATED 13 Apr 05  
Iraq

9. STATEMENT (Continued)

Not Used

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**AFFIDAVIT**

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE (b)(6), (b)(7)(C)

WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of April, 2005 at FOB Iskandariyah, Iraq

ORGANIZATION OR ADDRESS (Signature of Person Administering Oath) (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS 51 (Typed) (Authority To Administer Oaths) Art 136 UCMJ

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 3 OF 3 PAGES

About 1630, 13 Apr 05, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) Interpreter, Titan Corporation assigned to HHC, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, concerning this investigation. Mr. (b)(6), (b)(7)(C) stated he was in the tent on the evening of the shooting when SPC (b)(6), (b)(7)(C) came in. SPC (b)(6), (b)(7)(C) stated the victim tried to grab for his pistol and was trying to escape. SPC (b)(6), (b)(7)(C) said he wanted to save his life, which Mr. (b)(6), (b)(7)(C) understood as meaning not to let the victim kill him.

About 2000, 13 Apr 05, SA (b)(6), (b)(7)(C) coordinated with SSG (b)(6), (b)(7)(C) Supply Sergeant, B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, and collected as evidence one M-9 Beretta Pistol, Model 92, Serial #1106876, which was used by SPC (b)(6), (b)(7)(C) to shoot Mr. FEIHAN (See Evidence/Property Custody Document for details).

About 0950, 14 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Investigator (INV) (b)(6), (b)(7)(C) and INV (b)(6), (b)(7)(C) Al-Musayyib Police Department (NFI), who were believed to be the investigators who were at the hospital when CPT (b)(6), (b)(7)(C) dropped the victim's body off. Both officers denied being at the hospital when the victim's body arrived and did not conduct any investigation involving Mr. FEIHAN.

About 1935, 15 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) Interpreter, Titan Corporation assigned to B CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, who provided a sworn statement detailing the day of the incident. Mr. (b)(6), (b)(7)(C) stated he only translated one thing to the victim, which was that SPC (b)(6), (b)(7)(C) was not in charge and it was not SPC (b)(6), (b)(7)(C) decision as to what was going to happen to him. Mr. (b)(6), (b)(7)(C) denied translating any information to the victim about his son being sent to jail. Mr. (b)(6), (b)(7)(C) stated he was with CPT (b)(6), (b)(7)(C) most of the time while on the scene and that he was the only interpreter (See statement for details).

AGENT'S COMMENT: Mr. (b)(6), (b)(7)(C) earned studied English in college along with Iraqi History as his major. He has been interpreting for approximately one year.

About 2020, 15 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) Interpreter, Titan Corporation assigned to HHC, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, who provided a sworn statement detailing how he heard and observed SPC (b)(6), (b)(7)(C) demonstrate how he shot the victim (See statement for details).

AGENT'S COMMENT: Mr. (b)(6), (b)(7)(C) studied English in college along with Mechanical Engineering, which was his major. Mr. (b)(6), (b)(7)(C) stated he's been translating for approximately ten months.

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
 Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
 Signat (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 31164

About 1436, 15 Apr 05, SA (b)(6), (b)(7)(C) had Mr. (b)(6), (b)(7)(C) review the copied documents obtained from the victim's brother, Mr. (b)(6), (b)(7)(C) for any information pertaining to the location of the injuries on the victim's body. On one of the documents Mr. (b)(6), (b)(7)(C) discovered a police report by 1LT (b)(6), (b)(7)(C) (NFI), Investigative Officer, Jurf As Sakhr, Iraq, stating he observed a gunshot wound from the left, above the ear, and going out the other side of the victim's head on the bottom of the jaw bone. Mr. (b)(6), (b)(7)(C) provided a written translation of the document (See translation for details).

AGENT'S COMMENT: The report contradicts the location of the gunshot wound that is visible in the photographs. In the photographs there is a gunshot wound at the base of the skull on the right side of the victim's head. This document was later identified as Exhibit 63 on the Final Report.

About 2154, 15 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) advised SPC (b)(6), (b)(7)(C) of his legal rights, which he waived, and provided a written sworn statement detailing his involvement in the shooting. SPC (b)(6), (b)(7)(C) stated he was guarding the victim when he started to become agitated and talking in Arabic. SPC (b)(6), (b)(7)(C) had Mr. (b)(6), (b)(7)(C) translate, who said the victim was asking questions about his son. Mr. (b)(6), (b)(7)(C) via MAJ (b)(6), (b)(7)(C) translated the son was going to jail and the victim became more agitated after this. SPC (b)(6), (b)(7)(C) moved him next to the commander's vehicle, to its rear and out of sight of his son. They stood next to the vehicle, but the man kept moving. SPC (b)(6), (b)(7)(C) checked the victim's flexi-cuffs several times and during the last check the victim's right hand jerked out of the flexi-cuffs. SPC (b)(6), (b)(7)(C) put the man in a thumb-lock and pulled his pistol at the same time, pointing it at him. SPC (b)(6), (b)(7)(C) placed the pistol in the victim's back and pushed the victim into the vehicle while having the man in a wrist lock and telling him to stop. The victim spun around and they were in a bear hug. They went down into the ditch with the victim's left hand around SPC (b)(6), (b)(7)(C) wrist and fingers, which held his pistol. SPC (b)(6), (b)(7)(C) stated he pushed his weapon away from him and put the weapon to the victim's head, aiming above the victim's left ear in the middle towards the front area, and pulling the trigger. During the course of the interview SPC (b)(6), (b)(7)(C) stated he felt his life was in danger, even though the victim had been searched and had no weapon. SPC (b)(6), (b)(7)(C) added the pistol had been pointed at his head, even though he verified the victim's hand was on the hand grip with his and the victim was not reaching for the trigger. SPC (b)(6), (b)(7)(C) felt the victim was a deadly threat if he escaped; however, could not explain why. SPC (b)(6), (b)(7)(C) stated he made the decision to kill the victim when they landed in the ditch and verified he brought the pistol down his body, taking it out of the victim's hand, and bringing it around in an arching motion to the head. SPC (b)(6), (b)(7)(C) said they were facing each other; however, his head was below the victim's head, when they landed in the ditch. When they landed he brought the pistol up to the top of the victim's head, and shot him. SPC (b)(6), (b)(7)(C) provided a sketch of the incident scene. He indicates where they rolled

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
 Special Agent (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
 Signat (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 31165

into the ditch and annotates it with the word 'fought' (See rights advisement, statement, and sketch for details).

AGENT'S COMMENT: SPG (b)(6), (b)(7)(C) stated he was in a combat situation and reacted accordingly, even though all the suspects were detained and in flexi-cuffs, and there was no engagement by weapons fire. SPC (b)(6), (b)(7)(C) stated he felt it was either the victim or himself, even though the victim was not struggling or fighting when they hit the bottom of the ditch. When SPC (b)(6), (b)(7)(C) demonstrated where he shot the victim he showed the entrance wound being above the victim's left ear. Additionally, SPC (b)(6), (b)(7)(C) stated he became angry with the detainee as they were rolling down into the ditch, because he felt the detainee was trying to kill him. SPC (b)(6), (b)(7)(C) stated he struck the detainee with his elbow after shooting him and while rolling off of him; furthermore, kicking him as he rolled away.

About 1315, 16 APR 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) re-interviewed SPC (b)(6), (b)(7)(C) concerning how he witnessed SPC (b)(6), (b)(7)(C) shoot the victim. SPC (b)(6), (b)(7)(C) adamantly defended how he witnessed SPC (b)(6), (b)(7)(C) shoot the victim in the base of the skull on the right side while he was lying on the victim's side area with his chest. Also, SPC (b)(6), (b)(7)(C) provided a sketch of what the incident scene looked like the day of the event (See sketch for details).

About 1545, 17 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C) (NFI), Investigative Officer, Jurf As Sakhr, Iraq, who verified he was the investigating officer who viewed the victim's body at the Al-Musayyib Hospital morgue. 1LT (b)(6), (b)(7)(C) stated he observed two gunshot wounds in the victim's head; one in the right temple area and the other in the left jaw bone area. 1LT (b)(6), (b)(7)(C) was provided his report to read where he described the location of the gunshot wounds, which was on page two of the report. The report stated there were two gunshot wounds; however, one was located in the left temple area and the other was in the right jaw bone area. 1LT (b)(6), (b)(7)(C) stated the report detailing the location of the gunshot wounds was incorrect and what he had said during the interview was correct. 1LT (b)(6), (b)(7)(C) stated this was the only part of his report that was incorrect. 1LT (b)(6), (b)(7)(C) wrote the report on 31 March 2005, and believed this was the day he observed the body. 1LT (b)(6), (b)(7)(C) verified he took notes while examining the body at the morgue, but threw them away when he wrote the report. 1LT (b)(6), (b)(7)(C) stated he did not observe any tearing of the skin by either gunshot wound and believed the right temple gunshot was the entrance point. 1LT (b)(6), (b)(7)(C) stated he had no medical training to determine this. 1LT (b)(6), (b)(7)(C) stated the left side gunshot wound was a smaller hole than the right, but he observed more blood around the wound.

AGENT'S COMMENT: Mr. (b)(6), (b)(7)(C) Interpreter, Titan Corporation assigned to D CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, provided translation assistance. Additionally, the photos obtained from SPC (b)(6), (b)(7)(C) and SGT

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature: (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 31166

(b)(6), (b)(7)(C) does not show a gunshot to the right temple area. Furthermore, the left temple area is obscured in the photographs making it impossible to determine if there is a gunshot wound there.

About 1323, 17 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Combat Stress Team, 1908 Medical Detachment, FOB Iskandariyah, APO AE 09352, who provided a sworn statement stating he talked with SPC (b)(6), (b)(7)(C) the night of the incident. SPC (b)(6), (b)(7)(C) told him he was guarding the detainee with his weapon, a 9mm pistol. The detainee began to get out of his zip-ties and SPC (b)(6), (b)(7)(C) tried to stop him several times. The detainee would not stop and came out of the zip-ties. SPC (b)(6), (b)(7)(C) attempted to get physical control of the detainee and they stumbled, falling into a ditch. SPC (b)(6), (b)(7)(C) did not make it sound as if there was a struggle or fight. SPC (b)(6), (b)(7)(C) landed on the detainee and his weapon discharged, shooting the detainee in the neck. CPT (b)(6), (b)(7)(C) stated SPC (b)(6), (b)(7)(C) relating of the events gave him the impression it was an accident (See statement for details).

About 1323, 17 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Combat Stress Team, 1908<sup>th</sup> Medical Detachment, FOB Iskandariyah, who provided a sworn statement stating he was with CPT (b)(6), (b)(7)(C) when they talked with SPC (b)(6), (b)(7)(C). SPC (b)(6), (b)(7)(C) stated the victim had become upset when told either a family member or son was being taken away. SPC (b)(6), (b)(7)(C) had the detainee by a vehicle in zip-cuffs, but standing up. The detainee began to wiggle out of the cuffs, which SPC (b)(6), (b)(7)(C) checked several times. On the final check the detainee broke one hand free and SPC (b)(6), (b)(7)(C) put the detainee in a thumb-lock. The detainee got out of the lock and came at SPC (b)(6), (b)(7)(C). The detainee got his hand on SPC (b)(6), (b)(7)(C) weapon. They fell down into the ditch with the detainee landing on top of him and the gun went off. SPC (b)(6), (b)(7)(C) did not clarify if this was an accident; however, SGT (b)(6), (b)(7)(C) got the impression that it was not on purpose. SGT (b)(6), (b)(7)(C) stated while he and CPT (b)(6), (b)(7)(C) talked with SPC (b)(6), (b)(7)(C) that SPC (b)(6), (b)(7)(C) was physically demonstrating what occurred (See statement for details).

About 1700, 21 Apr 05, SA (b)(6), (b)(7)(C) obtained a signed Affidavit Supporting Request for Authorization to Search and Seize or Apprehend from COL (b)(6), (b)(7)(C) Headquarters (HQ), 155<sup>th</sup> BCT, FOB Kalsu, APO AE 09325, for the search of SPC (b)(6), (b)(7)(C) belongings for diary or journal entry evidence (See Affidavit Supporting Request for Authorization to Search and Seize for details).

About 1020, 22 Apr 05, SA (b)(6), (b)(7)(C) obtained a signed Search and Seizure Authorization from COL (b)(6), (b)(7)(C) (See Search and Seizure Authorization for details).

About 1900 22 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) served a Search and Seizure Authorization to SPC (b)(6), (b)(7)(C) and conducted a search of his living space and personal property. Nothing of evidentiary value was discovered.

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 31167

About 1200, 23 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Interpreter, Titan Corporation assigned to A CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, based on the statement he provided in the Commander's Inquiry. Mr. (b)(6), (b)(7)(C) verified his statement, adding that SPC (b)(6), (b)(7)(C) said the victim grabbed his throat with one hand and that he physically demonstrated the actions he took on the day of the incident.

AGENTS' COMMENT: Mr. (b)(6), (b)(7)(C) learned English while studying at the University of Babylon for three years. Mr. (b)(6), (b)(7)(C) translated for the US Marines for five months and the US Army for three months.

About 2000, 23 Apr 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Interpreter, Titan Corporation assigned to D CO, 1/155<sup>th</sup> INF BCT, FOB Iskandariyah, APO AE 09352, based on the statement he provided in the Commander's Inquiry. Mr. (b)(6), (b)(7)(C) verified his statement, adding that SPC (b)(6), (b)(7)(C) physically demonstrated the actions he took on the day of the incident and stated that SPC GRAHAM said the shooting was an accident.

AGENT'S COMMENT: Mr. (b)(6), (b)(7)(C) learned English while studying his major, Chemical Engineering, while at the University of Baghdad for three years. Mr. (b)(6), (b)(7)(C) has been translating for the US Army for the last four months.

About 1400, 1 May 05, SA (b)(6), (b)(7)(C) drafted and submitted to the United States Army Criminal Investigation Laboratory, 4553 N. 2<sup>nd</sup> Street, Forest Park, GA 30297-5122 (USACIL), a forensic laboratory examination request of the weapon utilized by SPC (b)(6), (b)(7)(C) to shoot Mr. (b)(6), (b)(7)(C) (See USACIL Examination Request for details).

About 1045, 2 May 05, SA (b)(6), (b)(7)(C) received from Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Titan Corporation assigned to this office, translations of the police reports, doctors journal and medical notes, and the judicial release form (See translations for details).

AGENT'S COMMENT: Several of the documents could not be translated due to poor penmanship by the author. Those documents were posted back with the other collected documents; however, without translations.

About 0930, 8 Jun 05, SA (b)(6), (b)(7)(C) coordinated with SA (b)(6), (b)(7)(C) NCIS Liaison for AFIP, who related she had MAJ (b)(6), (b)(7)(C) Doctor (US Army), Deputy Armed Forces Medical Examiner, and MAJ (b)(6), (b)(7)(C) Doctor (US Air Force), Associate Armed Forces Examiner, both with AFIP, examine the photographs of the victim and the gunshot wound

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 31168

(GSW). Both doctors were unable to determine if the defect behind the ear was a GSW and whether it was an entry or exit wound.

About 1227, 24 Jun 05, SA (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C) to clarify the procedures surrounding Mr. FEIHAN's detention. CPT (b)(6), (b)(7)(C) stated he ordered that the three detainees to be separated. SPC (b)(6), (b)(7)(C) followed that order and took Mr. FEIHAN around the side of the vehicle. The vehicle was the commander's vehicle, which SPC (b)(6), (b)(7)(C) drove in, and the location provided enough distance from the other two detainees. The area was not secluded, but the view was obstructed. CPT (b)(6), (b)(7)(C) clarified that all three detainees had been standing after being detained. Mr. FEIHAN was squatting on the ground at one point; however, CPT (b)(6), (b)(7)(C) believed this was due to him being tired after running from his unit. The Standard Operating Procedures (SOP) concerning detainees at the time was to have them standing, flex-cuffed, and guarded by at least one soldier. This was done for the safety of the soldier and the confidentiality of the questions being asked by the interpreter. After the incident the SOP was revised and now included detainees being sat on their knees, flex-cuffed, and guarded by no less than two soldiers. CPT (b)(6), (b)(7)(C) provided a copy of the SOP (See 1-155 Infantry "Mississippi Rifles" TAC SOP for details).

About 1600, 27 Jul 05, SA (b)(6), (b)(7)(C), (b)(7)(F) this office, received the Serology/DNA and Firearms Division Final Reports (2005-CID131-0926), USACIL, concerning this investigation. The Serology/DNA report detected no blood on the pistol; however, a hair/fiber was collected from inside the barrel of the pistol. The Firearms report documented that the pistol used by SPC (b)(6), (b)(7)(C) and submitted as evidence was operational with its incorporated safety features working properly (See USACIL reports for details).

About 1600, 20 Jul 05, SA (b)(6), (b)(7)(C) reviewed SPC (b)(6), (b)(7)(C) law enforcement records for SCSD, Wiggins, MS 39577, obtained by the Fort Rucker CID Office. A review of the documents revealed SPC (b)(6), (b)(7)(C) was terminated for Unsatisfactory Performance, Reporting for Duty violations, Prompt Performance of Duty violations, Interference with Other Officers Duty, and Disobedience of Orders and Insubordination. SPC (b)(6), (b)(7)(C) was hired as a Transport Officer for a stand-by position; however, became unavailable and it became increasingly difficult to contact him after his hire. The termination paperwork for SPC (b)(6), (b)(7)(C) documented that SPC (b)(6), (b)(7)(C) had several incidents of interfering with the duties of other officers and inmates; however, it did not specify how he interfered. SPC (b)(6), (b)(7)(C) was also given direct orders by superiors to stay out of certain areas; however, he would continue to go into the areas. Sheriff (b)(6), (b)(7)(C) also stated SPC (b)(6), (b)(7)(C) attended Corrections Officer Training through the Alabama Corrections Academy, but failed to meet the requirements. A review of SPC (b)(6), (b)(7)(C) application packet revealed that a criminal history for SPC (b)(6), (b)(7)(C) which documented he was charged with Disorderly Conduct (1996), and Aggravated Battery (2d Degree) and Attempted Kidnapping (2d Degree)(09-18-2000). SPC (b)(6), (b)(7)(C) pled

SA (b)(6), (b)(7)(C)	48 <sup>th</sup> MP Det (CID), 11 <sup>th</sup> MP Bn (CID)
Special Agent, (b)(7)(F)	Camp Victory, Baghdad, Iraq APO AE 09342
Signature: (b)(6), (b)(7)(C)	Date: Exhibit:

ACLU DDII CID ROI 31169

guilty to the Disorderly Conduct charge, paying a fine; however, the Aggravated Battery and Attempted Kidnapping were dropped. Also in the packet was a copy of SPC (b)(6), (b)(7)(C) Report of Separation and Record of Service (NGB Form 22) showing around 7 Sep 90, SPC (b)(6), (b)(7)(C) was separated for Unsatisfactory Participation under General (under Honorable Conditions). No other reasons were given.

About 0900, 13 Aug 05, SA (b)(6), (b)(7)(C) received SPC (b)(6), (b)(7)(C) Criminal History check from the United States Army Criminal Records Center (USACRC), Fort Belvoir, VA, which revealed SPC (b)(6), (b)(7)(C) was the subject in a AIRR Matter File under Dossier 91-426457005C, which was not requested. A check of the National Crime Information Center (NCIC) did not reveal anything concerning SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) was a subject of (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

About 1450, 14 Aug 05, SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) who stated he did not have any witnesses to SPC (b)(6), (b)(7)(C) over aggressiveness. CPT (b)(6), (b)(7)(C) made the assessment on his own. While SPC (b)(6), (b)(7)(C) never violated the ROE, in CPT (b)(6), (b)(7)(C) opinion he escalated the use of force faster than CPT (b)(6), (b)(7)(C) would have per say. With that being CPT (b)(6), (b)(7)(C) assessment he decided to put SPC (b)(6), (b)(7)(C) in his vehicle to do a better evaluation to ensure CPT (b)(6), (b)(7)(C) did not have a problem or a potential problem on his hands.

About 1230, 21 Aug 05, SA (b)(6), (b)(7)(C) coordinated with LTC (b)(6), (b)(7)(C) SJA, HHC, 155<sup>th</sup> BCT, FOB Kalsu, APO AE 09325, who related after several attempts the (b)(6), (b)(7)(C) family would not consider the exhumation of Mr. FEIHAN, the victim. Furthermore, additional court proceedings to obtain an exhumation authorization was not suggested.

AGENT'S COMMENT: Between May 05 and Aug 05, several attempts to obtain family and court authorization to exhume the body of Mr. FEIHAN was conducted; however, the family stood firm in their decision and the court denied the exhumation based on the family's stance.

About 1100, 23 Aug 05, SA (b)(6), (b)(7)(C) obtained translations of the Arabic documents from Mr. (b)(6), (b)(7)(C) Interpreter, Category II, Titan Corporation, 48<sup>th</sup> Military Police Detachment (CID), Abu Ghraib, Iraq, obtained from FEIHAN's brother, the doctor, and the IP station. The documents did not reveal any new items of significance; however, were posted to the documents with the other translations.

About 0935, 31 Aug 05, SA (b)(6), (b)(7)(C) coordinated and briefed CPT (b)(6), (b)(7)(C) Trial Counsel, Office of the Staff Judge Advocate (SJA), Multi-National Corps - I (MNC-I), Camp Victory, Iraq, APO AE 09342, who opined there was there was probable cause to believe SPC

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 31170

AGENT'S INVESTIGATIVE REPORT

0088-05-CID259-36251

CID Regulation 195-1

Page 8 of 8

(b)(6), (b)(7)(C) committed the offense of Murder when he knowingly and willfully placed a pistol muzzle against Mr. FEIHAN's head and pulled the trigger, killing him. ///LAST ENTRY///

SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), 11<sup>th</sup> MP Bn (CID)  
Special Agent, (b)(7)(F) Camp Victory, Baghdad, Iraq APO AE 09342  
Signature (b)(6), (b)(7)(C) Date: Exhibit:

ACLU DDII CID ROI 31171

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER

0088-05-CID 259  
CRD REPORT/CID ROI NUMBER  
36251

RECEIVING ACTIVITY 48TH MP DET (CID), Camp Victory, Iraq	LOCATION FOB Iskandarayah, Iraq
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER (b)(6), (b)(7)(C) E-6 <input checked="" type="checkbox"/> OTHER SUPPLY SERGEANT B Co, 155th Inf, BN	ADDRESS (Include Zip Code) B Co, 155th Infantry BN FOB ISKANDARIYAH, IRAQ APO AE 09325
LOCATION FROM WHERE OBTAINED From the hands of SSG (b)(6), (b)(7)(C)	REASON OBTAINED Evidence
	TIME/DATE OBTAINED 2000, 13 APR 05

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Pistol, M-9, Beretta Model 92, 9mm caliber, black in color, serial # 1106876, bearing markings "U.S. 9mm M-9 P. Beretta - 65490" on left side of slide and "ASSY 9346 442-65490" on right side of slide, and bearing markings "U.S. 9mm M-9 P. Beretta - 65490" on right side of frame, marked for identification with "2000, 13 APR 05, DLR" on frame and slide. // LAST ITEM!!!

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	13 Apr 05	(b)(6), (b)(7)(C)	SIGNATURE (b)(6), (b)(7)(C) SA	Collected as Evidence
1	25 Apr 05	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) SA	RECEIVED BY EVIDENCE CUSTODIAN
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

SWORN STATEMENT

(b)(6), (b)(7)(C)

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

LOCATION FOB Iskandariyah, Iraq	DATE 14 Apr 05	TIME 19 35	FILE NUMBER 0088-05-CID259-
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER		RANK/STATUS CIV

ADDRESS/ORGANIZATION  
Titan Corporation, B Company, 1/155<sup>th</sup> Infantry Battalion, FOB Iskandariyah, Iraq  
(b)(6), (b)(7)(C)

\_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
On the day of the incident, I was the only translator at the scene. I stayed with CPT (b)(6), (b)(7)(C) the whole time. After we caught the three detainees, I took a break to smoke a cigarette. I walked by SPC (b)(6), (b)(7)(C) while he was watching the old man. The old man was talking and SPC (b)(6), (b)(7)(C) asked "did we piss him off?". I told SPC (b)(6), (b)(7)(C) that the old man was saying he was innocent. SPC (b)(6), (b)(7)(C) said he was not the Captain and it wasn't his decision on what to do with the old man. I told the old man that it wasn't my decision, and that my job was just to translate. The old man was never angry when I was there. After I said that, someone told me CPT (b)(6), (b)(7)(C) wanted me and I went with CPT (b)(6), (b)(7)(C) when he checked the other two houses. While we were checking the other houses, I heard a gunshot. When we went back to the first house and the kids were crying and telling me that it was my fault their father was killed and that I was a liar. After that, the daughter of the man wanted to destroy the car, because they thought the car was the reason we were at the house. We then left and took the old man to the Musayeeb Hospital.

Q: (b)(6), (b)(7)(C)  
A: (b)(6), (b)(7)(C)  
Q: Did you ever tell the old man you were taking his son to jail?  
A: No.  
Q: How long from the time you told the old man you were not in charge and left the house with CPT (b)(6), (b)(7)(C) until you came back after hearing the shot.  
A: About thirty minutes  
Q: Have you spoken with SPC (b)(6), (b)(7)(C) since the day of the shooting?  
A: No.  
Q: Do you have anything to add to this statement?  
A: No. ///END OF STATEMENT///

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU DDII CID ROI 31173

STATEMENT (Continued)

NOT USED

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 14 day of April, 2005

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

Article 136 UCMJ

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

ACLU DDII CID ROI 31174

SWORN STATEMENT

For use of this form, see AR 190-45; the (b)(6), (b)(7)(C)

LOCATION FOB Iskandariyah, Iraq	DATE 14 Apr 05	TIME 8:20 PM	FILE NUMBER 0088-05-CID259-
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER		RANK/STATUS CIV

ADDRESS/ORGANIZATION  
Titan Corporation, HHC Company, 1/155<sup>th</sup> Infantry Battalion, FOB Iskandariyah, Iraq

I, (b)(6), (b)(7)(C),

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
I do not remember the date; however, one night I was talking to 2LT (b)(6), (b)(7)(C) in my tent. SPC (b)(6), (b)(7)(C) came inside the tent. The tent is where the interpreters live. SPC (b)(6), (b)(7)(C) looked drunk. He was wobbling a bit. He came in to talk with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). He was in the tent for a bit when his voice started to raise. I heard him tell (b)(6), (b)(7)(C) they were no longer his friend, but (b)(6), (b)(7)(C) was. These three men are interpreters. He was angry with them because they asked why he had to shoot the detainee. I heard him say that he didn't care about killing the old man, because he'd killed many American soldiers, IPs, and INGs; however, he had tears in his eyes. SPC (b)(6), (b)(7)(C) said the old man broke his cuffs, was trying to take his pistol, and was grabbing him by the throat. They fought for the pistol and then the pistol went off. SPC (b)(6), (b)(7)(C) was demonstrating with his hands as he said this. As SPC (b)(6), (b)(7)(C) left he said, "Fuck him", which I took to mean the man he shot.

- Q: SA (b)(6), (b)(7)(C)
- A: Mr. (b)(6), (b)(7)(C)
- Q: Since the night in the tent have you talked to SPC (b)(6), (b)(7)(C) about the incident?
- A: No.
- Q: Why do you think SPC (b)(6), (b)(7)(C) was drunk?
- A: I know he takes pills, but I do not know what type or name they are.
- Q: Is there anything you wish to add to this statement?
- A: No. //END OF STATEMENT// (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

(b)(6), (b)(7)(C)

**AFFIDAVIT**

I, (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 14 day of April, 2005

at FOB Iskandarivah

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C), (b)(7)(F)

SA

(Typed Name of Person Administering Oath)

Article 136 UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 2 OF 3 PAGES

**ACLU DDII CID ROI 31176**

Jurof suker police station  
Mar 17<sup>th</sup> 2005

According to the information which we got it  
from <sup>(b)(6), (b)(7)(C)</sup> that his  
brother had been killed by us Army,  
After that the victims ~~was~~ had been  
transported to the hospital so it had  
been observed, the following:-

- 1- I watched the <sup>officer</sup> victim whom his age 48 years  
old
- 2- I <sup>saw</sup> ~~watched~~ the victim who got shot in  
his head from the left <sup>above</sup> in the top of head and  
~~of~~ went out from other side in the bottom  
of jaw bone.
- 3- I ~~was~~ saw the victim who ~~was~~ ~~were~~ wore  
Arabian cloths in white colour covered  
by the blood because of bleeding from

ACLU DDII CID ROI 31177

- the nose, pharynx and the head
- 4- I saw the victim who wore trousers in lead colour.
  - 5- I saw the victim who is medium in tall with gray hair
  - 6- I didn't see anything that will help me in investigation

First LT

(b)(6), (b)(7)(C)

investigative officer

(b)(6), (b)(7)(C)

AP 15<sup>th</sup> / 2005

14,36

ACLU DDII CID ROI 31178

~~FOR OFFICIAL USE ONLY~~  
~~LAW ENFORCEMENT SENSITIVE~~

EXHIBIT 785

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION: FOB Iskandarayah, Iraq. 2. DATE: 15 APR 05. 3. FILE NO.: 1226. 4. ORGANIZATION OR ADDRESS: B COMPANY, 1/155TH INF. BN. (HHC) FOB Iskandarayah, Iraq APO AE 09325. 7. GRADE/STATUS: SPC/E4

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

(b)(6), (b)(7)(C)

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND AS A SPECIAL AGENT III and wanted to question me about the following offense(s) of which I am suspected: MURDER III

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I have read and discussed the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available) and SIGNATURE OF INTERVIEWEE. Includes names and organizations of witnesses and the interviewer (SA, 48TH MP DET (CID), CAMP Victory, Iraq).

Section C. Non-waiver

1. I do not want to give up my rights. I want a lawyer. I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

*(For civilians not subject to the UCMJ)* You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"  
 (If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"  
 (If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"  
 (If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)



SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB Iskandariyah, Iraq
2. DATE (YYYYMM): 20050415
TIME: 2154
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. ORGANIZATION OR ADDRESS: HHC, 1/155TH INF BN, FOB Iskandariyah, Iraq APO AE 09325

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On The day of Question, I was told to watch and The Arab man, Age: Approx: 45 to 50 years. The old started getting a little nervous, Agitated, he Talk to, I couldn't understand what he was saying, so I ask (b)(6), (b)(7)(C) (IRAQI TRAN) about what he was saying. Questions about his son, Maj. (b)(6), (b)(7)(C) was radio, I ask sir, That whats know about his son. Major (b)(6), (b)(7)(C) said, Tell his son going to jail. He tested positive Gun Powder Residue. (b)(6), (b)(7)(C) translated, and (b)(6), (b)(7)(C) translated. Ask about the Old Arab man, The man was staying. The old man seemed more agitated, keep looking around, at Maj (b)(6), (b)(7)(C) and his house; (b)(6), (b)(7)(C) to tell him again. That men, It'll be alright, I ask (b)(6), (b)(7)(C) told him. The leaned he was staying here with his family; and (b)(6), (b)(7)(C) told him. The leaned Against the grey Opel and It moved forward. Just a few Inches 4 to 8 In, maybe a little more; The second he did that, I thought to moved the old man out of sight of his son, to calm him down; (b)(6), (b)(7)(C) behind the Hum-V, kind A In the middle Back 2 ft. or 2.5 ft. The old still seemed (b)(6), (b)(7)(C) agitated moving around, The First, The twisting like, Tightening his right arm, I said elguis, Took left hand to his left shoulder Turned him, Just enough to check his ZIP-cuffs, Continue

10. EXHIBIT: (b)(6), (b)(7)(C) PERSON MAKING STATEMENT: (b)(6), (b)(7)(C) PAGE 1 OF 9 PAGES

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

ACLU DDII CID ROI 31181

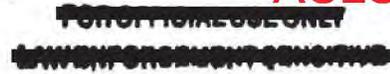


EXHIBIT 6b 00250

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FBI Iskandar DATED 15 Apr 05

9. STATEMENT (Continued) (b)(6), (b)(7)(C)

This happen about 3 or 4 times, On Time I check his ZIP-cuff, His ARM Right kind yank, I look at them, by the same way <sup>my</sup> left hand to his lower arm above his elbow. I moved toward him, and grab his right thumb, and bent his wrist like a wrist lock, in an upwards position, The ZIP Cuffs where partial out of ZIP-cuffs. I drew my Weapon in my Right hand, (b)(6), (b)(7)(C) at his back, and said a/gulf meaning stop, Mercedes (b)(6), (b)(7)(C) In his back, mercedes meaning Pistol. I look at (b)(6), (b)(7)(C) and said, he trying to come out of the ZIP-cuffs, look at me, The Old Arab, pulled his hand on out of the zip-cuff 5 to 10 seconds, I said ya need to get over here, The Old Arab look at me, while his hand come out of ZIP-cuffs, I applied more pressure against him against the (b)(6), (b)(7)(C) The ARAB spun to the right stopping and turning, I remember (b)(6), (b)(7)(C) tugging each other, while spinning and turning down the bank, His right arm was around my neck, my left arm was around his body. We hit the ground in the bottom of a drainage ditch, 4 ft drop at the most deep, from where we are at the bottom, His left hand had my wrist and fingers, that my weapon was in. I put my weapon away from me, Twisted my weapon hand, outward and down, I put the weapon to his head, pulled the trigger rolling right. Aiming above his left ear, middle, maybe towards the front front area: That's what I remember, Continue

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 2 OF 9 PAGES

ACLU DDII CID ROI 31182

EXHIBIT 251b

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FAB Iskandar DATED 15 APR 05

9. STATEMENT (Continued) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

I Then climb over thinking ~~didn't~~ <sup>was</sup> mad, I was looking up, I saw a soldier run to the bank, and run away, I figured he went for help. Some grab me from behind, and ask if I was injured, I turned around or he rolled me on my back and ask am I injured started checking me out, and <sup>move me</sup> to (b)(6), (b)(7)(C) of the Humvee I remember The kept screaming ~~pro-pa-pa~~.

Q (b)(6), (b)(7)(C)  
A (b)(6), (b)(7)(C)

Q. What did you tell (b)(6), (b)(7)(C) to say to the old man?  
A. The old keep talking, "what's he saying," (b)(6), (b)(7)(C) told me worried about his son, "where were taking him?" why, this is what I do remember.

ⓐ That his son is going with us, and he's staying here. (b)(6), (b)(7)(C) TRANSLATED this.

Q: Why did you HAVE (b)(6), (b)(7)(C) TRANSLATE THIS INFORMATION TO THE OLD MAN?

A: I Believe Maj. (b)(6), (b)(7)(C) said This, Told me to that these are going US, he's staying. They test Blue, The old man was neg. he stays.

Q: WHAT ARE YOUR SEARCHING PROCEDURES WHEN IT PERTAINS TO DETAINEES?

A: 1-Observe, 1-search, 1-Security; suppose to be search (b)(6), (b)(7)(C) 2-cuffs; when I was told to watch the old Arab, and separate them, so they don't talk between themselves. The old Arab was already place in zip-cuffs. I don't know who place the zip-cuffs on him;

Q: KNOWING THAT THESE ARE THE PROCEDURES, WHY DID YOU FEEL HE WAS SUCH A THREAT TO USE DEADLY FORCE?

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 3 OF 9 PAGES

ACLU DDII CID ROI 31183

EXHIBIT eb  
000252

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FAB ISKANDARUMAH DATED 15 April 05.

(b)(6), (b)(7)(C) (Continued)

A: When he tried to escape, out of zip-cuffs, grab me; going down the Bank (Ditch) <sup>3 to 4 ft. or</sup>

Q: You <sup>(b)(6), (b)(7)(C)</sup> HAD your weapon out when you did the wrist lock. You had decided to use deadly force if needed. What MADE you make that decision?

A: The escape out of zip-cuffs. I wasn't taken any chances.

Q: You did the wrist lock AND MADE THE decision to pull your <sup>(b)(6), (b)(7)(C)</sup> gun, which you were doing, at the SAME TIME?

A: Moving closer <sup>(b)(6), (b)(7)(C)</sup> against the Humvee for maximum and better control.

Q: How many other soldiers were around you or near you?

A: At least 2 soldiers.

Q: HAVE you EVER HEARD OF OR BEEN TRAINED TO UTILIZE THE "LANSOAR" IN THE ESCALATION IN THE USE OF FORCE WHEN DEALING WITH SUSPECT/ DETAINEES?

A: Jan to May 2004 USMC PIA, yes I was trained. <sup>(b)(6), (b)(7)(C)</sup>

Q: WAS the escalation of force trained in your ROE FOR ~~THE~~ utilization here?

A: At Camp Shelby Mobilization, MS. and told verbally, in Country to check R.D.E. that it changes. month to month: I haven't attended one, due to busy patrols. "schedule"

Q: DID you RECEIVE military training to shoot at <sup>(b)(6), (b)(7)(C)</sup> FIRST when using your weapon to stop the threat? ~~NO~~ <sup>(b)(6), (b)(7)(C)</sup>

A: NO, in reference the military did not. In reference to why in the head, because, it was near my head, going down the hill.

Q: How long was it between the last time <sup>(b)(6), (b)(7)(C)</sup> said anything to the old man, and the time you shot the old man?

A: <sup>(b)(6), (b)(7)(C)</sup> 15 to 20 min. maybe a little longer or shorter (approx.)

Q: During the 15 (approx.) minutes, what was the old man doing?

A: Nervous, a little agitated, moving side to side;

Q: When you checked the flexicuffs during that 15 minutes, did they appear to be <sup>(b)(6), (b)(7)(C)</sup> loose?

INITIALS OF PERSON MAKING STATEMENT <sup>(b)(6), (b)(7)(C)</sup> PAGE 4 OF 9 PAGES

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

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT FOB Iskandariyah DATED 15 Apr 05

9. (b)(6), (b)(7)(C) (continued)

A: I didn't Physikly check them, Just eye's only wrist + cuffs: Appeared to be fine

Q: THE FLEX-CUFFS did NOT APPEAR TO BE ON TOO LOOSE OR TOO TIGHT?

A: They Appeared Fine, They were on his Wrist:

Q: Do you know of A way TO LOOSEN FLEX-CUFFS?

A: NO I don't, with out Tearing them up.

Q: Did you ask for any body to help you with the detainees?

A: PAY PAY (SPC. (b)(6), (b)(7)(C))

Q: Did (b)(6), (b)(7)(C) ever speak to the (b)(6), (b)(7)(C)?

A: In Spanish, I don't remember, behind the " or Hum-Vo

Q: Why were you TRANSFERRED FROM 3rd PLATOON AND MADE THE COMMANDER'S GUNNER?

A: SPC. (b)(6), (b)(7)(C) had neck surgery. needed gunner;

Q: YOU WERE NEVER TOLD THAT IT WAS FOR A REWARD OR PUNISHMENT FOR ANYTHING YOU HAD DONE?

A: NO

Q: HAS ANYONE EVER TOLD YOU THAT YOU WERE OVERLY AGGRESSIVE WHEN IT CAME TO THE USE OF YOUR WEAPON?

A: NO ONE TOLD me that, that I can remember, but I will use, IS I have to;

Q: DO YOU CONSIDER YOURSELF AGGRESSIVE WHEN IT COMES TO THE USE OF YOUR WEAPON?

A: Yes, ~~when~~ threaght arise. NO, when threaght arise, I'll step up,

Q: YOU HAVE THE MOST "KILLS" IN THE BATTALION supposedly. Is THERE ANY ONE OF THESE "KILLS" THAT YOU AREN'T SURE ABOUT?

A: NO

Q: Did the old man grab for ANYTHING ELSE OTHER THAN YOUR WEAPON?

A: Arm around my neck, going to my IBA

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 5 OF 9 PAGES

ACLU DDII CID ROI 31185

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 025A

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

STATEMENT OF

(b)(6), (b)(7)(C)

TAKEN AT FOB Iskandariyah, Iraq

DATED 16 Apr 05

(b)(6), (b)(7)(C)

MENT (Continued)

Q: WHO'S WEAPON DID YOU HAVE THAT DAY?

A: SPC. (b)(6), (b)(7)(C) He had a Saw, He drove, and we swap, I was a Gunner & had m-4:

Q. At what point did you decide to kill the old man?

A. When we hit the ditch. exhausted, couldn't breath, The weapon was on my neck.

Q: DID YOU GO TO THE INTERPRETER'S TENT THE NIGHT OF THE INCIDENT?

A: It was that night ~~night~~ or the next Day.

Q: WHY DID YOU TELL THE INTERPRETERS THAT THE GUN WENT OFF BY ACCIDENT?

A: They where non-mil. They all rush up on me, saying, asking questions, Kelling. people for no reason:

Q: DID YOU TELL THE INTERPRETERS THAT THE OLD MAN DESERVED DYING, BECAUSE HE KILLED MANY AMERICANS, IPS, & INGS?

A: NO;

Q: DID YOU SAY "FUCK HIM" AS YOU WERE LEAVING THE TENT?

A: Fuck him he tried to kill me;

Q. WERE YOU PRESCRIBED OR TAKING ANY TYPE OF MEDICATION DURING THE TIME OF THIS INCIDENT?

A. I took some sleeping medicine Prescribed, A Buddy gave me some Valiums to rest Unprescribed; SPC. (b)(6), (b)(7)(C)

Q. How many times have you taken valium?

A. 2 Times on my <sup>20 to 24</sup> Dfs to sleep; 20 to 24 hrs off, Valium, Ambien, (b)(6), (b)(7)(C) sleeping medication, can't remember the name:

Q: WERE YOU ON ANY MEDICATIONS DURING THE TIME OF THE SHOOTING?

A: Ambien / A Sleeping pill for A good nights Rest; Before mission: 2000/2100 night. Before:

Q: WHY WERE YOU "EXHAUSTED" WHEN YOU DECIDED TO KILL THE OLD MAN?

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 6 OF 9 PAGES

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

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT *FBI Iskandar* DATED *15 APR 05*

(b)(6), (b)(7)(C) (Continued)

A: Breath knock out of me couldn't breath. When We landed In the Bottom of the ditch: weak, Hurting, exhausted, When the breath gets knock out of ya:

Q: Do you REALIZE OR KNOW THAT PROVIDING A FALSE OFFICIAL STATEMENT IS PUNISHABLE BY UCMJ?

A: yes

Q: How MUCH DOES YOUR VEST weigh?

A: 35 to 40 lbs (b)(6), (b)(7)(C)

Q: ~~Is there anyone~~ (b)(6), (b)(7)(C)  
Q: How MANY TIMES HAVE YOU GUARDED A DETAINEE Like you did on ~~to~~ (b)(6), (b)(7)(C) THE DAY OF THIS SHOOTING?

A: This is the only Time;

Q: WHAT WAS THE VICTIM WEARING during this incident?

A: light colored (mandress)

Q: YOU SAID THAT WHEN YOU PUT THE OLD MAN IN A "TUMBLER LOCK" YOU ALSO PULLED YOUR WEAPON, PLACED IT IN ~~THE~~ (b)(6), (b)(7)(C) HIS BACK, AND PUSHED HIM INTO THE VEHICLE TO GAIN CONTROL. IS THIS TRUE?

A: yes

Q: YOU SAID THAT AFTER THIS HE TWISTED (b)(6), (b)(7)(C) AND GRABBED YOUR WEAPON (b)(6), (b)(7)(C) ROLLING INTO YOU, AND THEN YOU WERE ROLLING (b)(6), (b)(7)(C) DOWN INTO THE DIRT. ~~IS~~ (b)(6), (b)(7)(C) THIS TRUE?

A: yes

Q: YOU SAID AS YOU WERE ROLLING DOWN THE HILL THAT YOUR PISTOL WAS POINTED AT YOUR NECK AND WHEN YOU STOPPED AT THE BOTTOM, WITH YOUR WEIGHT ON TOP OF THE DETAINEE, YOU PULLED THE WEAPON DOWN TOWARDS YOUR LEGS AND OUT OF THE DETAINEE'S GRASP. THEN (b)(6), (b)(7)(C) YOU BROUGHT THE WEAPON BACK UP IN AN ARCHING MOTION TO THE HIS HEAD AND SHOT HIM. IS THIS TRUE?

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

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

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT FOB Island Airfield DATED 15 April 05.

(b)(6), (b)(7)(C) STATEMENT (Continued)

yes, rolling to the right.

Q: You said that when you landed ~~the~~ at the bottom of the hill the weapon was between the both of your chests with your hands on the pistol grip. With both of your hands ~~(his and yours)~~ on the pistol grip and that when you wrenched the pistol downwards. Is this true?

A: True

Q: You said at this time or around this time you decided it was you or him. That you decided to kill him then. Is this true?

A: yes, him or me

Q: Was he struggling or fighting you when you hit the bottom of the ditch?

A: No, we rolled to the right and I shoot him.

Is there anything you wish to add to this statement?

A: No. // END OF STATEMENT //

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 8 OF 9 PAGES

ACLU DDII CID ROI 31188

EXHIBIT 5786

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT *FOB Iskandaraniyah* DATED *15 Apr 05*

9. STATEMENT (Continued)

(b)(6), (b)(7)(C)

**AFFIDAVIT**

I, *(b)(6), (b)(7)(C)*, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE *9*. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

*(b)(6), (b)(7)(C)*  
*(Signature of Person Making Statement)*

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this *15th* day of *April*, 2005 at *FOB Iskandaraniyah*

ORGANIZATION OR ADDRESS

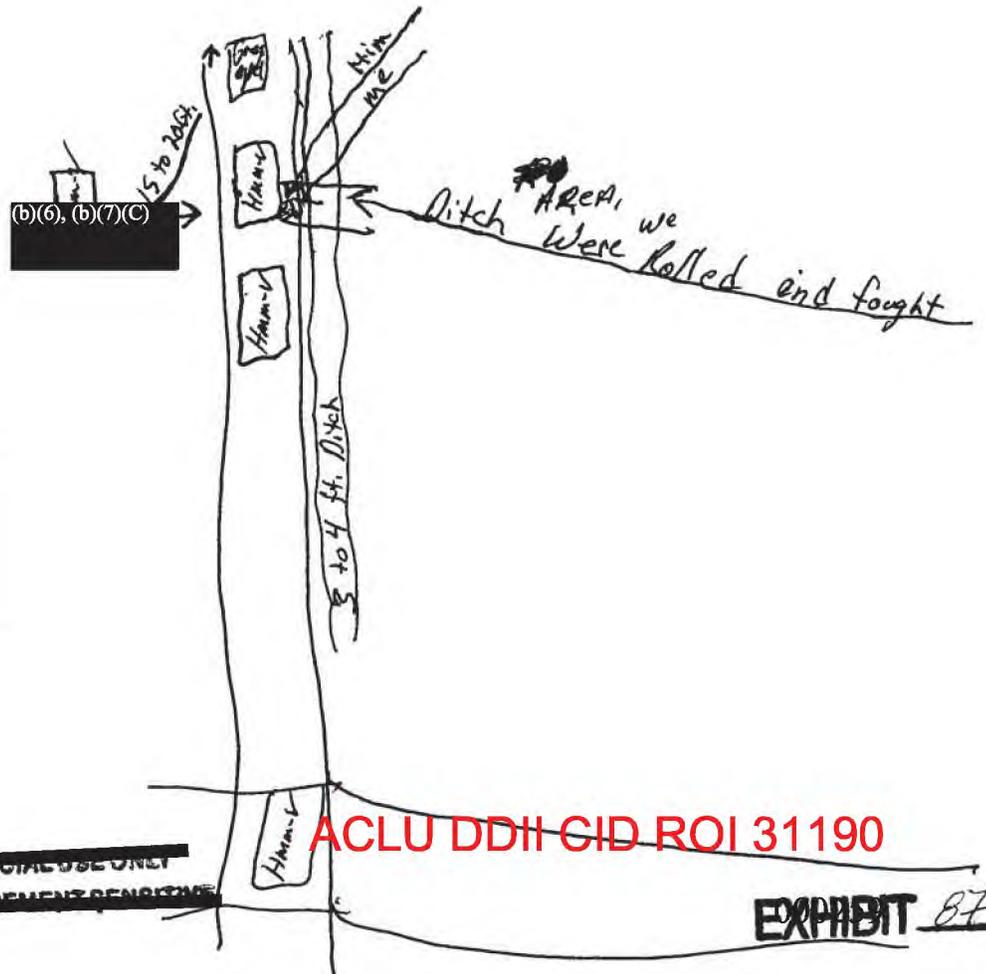
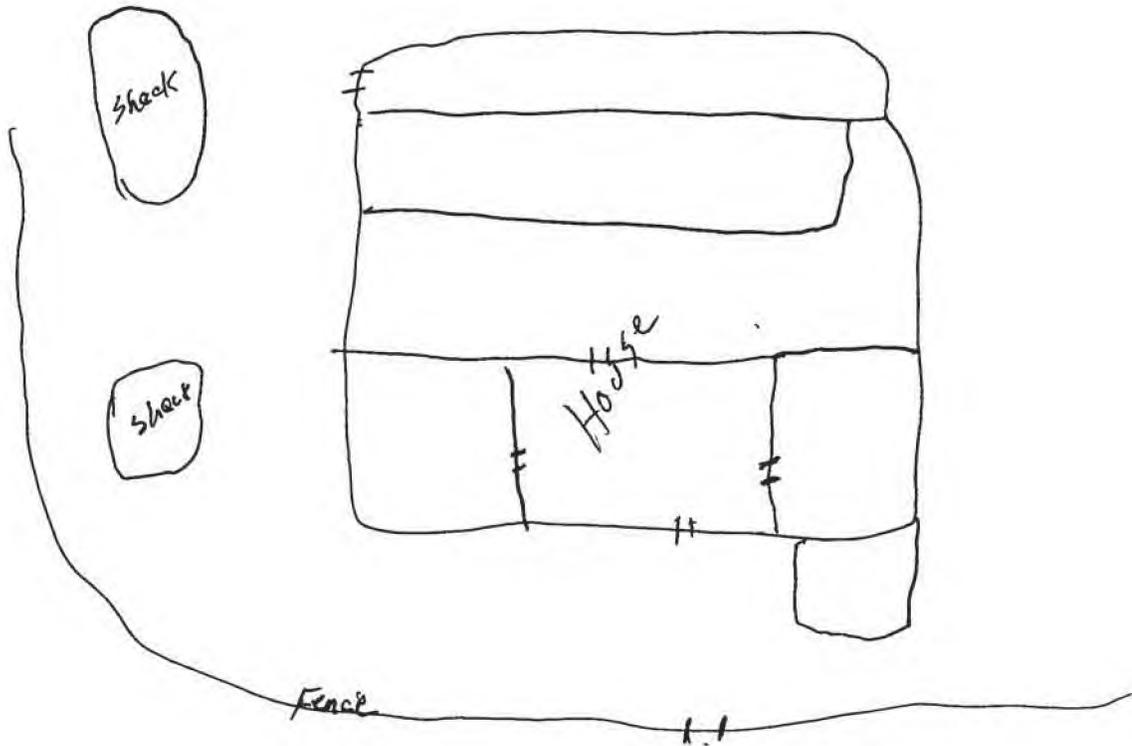
*(S)* *(b)(6), (b)(7)(C), (b)(7)(F)*  
*SA*  
*(Typed Name of Person Administering Oath)*

ORGANIZATION OR ADDRESS

*Art. 136(B)(4) UCMJ*  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT *(b)(6), (b)(7)(C)*

PAGE *9* OF *9* PAGES



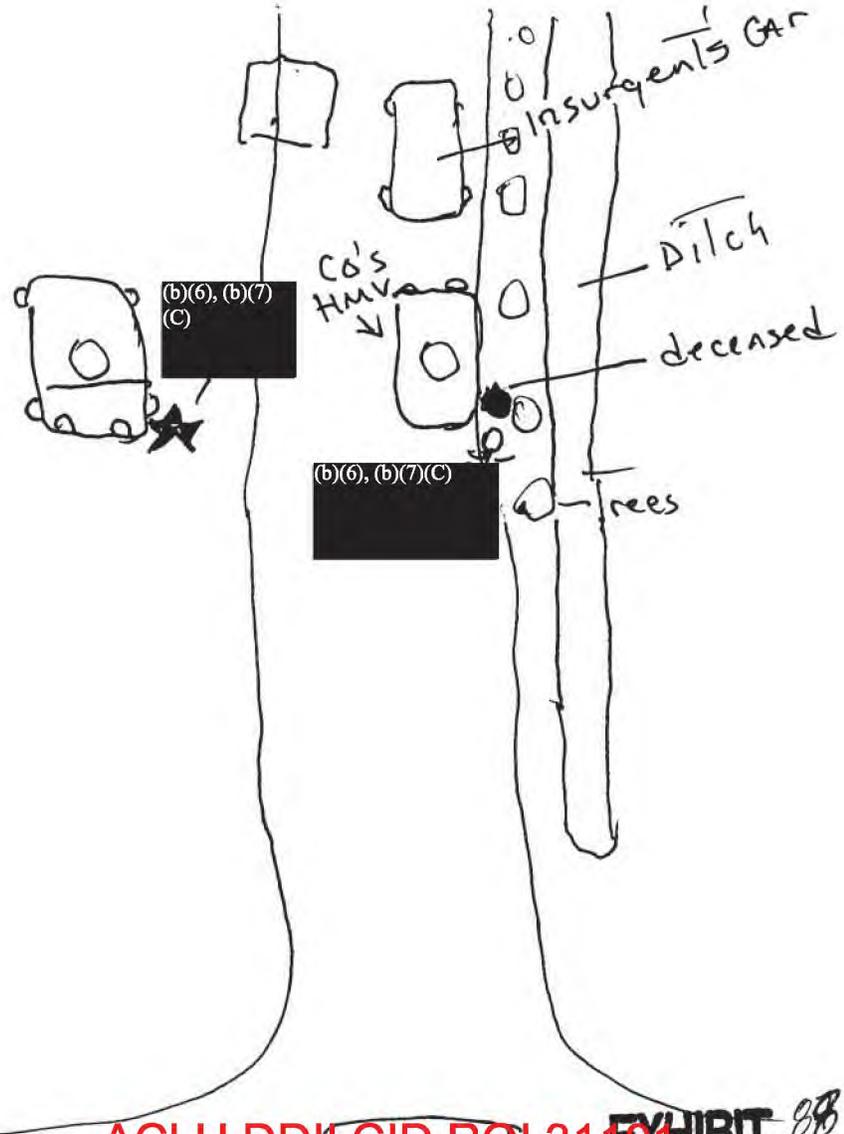
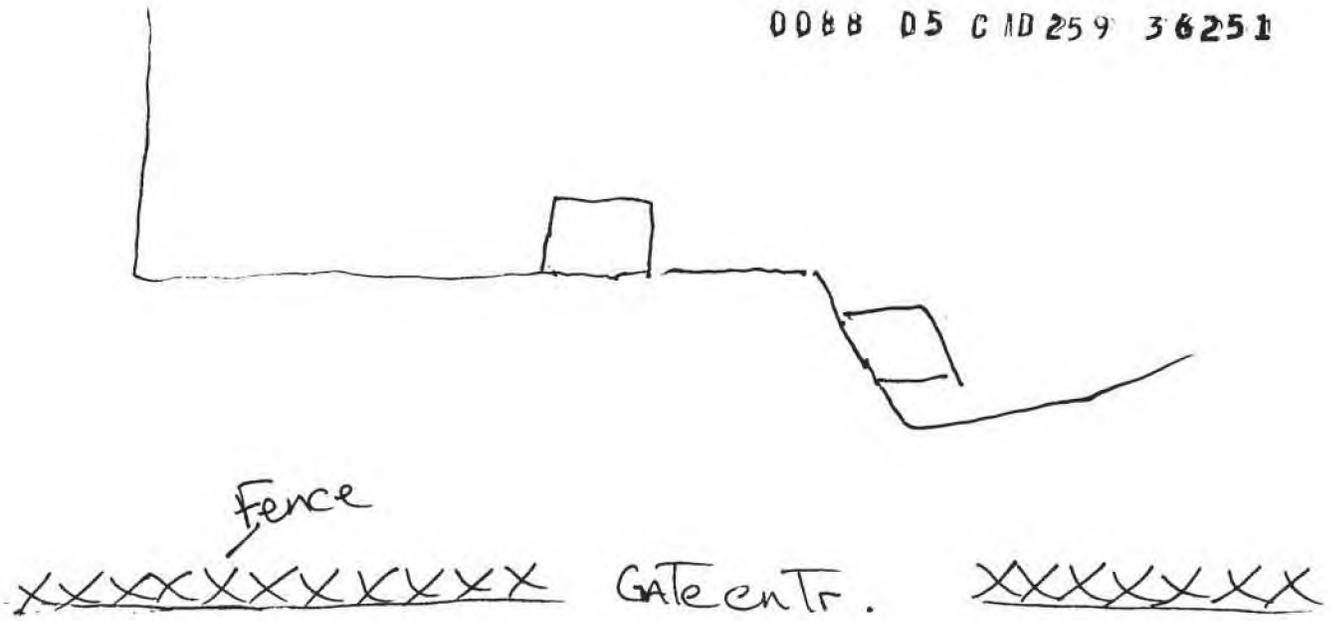
(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

15 Apr 05  
1005 PM

ACLU DDII CID ROI 31190

UNOFFICIAL SECURITY  
ENFORCEMENT SENSITIVE



(b)(6), (b)(7)(C)

16 Apr 2005 13:45

ACLU DDII CID ROI 31-191 EXHIBIT 88

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(b)(6), (b)(7)(C)

SWORN STATEMENT

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

LOCATION FOB Iskandariyah, Iraq	DATE 17 Apr 05	TIME 1325	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		RANK/STATUS CPT/03/RESERVE

ADDRESS/ORGANIZATION  
1908 Medical Detachment (CSC) FOB Iskandariyah, Iraq  
(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the evening of the shooting I saw and talked with SPC (b)(6), (b)(7)(C) I work with the Combat Street Team and I saw him as a follow-up to the stress debriefing. We were told they thought it was best that we talk to him separately. SPC (b)(6), (b)(7)(C) told me he was asked to guard a detainee. He said he was guarding the detainee with his 9mm. He did not say whether he had it out during the entire time he was guarding the detainee or brought it out in response to what the detainee did. The detainee began to try to get out of his zip-ties and SPC (b)(6), (b)(7)(C) tried several times to verbally get the detainee to stop. When the detainee would not stop, SPC (b)(6), (b)(7)(C) attempted to physically control or stop the detainee from getting out of this zip-ties. SPC (b)(6), (b)(7)(C) said he hollered at the detainee a couple of times, he may have asked for help too, and then went to lay hands on the detainee and that's when they stumbled and fell down the ditch. He did not make it sound as if there was a wrestling match or fight. The impression I got from SPC (b)(6), (b)(7)(C) is that their legs became entangled or that they stumbled or fell down they went. SPC (b)(6), (b)(7)(C) landed on top of the detainee and his 9mm discharged, killing the detainee. SPC (b)(6), (b)(7)(C) said the weapon hit the detainee in the neck and it went off. I did not get the impression that he shot the detainee on purpose. It sounded as if the discharge of the weapon was accidental. SPC (b)(6), (b)(7)(C) said that after the weapon discharged he pushed himself off the detainee because he couldn't breath. The medic came over and said the other guy was shot and then they opened his vest to check him.

Q: SA (b)(6), (b)(7)(C)  
A: CPT (b)(6), (b)(7)(C)  
Q: Did SPC (b)(6), (b)(7)(C) tell you if the detainee was upset before he observed the detainee try to get out of his zip-ties?  
A: I cannot remember for sure if it was SPC (b)(6), (b)(7)(C) who told me this; however, I believe the detainee became upset after an interpreter told the detainee that another detainee was being arrested.  
Q: Did SPC (b)(6), (b)(7)(C) seem angry about what occurred?  
A: He did not seem angry when I saw him. He seemed a bit confused and upset by the kids reactions. My impression is that he believed the guy was getting out of his cuffs and that he needed to do something to control the guy.  
Q: Did he sound or say it was a decision between his life or the life of the detainee?  
A: No, it seemed to be more of an accident.  
Q: Was SPC (b)(6), (b)(7)(C) on any medication that you know of prior to or during the incident?  
A: I believe he was taking medication to help sleep, but they were not prescribed by me.  
Q: Do you wish to add anything to this statement?  
A: No. //END OF STATEMENT (b)(6), (b)(7)(C)

EXHIBIT	INITIALS (b)(6), (b)(7)(C)	STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

**AFFIDAVIT**

I HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLESS BY (b)(6), (b)(7)(C) UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 17th day of April, 2005 at FOR Iskandariyah, Iraq

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

SA (b)(6), (b)(7)(C), (b)(7)(F)

(Typed Name of Person Administering Oath)

Article 136(b)4 UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 2 OF 2 PAGES

**ACLU DDII CID ROI 31193**

SWORN STATEMENT

For use of this form, see AR 190-45; the (b)(6), (b)(7)(C)

LOCATION FOB Iskandariyah, Iraq	DATE 17 Apr 05 1439	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	RANK/STATUS SGT/E5/RESERVE
ADDRESS/ORGANIZATION 1908 <sup>th</sup> Medical Detachment, FOB Iskandariyah, Iraq (b)(6), (b)(7)(C)		

(b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 After 2100, the night of the shooting, CPT (b)(6), (b)(7)(C) and I talked with SPC (b)(6), (b)(7)(C) about the incident. We're the Combat Stress Control personnel for FOB Iskandariyah. SPC (b)(6), (b)(7)(C) talked with us about an hour or longer. He did most of the talking. We went to his room and he looked worn-out, but he was relaxed. When we started talking with him, he initially answered questions slowly, but then started to pick it up. SPC (b)(6), (b)(7)(C) said he was in the gunner spot and the rest of the guys dismounted. Those people went into the houses, but then the insurgents ran out and soldiers were spread out, causing holes/gaps in the area. He made his machine gun inoperable and dismounted the vehicle. He went into a house and cleared the house himself. I'm not sure if he was alone, but that was the way it sounded. He came out at some point and there were detainees. They wanted to spread out the detainees, so he brought one of the detainees by a vehicle where he began to guard him. The detainee was standing up and they were facing each other. SPC (b)(6), (b)(7)(C) stated the detainee started to become belligerent when he found out his son or one of the other detainees was going to be taken away. SPC (b)(6), (b)(7)(C) noticed the guy wiggling and so he looked over his shoulder to see what he was doing. He did it a total of 3 times. On the final time the guy was wiggling really hard. The guy was almost about to break one hand free when SPC (b)(6), (b)(7)(C) got the guy's hand into some type of thumb-lock. SPC (b)(6), (b)(7)(C) said he had his pistol out since dismounting the vehicle, but I didn't get the impression he had it pointed at him at this time. Somehow the detainee got out of the wrist-lock and came at him. The detainee got his hand on SPC (b)(6), (b)(7)(C) pistol hand, which was wrapped around the pistol grip. SPC (b)(6), (b)(7)(C) was demonstrating the thumb lock on CPT (b)(6), (b)(7)(C) and how the detainee grabbed his pistol by making his hand into a pistol. The detainee had SPC (b)(6), (b)(7)(C) pistol hand covered with his left hand and brought his right arm up around SPC (b)(6), (b)(7)(C) neck. SPC (b)(6), (b)(7)(C) showed that the pistol was somewhat pointed at the detainee. He explained that it all seemed to be in one motion, from the thumb lock to the pistol. Then they fell down into the ditch with the detainee being somewhat on top of him and the gun went off. He didn't say whether this was on purpose or accident. I didn't take it as being on purpose. SPC (b)(6), (b)(7)(C) said that when they hit the ground the gun went off, basically occurring at the same time. SPC (b)(6), (b)(7)(C) said the kids ran up and it really bothered him. SPC (b)(6), (b)(7)(C) said he could see the blood spurting out of the guy's head. He didn't not say where the location of the gunshot wound was. He said this just really bothered him. He then went and sat in front of a different vehicle to calm down.

Q: SGT (b)(6), (b)(7)(C)  
 A: SA (b)(6), (b)(7)(C)

Q: Did he say how he felt during this incident?  
 A: I only remember him mentioning he was upset when he heard the kids.  
 Q: Did SPC (b)(6), (b)(7)(C) mention at any point about the gun being pointed at him at any point?  
 A: No.  
 Q: Did SPC (b)(6), (b)(7)(C) ever mention this was a life and death situation, that it was either the detainees life or his?  
 A: I'm not sure. I know at one point in the conversation he said he did what he had to do, but I'm not sure what it had to deal with. He didn't feel bad that the guy was dead though.  
 Q: Did SPC (b)(6), (b)(7)(C) seem angry over what occurred?  
 A: No, he seemed worn out.  
 Q: Did SPC (b)(6), (b)(7)(C) say if he was taking any medications during the incident?  
 A: I'm not sure. I really don't know.  
 Q: Did SPC (b)(6), (b)(7)(C) demonstrate how the shooting incident occurred?  
 A: He demonstrated the entire thing.  
 Q: When he demonstrated the weapon going off where was the weapon pointed?  
 A: At the detainee (b)(6), (b)(7)(C).  
 Q: Did SPC (b)(6), (b)(7)(C) say this incident was an accident?

EXHIBIT	(b)(6), (b)(7)(C)	MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT (b)(6), (b)(7)(C) DATED (b)(6), (b)(7)(C) CONTINUED."  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

(b)(6), (b)(7)(C)

(Continued)

...n't think he said. I got the impression that it was self-defense, based on the guy getting out of the cuffs, the guy coming at him and going after his gun. I'm not sure whether he pulled the trigger at the same time he hit the ground, causing the gun to go off, or if it was the guy landing on top of him and the pistol, causing the weapon to move that made it go off.

Q: Do you wish to add anything to (b)(6), (b)(7)(C)

A: No. //END OF STATEMENT//

(b)(6), (b)(7)(C)

**AFFIDAVIT**

I HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAW

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 17TH day of APRIL, 2005 at FOB ISKANDARIYAH, IRAQ

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C), (b)(7)(F)

(Typed Name of Person Administering Oath)

Article 136(b)4 UCMJ

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 3 PAGES

**ACLU DDII CID ROI 31195**

**AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND**

For use of this form, see AR 27-10; the proponent agency is OTJAG.

BEFORE COMPLETING THIS FORM, SEE INSTRUCTIONS ON PAGE 2

1. I, SA (b)(6), (b)(7)(C), 48th MP Det (CID), Camp Victory, Iraq  
*(name)* *(Organization or Address)*

having been duly sworn, on oath depose and state that:

on 28 March, 2005, SPC (b)(6), (b)(7)(C) Headquarters and Headquarters Company, 1/155 Infantry Battalion (BN), 155 Brigade Combat Team (BCT), FOB Iskandariyah, Iraq, shot an Iraqi civilian who had been detained by Bravo Company, 1/155th Infantry BN, to which he was assigned as a gunner for his Commander, CPT (b)(6), (b)(7)(C) at the time of the shooting. During the investigation into this shooting, it was determined that several of the statements made by (b)(6), (b)(7)(C) were contradictory to the statement of witnesses and the physical evidence collected from the scene of the shooting.

2. The affiant further states that:

The affiant, who has been a Special Agent with the United States Army Criminal Investigation Command for five years, and has over seven years experience as a civilian police officer and three years as a Federal Air Marshal/Investigator. Due to my training and experience it is known to the affiant that persons sometimes keep journals or diaries that document their actions or intent. These journals or diaries could be hand written, typed, and/or entered into a computer.

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~~LAW ENFORCEMENT ONLY~~

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ACLU DDII CID ROI 31196

3. In view of the foregoing, the affiant requests that an authorization be issued for a search of The living quarters and other personal property  
(the person) (and)  
of SPC (b)(6), (b)(7)(C) FOB Iskandariyah, Iraq  
(the quarters or billets) (and)  
(the automobile) ( ) and (seizure) (apprehension) of any notes, documents, or computer entries  
(items/persons searched for)  
pertaining to the shooting of, or the intent to shoot, an Iraqi civilian.

TYPED NAME, ORGANIZATION AND OFFICIAL CAPACITY OF AFFIANT  
SA (b)(6), (b)(7)(C)  
48th MP Det. (CID)  
Camp Victory, Iraq, APO AE 09324

SIGNATURE OF AFFIANT  
(b)(6), (b)(7)(C)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21st DAY OF April 2005 AT \_\_\_\_\_

TYPED NAME, ORGANIZATION AND OFFICIAL CAPACITY OF AUTHORITY  
(b)(6), (b)(7)(C)  
HQ, 155 BCT  
Commanding

SIGNATURE OF AUTHORITY ADMINISTERING THE OATH  
(b)(6), (b)(7)(C)

**INSTRUCTIONS FOR  
AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND**

1. In paragraph 1, set forth a concise, factual statement of the offense that has been committed or the probable cause to believe that it has been committed. Use additional page if necessary.
2. In paragraph 2, set forth facts establishing probable cause for believing that the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended are connected with the offense mentioned in paragraph 1, plus facts establishing probable cause to believe that the property to be seized or the person(s) to be apprehended are presently located on the person, premises, or place to be searched. Before a person may conclude that probable cause to search exists, he or she must first have a reasonable belief that the person, property or evidence sought is located in the place or on the person to be searched. The facts stated in paragraphs 1 and 2 must be based on either the personal knowledge of the person signing the affidavit or on hearsay information which he/she has plus the underlying circumstances from which he/she has concluded that the hearsay information is trustworthy. If the information is based on personal knowledge, the affidavit should so indicate. If the information is based on hearsay information, paragraph 2 must set forth some of the underlying circumstances from which the person signing the affidavit has concluded that the informant (whose identity need not be disclosed) or his/her information was trustworthy. Use additional pages if necessary.
3. In paragraph 3, the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended should be described with particularity and in detail. Authorization for a search may issue with respect to a search for fruits or products of an offense, the instrumentality or means of committing the offense, contraband or other property the possession of which is an offense, the person who committed the offense, and under certain circumstances for evidentiary matters.

ACLU DDII CID ROI 31197

~~LAW ENFORCEMENT SENSITIVE~~

000266  
EXHIBIT 91

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: (Name and Organization of the person to whom authorization is given)  
(b)(6), (b)(7)(C), (b)(7)(F)

SA [redacted] 48<sup>th</sup> MP Det (CID) Camp Victory, Iraq

(An affidavit) (A ~~sworn~~ or (~~unsworn~~) oral statement) having been made before me by SA [redacted] (Name of Affiant)

48<sup>th</sup> MP Det (CID) Camp Victory, Iraq  
(Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located (on the person) (at the place) to be searched, you are hereby ordered to search the (person) (place) known as

SPC [redacted] and all personal property of same

for the property described as any notes, documents, or computer entries pertaining to the shooting of, or the intent to shoot an Iraqi civilian.

bringing this order to the attention of the (person searched) (person in possession, if any person be found at the place or on the premises searched). The search will be made in the (daytime) (~~nighttime~~), and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

Evidence Custodian, 11<sup>th</sup> MP BN (CID), USACIDC  
(Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 22 day of April, 2005.

TYPE NAME AND GRADE OF AUTHORIZING OFFICIAL  
(b)(6), (b)(7)(C) Colonel

DUTY POSITION OF AUTHORIZING OFFICIAL  
Commanding officer

ORGANIZATION OF AUTHORIZING OFFICIAL  
155th Brigade Combat Team

SIGNATURE OF AUTHORIZING OFFICIAL  
(b)(6), (b)(7)(C)

ACLU DDII CID ROI 31198



EXHIBIT	DESCRIPTION OF EXHIBIT(S)

9. EXAMINATIONS REQUESTED (Furnish any information or instructions that might assist the laboratory in examining the evidence.)

Determine if any blood can be found on Exhibit 1, specifically the muzzle, but check the entire weapon as needed. Obtain a DNA sample if any blood is located or possible comparison to blood obtained to the victim to be collected at a later date for identification verification.

Determine if there is any malfunctioning of Exhibit 1 that would cause it to discharge accidentally as claimed.

Conduct any other tests deemed necessary.

10. INVESTIGATOR (TYPED OR PRINTED) AND ALTERNATE POC (Mandatory) SA (b)(6), (b)(7)(C), (b)(7)(F)	TELEPHONE # (Primary/Alternate): DSN (Primary/Alternate): 318-822-2835/2857 FAX #: (b)(6), (b)(7)(C) E-MAIL: @iraq.centcom.mil
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11 I CERTIFY THE EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION.

DATE	REQUESTER (TYPED/PRINTED) SA (b)(6), (b)(7)(C) SIGNATURE: (b)(6), (b)(7)(C)	TELEPHONE #: DSN: 318-822-2835/2857 FAX#: (b)(6), (b)(7)(C) E-MAIL: @iraq.centcom.mil
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~~UNCLASSIFIED~~ **ACLU DDII CID ROI 31200** ~~LAB USE ONLY~~

COPY

LAB CASE#

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~~Law Enforcement Sensitive~~

AGENT'S INVESTIGATIVE REPORT  
*CID Regulation 195-1*

ROI NUMBER 0044-05-CID939  
Page 1 of 1 pages

DETAILS:

About 1400, 12 May 05, this office received a telephonic Request for Assistance (RFA) from SA (b)(6), (b)(7)(C) 48th<sup>th</sup> Military Police Detachment (CID), Camp Victory, Iraq APO AE 09342 requesting this office locate, fully identify and interview LTC (b)(6), (b)(7)(C) 1908<sup>th</sup> Combat Stress Control Fitness Team, Tallil, Iraq APO AE 09331 (TIAZ) concerning her conversations with SPC (b)(6), (b)(7)(C)

About 1605, 13 May 05, SA (b)(6), (b)(7)(C) this office interviewed LTC (b)(6), (b)(7)(C) who provided a sworn statement wherein she stated she talked to SPC (b)(6), (b)(7)(C) various times during the month of Mar 05. LTC (b)(6), (b)(7)(C) stated she was told by SPC (b)(6), (b)(7)(C) that he has watching over a prisoner and the prisoner freed his cuffed hands. SPC (b)(6), (b)(7)(C) and the prisoner wrestled over SPC (b)(6), (b)(7)(C) pistol and SPC (b)(6), (b)(7)(C) stated he shot the prisoner in self defense. LTC (b)(6), (b)(7)(C) stated it was determined during the interviews of SPC (b)(6), (b)(7)(C) that he had been taking a sleep medication and drinking large amounts of coffee prior to the incident. (See Sworn Statement)//LAST ENTRY///

TYPE (b)(6), (b)(7)(C), (b)(7)(F)  
SA (b)(6), (b)(7)(C)

ORGANIZATION  
380<sup>th</sup> Military Police DET (CID)  
LSA ADDER, Tallil, Iraq APO AE 09331

SI (b)(6), (b)(7)(C)

DATE  
13 May 05

EXHIBIT

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~~Law Enforcement Sensitive~~

(Automated)

0088-05-CID259-36251

**SWORN STATEMENT**

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

LOCATION Tallil, Iraq	DATE 13 MAY 05	TIME 1605	FILE NUMBER 0044-05-CID939
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS O-5/LTC	
ORGANIZATION OR ADDRESS 1908 <sup>TH</sup> Medical Detachment, Combat Stress Control, Tallil, IRAQ			

**WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

I was the OIC for the Combat Stress Control fitness team assigned at Camp Echo, Iraq. Sometime in late March 05, SPC (b)(6), (b)(7)(C) was referred to come down and participate in our fitness program. SPC (b)(6), (b)(7)(C) participated in our program and lived in our area for approximately 3 weeks. During this time I spoke with SPC (b)(6), (b)(7)(C) on a daily basis. We discussed the events that occurred at Iskandaria daily. SPC (b)(6), (b)(7)(C) told me that he and his unit had been out on a mission and had taken prisoners. He was watching one of the prisoners whom I believe was standing. SPC (b)(6), (b)(7)(C) didn't say. The prisoner had the flexi-cuffs on his hands. The prisoner was moving around and SPC (b)(6), (b)(7)(C) felt that he was trying to get one of his hands free. SPC (b)(6), (b)(7)(C) kept telling him to stay still. The prisoner was finally able to free one of his hands at which point SPC (b)(6), (b)(7)(C) pulled out his 9mm pistol. SPC (b)(6), (b)(7)(C) had the prisoner face the vehicle at which time he spun around and wrapped his arm around the neck of SPC (b)(6), (b)(7)(C). This caused the two of them to fall into a ditch. They began wrestling over the pistol. SPC (b)(6), (b)(7)(C) stated that they both had their hands on the pistol and that at one point the gun was pointed under SPC (b)(6), (b)(7)(C) eye near his cheekbone. SPC (b)(6), (b)(7)(C) said that this had left a mark on his face. SPC (b)(6), (b)(7)(C) said that after, they continued wrestling for the pistol. He was then able to point the gun back in the direction of the prisoner. SPC (b)(6), (b)(7)(C) gestured to me indicating the gun was pointed in the area of the prisoner's temple. SPC (b)(6), (b)(7)(C) said that he then pulled the trigger. After he pulled the trigger, he saw a stream of blood squirting into the air. SPC (b)(6), (b)(7)(C) said he was upset because the man's children had seen their dad laying there with the blood squirting out of his head and they were calling for their papa. SPC (b)(6), (b)(7)(C) said that it was either "him or me". He said that if it had been the other way and the prisoner had fired the weapon, it would have been SPC (b)(6), (b)(7)(C) children that were upset.

- Q: Did SPC (b)(6), (b)(7)(C) say how many prisoners his unit took during this particular incident?  
A: No.  
Q: Who referred SPC (b)(6), (b)(7)(C) to your unit?  
A: It was CPT (b)(6), (b)(7)(C) who was a social worker on our prevention team.  
Q: Did SPC (b)(6), (b)(7)(C) say if the prisoner's hands were cuffed behind or in front of his body?  
A: He gestured that they were behind his body.  
Q: Did SPC (b)(6), (b)(7)(C) say which hand the prisoner freed?  
A: No.  
Q: Did SPC (b)(6), (b)(7)(C) describe any words that were spoken by either him or the prisoner during the wrestling?  
A: No.  
Q: Did SPC (b)(6), (b)(7)(C) say if he ever called for help?  
A: He said that he had called for help when the prisoner was trying to free his cuffed hands.  
Q: Did SPC (b)(6), (b)(7)(C) say if anyone ever came to help him?  
A: Nobody came.  
Q: Under which of his eyes did SPC (b)(6), (b)(7)(C) say the gun had been pointed?  
A: I don't know.  
Q: What side of the head did SPC (b)(6), (b)(7)(C) say he shot the prisoner in?  
A: I don't remember.  
Q: How many times did you discuss these events with SPC (b)(6), (b)(7)(C)?  
A: Every day that he was there.

INITIALS OF (b)(6), (b)(7)(C) MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6), (b)(7)(C) ON AT, DATED, CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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STATEMENT (C) (b)(6), (b)(7)(C)

Q: Did SPC (b)(6), (b)(7)(C) ever change any details of his story when he described them to you?

A: No.

Q: Was SPC (b)(6), (b)(7)(C) taking any medications prior to or during the incident?

A: He was taking Ambian, which is a sleep medication. During our interview it was also determined that he was drinking several pots of coffee a day as well as taking Nodoze.

Q: Did SPC (b)(6), (b)(7)(C) say how many Nodoze he was taking?

A: He said that he was taking 5-6 tablets at a time. I don't know how many times a day.

Q: Do you know when the last time was prior to this incident that SPC (b)(6), (b)(7)(C) had ingested either coffee or Nodoze?

A: I don't know.

Q: Do you have any notes or documents pertaining to your interviews with SPC (b)(6), (b)(7)(C)?

A: No.

Q: Do you know of any one else that may have documents or notes pertaining to their discussions or treatment of SPC (b)(6), (b)(7)(C)?

A: No.

Q: Do you have anything you wish to add to this statement?

A: No.///END OF STATEMENT// (b)(6), (b)(7)(C)

**AFFIDAVIT**

(b)(6), (b)(7)(C) LTC (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD (b)(6), (b)(7)(C) UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 13th day of May, 2005

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

SA

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

**FOR OFFICIAL USE ONLY**

INITIALS OF PERSON MAKING STATEMENT

LAW ENFORCEMENT OFFICER (b)(6), (b)(7)(C)

ACLU DDJ CID ROI 31203

PAGE 2 OF 2 PAGES

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0058-04-CID083

PAGE 1 OF 1 PAGE

**DETAILS**

On 9 May 05, this office received a Request For Assistance (RFA), Case Number 0088-05-CID259-36251, from the 48th Military Police Detachment (CID) (FWD), 3rd Military Police Group (CID), Camp Victory, Baghdad, Iraq, APO AE 09342, requesting this office to locate, fully identify, and interview Mrs. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) regarding any information given to her by her husband, SPC (b)(6), (b)(7)(C) pertaining the incident of an alleged murder.

About 1145, 20 May 05, SA (b)(6), (b)(7)(C) interviewed Mrs. (b)(6), (b)(7)(C) who provided a sworn statement in which she denied any knowledge pertaining to the incident (See Sworn Statement for details).

About 1245, 20 May 05, SA (b)(6), (b)(7)(C) interviewed Mrs. (b)(6), (b)(7)(C) who provided a sworn statement in which she denied any knowledge pertaining to the incident (See Sworn Statement for details).

////////////////////////////////////Last Entry////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)  
(b)(6), (b)(7)(C)

ORGANIZATION

Fort Rucker Resident Agency, 3D Military Police Group (CID), USACIC, Fort Rucker, AL 36362

DATE

20 MAY 05

EXHIBIT

ACLU DDII CID ROI 31204

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION (b)(6), (b)(7)(C) RESIDENT
2. DATE (YYYYMMDD) 2005-05-20 12:40
4. FILE NUMBER 0058-05-C10083
7. GRADE/STATUS CIV

(b)(6), (b)(7)(C)

9. I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

APPROX ONE WEEK AGO MAYBE ONE OR TWO DAYS LATER OR EARLIER. MY (b)(6), (b)(7)(C) CALLED ME (b)(6), (b)(7)(C) ON MY HOME PHONE AT (b)(6), (b)(7)(C). THE FOLLOWING WAS SOME- (b)(6), (b)(7)(C) WHAT OUR CONVERSATION: (b)(6), (b)(7)(C) HOW YOU DOING? FINE I SAID. I'M STILL TAKING ALL YLLI MEDICINES. I ASKE HIM HOW HE WAS DOING. HE SAID (b)(6), (b)(7)(C) I'M DOING OK BUT I NEED TO TELL YOU SOMETHING. FEDERAL AGENTS ARE WANTING TO TALK TO YOU AND TEE I CAN'T TELL YOU WHAT ABOUT, BUT IT WAS A BAD THING. I ASKED WHAT WAS IT? HE TOLD ME THAT HE COULDN'T TELL ME. I SAID (b)(6), (b)(7)(C) NO MATTER WHAT IT IS IT'LL ALWAYS WORK OUT. YOU'VE BEEN THE SORT OF MAN THAT WHEN YOU FOUGHT YOU ALWAYS STAYED AROUND TO MAKE SURE THEY GOT BACK UP, YOU'VE ALWAYS WERE A GOOD SHUSBAND, FATHER, AND SON. IT'LL WORK (b)(6), (b)(7)(C) OUT. JUST BE HONEST ABOUT EVERYTHING. (b)(6), (b)(7)(C) SAID THANK YOU (b)(6), (b)(7)(C) I CHANGED THE SUBJECT ASKING IF HE RECEIVED BOTH HIS PACKAGES YST? HE HAD NOT. I TOLD HIM THERE WAS ENOUGH TO SHARE BECAUSE I KNEW HE DID. I ASKE HIM WHERE HE WAS IN IRAQ. HE TOLD ME HE WAS SOUTH OF BAGDAD. NOT TO WORRY HE WASN'T IN THE FIELD NOW. HE WAS IN AN AREA WHERE HE COULD GO TO MESS HALL MOST OF THE TIME. HE ASKED ME IF I SEEN TEE. I SAID YES, OUT THERE BY THE CREEK SHE CAN'T GET A GOOD SIGNAL. HE SAID HIS GOOD BYES AND SAID HE WAS GOING TO CALL TEE AGAIN AND TRY TO TALK TO HER. BEFORE HANGING UP, HE SAID THIS WAS A SAD PLACE. I TOLD HIM I WILL CONTINUE TO PRAY FOR HIM AND ALL INVOLVED. HE HUNG UP THEN. (b)(6), (b)(7)(C) TOLD ME IT WAS A SAD PLACE AND HE WAS WORRIED ABOUT THE CHILDREN OVER THERE. (b)(6), (b)(7)(C) DID (b)(6), (b)(7)(C) TELL YOU WHTA THE PROBLEM WAS. A. No. He said it was a bad thing.

10. EXHIBIT (b)(6), (b)(7)(C) PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

ACLU DDII CID ROI 31205

STATEMENT OF Mrs. [REDACTED] AT [REDACTED] DATED 20 May 05

9. STATEMENT (Continued)

Q. Is there anything you wish to add or delete from this statement?

A. Yes [REDACTED] worked with [REDACTED] AT STONE County Sheriffs Dept. SPC [REDACTED] worked in Book Connections and Transport Officer for Sheriff [REDACTED] HAS A RESPECT WITH THE STATE. INMATES WE HOUSE AT S.C.R.C. of HE'LL FIGHT WHEN NECESSARY. FIGHT TO AN INCH OF HIS OR THEIR LIFE AND STAY WITH THEM UNTIL THEIR ABLE TO GO AGAIN. THE INMATES HOLD A HIGH REGARD TOWARDS [REDACTED] FOR THE CONCERN HE HELD FOR THEM [REDACTED]

Q. IS there anything else?

A. No. End of statement III —

AFFIDAVIT

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, on this [REDACTED] day of May 2005

ORGANIZATION OR ADDRESS

[REDACTED]

[REDACTED]

(Typed Name of Person Administering Oath)

Title 5 USC Sec 303

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

[REDACTED] KING STATEMENT

ACLU DDII CID ROI 31206

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION (b)(6), (b)(7)(C)
2. DATE (YYYY) (b)(6), (b)(7)(C) 05/20/05 1:20 pm
4. FILE NUMBER 0058-05-CID083
7. GRADE/STATUS CIV.

8. (b)(6), (b)(7)(C)

9. (b)(6), (b)(7)(C) I, (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The last conversation I had with (b)(6), (b)(7)(C) was he asked about the children - how they were doing in school and (b)(6), (b)(7)(C) how she was doing with her divorce. I talked about changing jobs and building a house for when he comes home. I asked him why the feds was wanting to take to me he said he could not talk about it for me not to worry that he was just doing his job that he did not do anything wrong and for me to answer the questions truthfully. He told me not to worry about (b)(6), (b)(7)(C) that everyone was looking out over him. We talked about stuff like what we were going to do when he comes home. And we talked about personal stuff I would rather not say but it doesn't have anything to do with Iraq. I did not talk very long because I had to go home and get some sleep because I work at night.

Q. WHAT DATE WAS IT?
A. 18 May 05

Q. Is Spc (b)(6), (b)(7)(C) employed by the Pearl River County SHERIFF'S DEPARTMENT?

A. Yes, about 1998.

Q. WHAT SHERIFF ACADEMY DID HE ATTEND?

A. STONE County SHERIFF DEPARTMENT, NOT CERTIFIED, DUE TWO A FAILURE OF A RUN, WHICH HE MIST.

Q. Did Spc (b)(6), (b)(7)(C) mention anything in regards to an on going investigation by CIA AT Iraq.

A. No.

Q. Is there anything you wish to add or delete from this statement.

10. EXHIBIT 1 (b)(6), (b)(7)(C) PERSON MAKING STATEMENT PAGE 1 OF PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

ACLU DDII CID ROI 31207

STATEMENT OF SPC AT 20 May 05

9. STATEMENT (Continued)

A. No. 111 END OF STATEMENT 111 -

NOT USED.

AFFIDAVIT
I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE ... I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR ...
WITNESSES:
Subscribed and sworn to before me, a person authorized by law to ...
TITLE 5, USC, Sec 303
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
ACLU DDII CID ROI 81208

1-155 INFANTRY "Mississippi Rifles" TAC SOP (last updated 05 JAN 05)

EPW / Detainees

Search Each Captive.

- Makes sure there is another soldier to stand guard before beginning the search.
- Do not get between the captive and the assisting guard.
- Select the safest search position (stand-up or frisk [pat-down], wall, or prone) and direct the prisoner to position himself for the search.
- Search the captive, his equipment, and his clothing. Take all weapons, ammunition, maps, overlays, military papers, and other items that might have intelligence value.
- When the search is complete, allow the captive to keep his identification papers, NBC protective gear, helmet, and personal items that have no intelligence value. (These items will be processed later as the captives are evacuated to the rear through MP channels.) Items that prisoners are normally allowed to keep include personal effects such as clothing, mess equipment (except knives and forks), badges of rank and insignia, decorations, religious literature, and articles that have sentimental value.
- If the captive's weapon and ammunition are not of possible intelligence value, dispose of them in accordance with Unit SOP.
- Prepare a receipt using a DA Form 4137 or field-expedient materials for each captive's property that you retain.

Tagging: Tag each prisoner and the documents and equipment you have retained that may have intelligence value.

- Prepare a capture tag using DD Form 2745. The Tag is an issued serial number item and can not be reproduced. When time or the situation does not allow you to fill out the form in its entirety, you must, at a minimum, complete the following:
  - o Date and time of capture (YYYYMMDD).
  - o Capturing unit.
  - o Place of capture (grid coordinates).
  - o Circumstances of capture (how the EPW was captured).

- Place "Part A" of the capture tag on each captive and instruct him not to remove or alter the tag.
  - Retain "Part B" for capturing unit's records.
  - Tag all property that has possible intelligence value with "Part C" of the tag. (When there is more than one item, you must improvise using field expedient methods such as bagging or bundling the items.)
- NOTE: It is Very Important That You Place Together And Label All Seized Property That Has Possible Intelligence Value. Since There is Only One "Part C," Use Field Expedient Means Such As Bundling Or Bagging The Items Together And Place A Label On The Bag Or Bundle With The Same Serial Number That is On The DD Form 2745 Used For The Prisoner. This Will Ensure That The Items Can Be Correctly Identified With The Prisoner Who Had Them.*

Segregate the Captives. Use field-expedient materials such as concertina or rope to section off areas to keep the captives segregated. Segregate as follows:

- By rank (officers, NCOs, and enlisted).
- By sex.
- Civilians from military.
- Nationalities and ideology (if possible).
- Captives who surrendered willingly or who deserted from those who resisted capture.
- Captives who cannot be readily identified as belonging to one of the above groups.

*NOTE: When In Doubt As To The Captive's Status, Treat And Protect Them As EPW Until Their Status Can Be Determined.*

STAND FASTI

1-155 INFANTRY "Mississippi Rifles" TAC SOP (last updated 05 JAN 05)

Silence the Captives.

- Do not speak to captives except to give orders or directions.
- To prevent the captives from planning escapes or drawing attention from other enemy troops, do not allow them to talk to or signal each other.
- If the captives do not follow your instructions, you may gag them.

WARNING: Do Not Use Materials To Gag The Captives That Will Obstruct Or Restrict Breathing Passages.

NOTE: Remember, It Is The Duty Of A Prisoner Of War To Attempt To Escape.

Safeguard the Captives. In accordance with the Geneva Conventions and U.S. Policy

- Protect captives from mental and physical abuse.
- Provide firm, humane treatment at all times.
- Provide first aid and food and water as necessary.
- Protect captives from abuse by other captives or by local civilians.
- Report all acts or allegations of inhumane treatment.
- Notify your chain-of-command if you have seriously wounded captives. Evacuate them through medical channels.

NOTE: You Will Evacuate The Walking Wounded Through Normal Channels With The Other Captives.

Speed the Captives to the Rear. As soon as possible within your mission constraints, move them as follows:

- Evacuate captives out of the combat zone as quickly as possible on a route
- Away from the movement of U.S. and/or allied forces.
- Escort the captives to the closest MP Collecting Point or Holding Area
- Use empty transportation returning to the rear, if possible, to reduce manpower requirements.

NOTE: If Moving Captives By Vehicle, There Should Be At Least One Guard Per Vehicle. If Moving Captives On Foot, Make Sure There Are Enough Guards To Secure All Four sides of the formation.

- Notify the MP and/or Military Intelligence (MI). (The MI personnel will normally be located at the MP collecting point.)
- Obtain a receipt when you transfer custody of the captives.

NOTE: Captives May Be Accepted By Military Police At Any Point From Capture Through The Evacuation Chain.

TREATMENT OF EPWs/ Detainees

- Handle EPW/DETAINEE firmly, but humanely
- Treat all sick or wounded EPW/DETAINEE appropriately
- All detained personnel should be considered POWs
- Proper treatment assists our military efforts
- Taking war trophies is stealing

STAND FASTI

ACLU DDII CID RO 31209

66



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DEPARTMENT OF THE ARMY  
US ARMY CRIMINAL INVESTIGATION LABORATORY  
4553 N 2ND STREET  
FOREST PARK, GA 30297-5122

CILA-SD

6 June 2005

MEMORANDUM FOR COMMANDER, 48TH MILITARY POLICE DETACHMENT (CID)  
(FWD), 11TH MILITARY POLICE BATTALION (CID) (FWD), APO AE 09342

SUBJECT: Serology/DNA Division - Final Report  
USACIL Case Number 2005-CID131-0926  
Submitter Case Number 0088-05-CID259-36251

EXHIBITS:

1 - Pistol Beretta 9mm SN: 1106876 (Item 1, Doc 390-05).

FINDINGS:

1. No blood was detected (using chemical analysis) on stains from the pistol.
2. An apparent hair/fiber was collected from inside the barrel of the pistol.
3. The above listed exhibits are being returned to the submitting agency upon the completion of the laboratory testing. Retain the blood standard stain card, prepared during analysis, with the evidence.
4. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Division, DSN 797-7082/7109/7110, Commercial (404)



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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1 of 2

**ACLU DDII CID ROI 31210**

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CILA-SD

SUBJECT: Serology/DNA Division - Final Report  
USACIL Case Number 2005-CID131-0926  
Submitter Case Number 0088-05-CID259-36251

469-7082/7109/7110, Fax DSN 797-7112, or Email:  
usacil@usacil.army.mil.

(b)(6), (b)(7)(C)



Forensic DNA Examiner

(b)(6), (b)(7)(C)



Forensic DNA Examiner

ACLU DDII CID ROI 31211

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EXHIBIT

100

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DEPARTMENT OF THE ARMY  
US ARMY CRIMINAL INVESTIGATION LABORATORY  
4553 N 2ND STREET  
FOREST PARK, GA 30297-5122

CILA-FA

9 June 2005

MEMORANDUM FOR COMMANDER, 48TH MILITARY POLICE DETACHMENT (CID)  
(FWD), 11TH MILITARY POLICE BATTALION (CID) (FWD), APO AE 09342

SUBJECT: Firearms Division - Final Report  
USACIL Case Number 2005-CID131-0926  
Submitter Case Number 0088-05-CID259-36251

EXHIBIT:

1 - Pistol Beretta 9mm SN: 1106876 (Item 1, Doc 390-05).

FINDINGS:

1. Examination of Exhibit 1 (pistol) disclosed that it is operational with its incorporated safety features working properly. The trigger pull for single action is approximately 5 pounds and approximately 12 in double action. The trigger must be pulled in order for Exhibit 1 to be discharged.

2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Division, DSN 797-7082/7109/7110, Commercial (404) 469-7082/7109/7110, Fax DSN 797-7112, or Email: usacil@usacil.army.mil.

(b)(6), (b)(7)(C)  
[Redacted Signature]

Forensic Firearms Examiner



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1 of 1

ACLU DDII CID ROI 31212

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EXHIBIT 106  
000281

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0079-05-CID083-

Page 1 of 1 Pages

## DETAILS

About 0900, 14 Jun 05, this office received a Request for Assistance (RFA) from the 48<sup>th</sup> MP DET (CID) (FWD), 3D MP GRP, Camp Victory, Baghdad, Iraq APO AE 09342 to coordinate with Stone County Sheriff's Department and Alabama Criminal Justice Training Center to determine if SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) B Company, 1/55<sup>th</sup> Infantry (IN) Battalion (BN), Forward Operating Base (FOB), Iskandariyah, Iraq was employed by or received training from either agency, specifically use of force, and who the training was provided by.

About 1437, 14 Jun 05, INV (b)(6), (b)(7)(C) coordinated with Sheriff (b)(6), (b)(7)(C) Stone County Sheriff's Department (SCSD), Wiggins, MS39577 who related that SPC (b)(6), (b)(7)(C) had been employed with SCSD as a Corrections Officer and was sent to Corrections Officer Training through Alabama Corrections Academy but failed to meet the requirements and never attended any course or training through Alabama Criminal Justice Training Center. Sheriff (b)(6), (b)(7)(C) stated he would provide this office with SPC (b)(6), (b)(7)(C) law enforcement records from SCSD, to include any and all training he attended via fax.

About 0930, 16 Jun 05, INV (b)(6), (b)(7)(C) received SPC (b)(6), (b)(7)(C) law enforcement records from SCSD via fax.

//////////////////////////////////////LAST ENTRY//////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER INV (b)(6), (b)(7)(C)		ORGANIZATION Fort Rucker Resident Agency, USACIDC, Fort Rucker, AL 36362	
SIGN (b)(6), (b)(7)(C)		16 Jun 05	EXHIBIT

ACLU DDII CID ROI 31213

CID FORM 94

1 FEB 77

ACLU-RDI 5486 p.242

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EXHIBIT 102

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# AGENT'S INVESTIGATION REPORT

ROI NUMBER  
0230-05-CID108

CID Regulation 195-1

PAGE 1 OF 1 PAGES

### DETAILS

About 0837, 20 Jun 05, this office received a Request for Assistance from the 48<sup>th</sup> Military Police Detachment (CID) (FWD), 3<sup>rd</sup> Military Police Group (CID), Camp Victory, Baghdad, Iraq, to locate, fully identify, and obtain a sworn statement from LTC (b)(6), (b)(7)(C) Department of Psychiatry, Tripler Army Medical Center (TAMC), Honolulu, HI, concerning his conversation(s) with SPC (b)(6), (b)(7)(C) Bravo Company, 1/155<sup>th</sup> Infantry Battalion, Forward Operating Base (FOB) Iskandariyah, Iraq. LTC (b)(6), (b)(7)(C) was a member of the Combat Stress Team and may have spoken with SPC (b)(6), (b)(7)(C) while assigned to the 1908 Medical Detachment, Forward Operating Base Kalsu, Iraq. SPC (b)(6), (b)(7)(C) is currently a subject in the Report of Investigation 0088-05-CID259-36251; alleged murder of Mr. Sadunn Hamza FEIHAN, Iraqi National (NFI).

About 1550, 20 Jun 05, SA (b)(6), (b)(7)(C) interviewed LTC (b)(6), (b)(7)(C) who stated he recalled SPC (b)(6), (b)(7)(C) as being a patient but could not provide any information. LTC (b)(6), (b)(7)(C) stated he would have to review his notes before he could accurately answer any questions.

About 0845, 22 Jun 05, SA (b)(6), (b)(7)(C) interviewed LTC (b)(6), (b)(7)(C) Command Judge Advocate, TAMC, HI, who related he had spoken with LTC (b)(6), (b)(7)(C) about this offices request of information pertaining to SPC (b)(6), (b)(7)(C). LTC (b)(6), (b)(7)(C) related LTC (b)(6), (b)(7)(C) could not provided information concerning conversations of SPC (b)(6), (b)(7)(C). LTC (b)(6), (b)(7)(C) related SPC (b)(6), (b)(7)(C) conversations are protected with by patient privileges.

About 1048, 22 Jun 05, SA (b)(6), (b)(7)(C) interviewed LTC (b)(6), (b)(7)(C) who stated he could not disclose any information concerning his conversations without consent from SPC (b)(6), (b)(7)(C). LTC (b)(6), (b)(7)(C) stated he left his medical assessments and treatment information at Echo, FOB, Iraq, where SPC (b)(6), (b)(7)(C) was last treated.

This RFA is closed within the files of this office. All requested investigative activity was completed and no further investigative activity is anticipated. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F) (b)(6), (b)(7)(C)	ORGANIZATION Hawaii Field Office, Schofield Barracks, HI 96857
Jun 2005	EXHIBIT 104

ACLU DDII CID ROI 31287

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**AGENT'S INVESTIGATION REPORT**

003406-CID083

CID Regulation 195-1

PAGE 1 OF 1 PAGE

DETAILS

On 16 Feb 06, this office received a Request For Assistance (0088-05-CID259-36251) from the 10th Military Police Battalion (CID), 76th Military Police Detachment (CID), APO AE 09342, requesting this office to locate, fully identify and conduct witness interviews of SPC (b)(6), (b)(7)(C) B Company (CO) 155<sup>th</sup> Infantry (INF), Poplarville, MS 39407 (PMS), SPC (b)(6), (b)(7)(C) B CO, 155<sup>th</sup> INF, PMS, SSG (b)(6), (b)(7)(C) B CO, 155<sup>th</sup> INF, PMS, 1LT (b)(6), (b)(7)(C) and 2LT (b)(6), (b)(7)(C) 387<sup>th</sup> Brigade (Bde), 2/305<sup>th</sup> Artillery, Camp Shelby, MS regarding the alleged murder of Mr. FEIHAN.

About 1345, 17 Feb 06, SA (b)(6), (b)(7)(C) interviewed 2LT (b)(6), (b)(7)(C) who related he did not remember if there was blood on SPC (b)(6), (b)(7)(C) uniform or equipment.

About 1115, 23 Feb 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) regarding his knowledge of this incident. SPC (b)(6), (b)(7)(C) related he had a clear view of SPC (b)(6), (b)(7)(C) entire body immediately after the shooting and did not see any blood on SPC (b)(6), (b)(7)(C) uniform or equipment. SPC (b)(6), (b)(7)(C) further related he could see Mr. FEIHAN was laying face down in the ditch and SPC (b)(6), (b)(7)(C) was laying face down on top of Mr. FEIHAN when the shot was fired.

About 1105, 24 Feb 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) who related he assisted SPC (b)(6), (b)(7)(C) immediately after the gun shot and did not see any blood on SPC (b)(6), (b)(7)(C) uniform or equipment.

About 0935, 3 Mar 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) who related he responded to the shooting immediately after hearing the gunshot. SSG (b)(6), (b)(7)(C) related SPC (b)(6), (b)(7)(C) was already sitting up when he arrived at the scene, however SSG (b)(6), (b)(7)(C) did not recall if there was any blood on SPC (b)(6), (b)(7)(C) uniform or equipment.

AGENT'S COMMENTS: No interview was conducted on 1LT (b)(6), (b)(7)(C) do to 1LT (b)(6), (b)(7)(C) being assigned to the 2/11<sup>th</sup> Armor Cavalry Regiment, Ft. Irwin, CA. ///Last Entry///

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TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION Fort Rucker Resident Agency (CID) 3 <sup>rd</sup> Military Police Group, USACIDC Fort Rucker, AL 36362
SIGNATURE (b)(6), (b)(7)(C)	DATE (b)(6), (b)(7)(C) 06	EXHIBIT

ACLU DDII CID ROI 31288

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

074-06-CID146-RFA/0088-05-CID259-36251

PAGE 1 OF 1 PAGES

DETAILS

**BASIS FOR INVESTIGATION:** About 0900, 18 Apr 06, (b)(6), (b)(7)(C), (b)(7)(F) this office received a Request For Assistance (RFA)(0088-05-CID259-36251) from the 76<sup>th</sup> Military Police Detachment (CID), APO AF 09342, requesting this office to locate, fully identify, and interview 1LT (b)(6), (b)(7)(C) to ascertain his knowledge of the death of Mr. Sadunn Hamza GEIHAN (NFI), an Iraqi National.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

Fort Irwin Resident Agency (CID)  
Fort Irwin, CA 92310

(b)(6), (b)(7)(C)

DATE

18 Apr 06

EXHIBIT

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ACLU DDII CID ROI 31289

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0074-06-CID146-RFA/0088-05-CID259-36251

PAGE 1 OF 1 PAGE

## DETAILS

About 1700, 24 Apr 06, SA (b)(6), (b)(7)(C), (b)(7)(F) this office, interviewed 1LT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) A. Troop (Trp), 2-11 Armored Cavalry Regiment (ACR), Fort Irwin, CA 92310 (FICA). 1LT (b)(6), (b)(7)(C) stated he never observed any blood stains on the clothing of SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) B Company (Co), 1/155<sup>th</sup> Infantry Battalion (Bn), P.O. Box 231 Poplarville, MS 39401-0231 after the shooting of Mr. GEIHAN. 1LT (b)(6), (b)(7)(C) provided a verbal statement reiterating the statement he previously provided to the United States Army Criminal Investigation Command (USACIDC) on 10 Apr 05. 1LT (b)(6), (b)(7)(C) was unable to provide any other information to further this investigation.

About 2335, 24 Apr 06, SA (b)(6), (b)(7)(C) coordinated with SA (b)(6), (b)(7)(C) who related no further investigative action is requested or needed from this office.////LAST ENTRY////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

FORT IRWIN RESIDENT AGENCY (CID)  
FORT IRWIN, CA 92310

(b)(6), (b)(7)(C)

DATE

24 Apr 06

EXHIBIT

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**ACLU DDII CID ROI 31290**

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

## ROI NUMBER

0088-05-CID259-36251

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### DETAILS

About 1608, 28 Feb 06, SA (b)(6), (b)(7)(C) coordinated with MAJ (Chaplain) (b)(6), (b)(7)(C) Plans and Operations Chaplain, Multi-National Corps-Iraq (MNC-I), Camp Victory, Iraq (CVIZ), APO AE 09342, who related there was a Muslim chaplain in theater, but only for a brief time. MAJ (b)(6), (b)(7)(C) related the chaplain was there on a pre-planned schedule and would not be made available to assist this office in its investigation, as his duties and schedules were already filled.

Agent's comment: On 9 Apr 05, a request was made to the family to have the remains of Mr. FEIHAN exhumed which they denied. Further, a local judge also denied the request to exhume the remains. The intent was to obtain the services of a Muslim chaplain to assist in convincing the family of the need to exhume the remains of Mr. FEIHAN; however this did not materialize.

////////////////////////////////////LAST ENTRY////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C)		ORGANIZATION 76th Military Police Detachment (CID), Camp Slayer, APO AE 09342
SIGNATURE SA (b)(6), (b)(7)(C)	DATE 28 Feb 06	EXHIBIT 109

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ACLU DDII CID ROI 31291

000359

AGENT'S INVESTIGATION REPORT  
CID Regulation 195-1

ROI NUMBER

0088-05-CID259-36251

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DETAILS

About 1430, 12 Jun 06, SA (b)(6), (b)(7)(C) this office, briefed CPT (b)(6), (b)(7)(C) Office of the Staff Judge Advocate, Multi-National Corps-Iraq, Camp Victory, Iraq APO AE 09342 (CVIZ), on all aspects of this investigation. CPT (b)(6), (b)(7)(C) opined there was insufficient evidence to establish probable cause to believe SPC (b)(6), (b)(7)(C) committed the offense of Wrongful Distribution of a Controlled Substance.

//////////////////////////////////////LAST ENTRY//////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

76<sup>th</sup> Military Police Detachment (CID)  
Camp Slayer, IZ APO AE 09342

DATE

12 Jun 06

EXHIBIT

SI (b)(6), (b)(7)(C)

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

**ROI NUMBER**

0088-05-CID259-36251

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**DETAILS**

On 20 Jun 06, this office received the results of a name check from the United States Army Crime Record Center and the Defense Criminal Investigative Index (DCII), which revealed there was no derogatory information pertaining to SPC (b)(6), (b)(7)(C)

On 5 Jul 06, this office was directed to close this investigation by the Operations Officer, 10<sup>th</sup> MP BN (CID), Camp Victory, IZ APO AE 09342

//////////////////////////////////////LAST ENTRY//////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA. (b)(6), (b)(7)(C)		ORGANIZATION 76th Military Police Detachment (CID), Camp Slayer, APO AE 09342
SIGN (b)(6), (b)(7)(C)	DATE 5 Jul 06	EXHIBIT

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AGENT'S INVESTIGATION REPORT

ROI NUMBER

0054-06-CID083/0088-06-CID259-36251

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DETAILS

About 1319, 28 Mar 06, this office received a Request For Assistance (RFA) (0088-05-CID259-36251), to locate, fully identify, and conduct a subject interview of SPC (b)(6), (b)(7)(C) 2/198<sup>th</sup> Inf, Oxford, MS.

About 1435, 28 Mar 06, SPC (b)(6), (b)(7)(C) contacted SA (b)(6), (b)(7)(C) via telephone. SPC (b)(6), (b)(7)(C) related he would meet with SA (b)(6), (b)(7)(C) to conduct an interview at 1400, 29 Mar 06. SPC (b)(6), (b)(7)(C) further related he would not waive his rights and that he would seek legal council.

About 0945, 6 Apr 06, SA (b)(6), (b)(7)(C) coordinated with 1SG (b)(6), (b)(7)(C) 155<sup>th</sup> Infantry (INF), Purvis, MS, who related SPC (b)(6), (b)(7)(C) was no longer assigned to the 155<sup>th</sup> INF, but was re-assigned to the 1/198<sup>th</sup> Tank Co. 1SG (b)(6), (b)(7)(C) provided this office with a contact number of (b)(6), (b)(7)(C).

About 1038, 11 Apr 06, SA (b)(6), (b)(7)(C) coordinated with the requesting office and informed them of this office's activity on this RFA.

About 0945, 1 Jun 06, SA (b)(6), (b)(7)(C) briefed COL (b)(6), (b)(7)(C) HHC 155<sup>th</sup> BCT, MS ANG, who related he would locate and order SPC (b)(6), (b)(7)(C) to report to this office.

About 0854, 16 Jun 06, MAJ (b)(6), (b)(7)(C) Executive Officer (XO), 198<sup>th</sup> Inf, contacted this office and related the next drill dates for SPC (b)(6), (b)(7)(C) are 23 and 24 Jul. MAJ (b)(6), (b)(7)(C) further related SPC (b)(6), (b)(7)(C) had contacted the OSJA.

About 1700, 19 Jun 06, SA (b)(6), (b)(7)(C) briefed Maj (b)(6), (b)(7)(C) on all aspects of this case.

About 0900, 5 Jul 06, SA (b)(6), (b)(7)(C) received guidance from the SAC to close this RFA as the interview of SPC (b)(6), (b)(7)(C) was no longer necessary.///Nothing Follows///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

ORGANIZATION

Fort Rucker Resident Agency (CID)  
3<sup>rd</sup> Military Police Group, USACIDC  
Fort Rucker, AL 36362

SA (b)(6), (b)(7)(C), (b)(7)(F)

SIGN (b)(6), (b)(7)(C)

DATE

5 Jul 2006

EXHIBIT

ACLU DDII CID ROI 31294

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0088-06-CID259-36251

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DETAILS

About 1400, 10 Jul 06, SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) Office of the Staff Judge Advocate, Multi-National Corps-Iraq, Camp Victory, Iraq APO AE 09342 (CVIZ) on all aspects of this investigation. CPT (b)(6), (b)(7)(C) opined there was probable cause to believe SPC (b)(6), (b)(7)(C) committed the offenses of wrongful possession of a controlled substance, and wrongful use of a controlled substance, when he admitted he possessed and used valium, a controlled drug, not prescribed to him.

//////////////////////////////////////LAST ENTRY//////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

ORGANIZATION

76th Military Police Detachment (CID), Camp Slayer, APO AE 09342

SIG SA (b)(6), (b)(7)(C)

DATE

10 Jul 06

EXHIBIT

**ACLU DDII CID ROI 31295**

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