



~~SECRET//NOFORN UNCLASSIFIED WHEN ATTACHMENT IS REMOVED~~

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND  
10<sup>TH</sup> MILITARY POLICE BATTALION (CID)  
76<sup>TH</sup> MILITARY POLICE DETACHMENT (CID)  
APO AE 09342

REPLY TO THE ATTENTION OF:  
CIRF-ZA-BD

8 Feb 06

(U) MEMORANDUM FOR SEE DISTRIBUTION

(U) SUBJECT: CID REPORT OF INVESTIGATION – FINAL / SSI – 0333-2005-CID259-36381-5H9B

(U) DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 13 NOV 2005/2225 – 13 NOV 2005/2359; GRID COORDINATES 38S MB3254, UNDETERMINED LOCATION NEAR THE VICINITY OF KALSU, IRAQ, (IZ)

(U) DATE/TIME REPORTED: 18 NOV 2005, 1039

(U) INVESTIGATED BY:

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

(U) SUBJECT:

1. UNKNOWN; (UNDETERMINED DEATH) (NFI)

(U) VICTIM:

1. AL GHURAIRI, RASHID SALMAN MOHAMMAD; CIV; INTERNMENT SERIAL NUMBER (ISN): UNKNOWN; 6 JUL 1939; IZ; MALE; OTHER; XZ; CAPTURE TAG NUMBER UNKNOWN; DATE OF CAPTURE: 13 NOV 2005; (UNDETERMINED DEATH) (NFI)

(U) INVESTIGATIVE SUMMARY:

(U) "This is an Operation Iraqi Freedom Investigation."

(U) On 18 Nov 05, this investigation was initiated when CPT (b)(6), (b)(7)(C) [REDACTED] Command Judge Advocate, Office of the Staff Judge Advocate (SJA), Forward Operating Base (FOB) Central, IZ, reported Mr. AL GHURAIRI's death.

(U) Investigation revealed on 13 Nov 05, Mr. AL GHURAIRI was apprehended at his home along with his two sons by members of Iraqi 2<sup>nd</sup> Squadron, Hillah Special Weapons and Tactics (SWAT) members. Coalition forces were present; however, the extent of their involvement was limited to technical advice. Mr. AL GHURAIRI was taken into custody without incident and

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~~Law Enforcement Center~~

ACLU DDII CID ROI 31296

SUBJECT: CID REPORT OF INVESTIGATION – FINAL / SSI – 0333-2005-CID259-36381–5H9B

was transported via helicopter to Forward Operating Base (FOB) Kalsu, IZ. While en route, Mr. AL GHURAIRI began displaying signs of cardiac arrest and lost consciousness. Personnel aboard the helicopter initiated life saving measures in an attempt to resuscitate Mr. AL GHURAIRI; however, life saving measures were unsuccessful and Mr. AL GHURAIRI was pronounced dead by PO1 **b(6), b(7)(C)** Corpsman, Helicopter Combat Support Squadron 5 (HCS-5), Joint Special Operations Air Detachment-Arabian Peninsula (JSOAP-AP), Logistical Support Area Anaconda (LSAA), FOB Kalsu, Iraq, upon arrival to FOB Kalsu. Shortly thereafter, Mr. AL GHURAIRI's body was released by Hillah SWAT to Mr. AL GHURAIRI's sons, so an autopsy was not conducted and a death certificate was not prepared. Interviews of the apprehending personnel and personnel on the helicopter revealed Mr. AL GHURAIRI and his two sons, NFI, came willingly and did not resist apprehension. Further, the two sons indicated Mr. AL GHURAIRI had a history of high blood pressure, diabetes, and had a heart attack in the past. As no autopsy was conducted and no death certificate was prepared, the cause and manner of death could not be determined; therefore, the manner of death was listed as undetermined.

(U) STATUTES:

N/A

(U) EXHIBITS/SUBSTANTIATION:

(U) ATTACHED:

(U) 1. Agent's Investigative Report (AIR) of SA **b(6), b(7)(C)** 20 Nov 05, detailing initial notification and coordination with LCDR **b(6), b(7)(C)** and collection of documents.

(U) 2. Serious Incident Report 575-021-001, not dated, detailing Mr. AL GHURAIRI's death.

(U) 3. Statements of SPC **b(6), b(7)(C)** SSG **b(6), b(7)(C)** SGT **b(6), b(7)(C)** SSG **b(6), b(7)(C)** and SPC **b(6), b(7)(C)** 16 Nov 05, wherein they detailed their knowledge of Mr. AL GHURAIRI's death.

(U) 4. Memorandum of CPT **b(6), b(7)(C)** 16 Nov 05, detailing his knowledge of Mr. AL GHURAIRI's death.

(U) 5. AIR of SA **b(6), b(7)(C)** 48<sup>th</sup> MP Det (CID), Camp Slayer, IZ, 1 Dec 05, detailing interviews of CPT **b(6), b(7)(C)** and SSG **b(6), b(7)(C)**

(U) 6. Statement of CPT **b(6), b(7)(C)** 1 Dec 05, wherein he detailed his knowledge of Mr. AL GHURAIRI's death.



SUBJECT: CID REPORT OF INVESTIGATION – FINAL / SSI – 0333-2005-CID259-36381–5H9B

(U) 7. Statement of SSG **b(6), b(7)(C)** 1 Dec 05, wherein he detailed his knowledge of Mr. AL GHURAIRI's death.

(U) 8. AIR of SA **b(6), b(7)(C)** 31<sup>st</sup> MP Det (CID), LSA Anaconda, IZ, 15 Dec 05, detailing the interview of PO1 **b(6), b(7)(C)** and the receipt of the Medical Rescue Report.

(U) 9. Statement of PO1 **b(6), b(7)(C)** 15 Dec 05, wherein he detailed his knowledge of Mr. AL GHURAIRI's death.

(U) 10. Medical Rescue Report, 15 Nov 05, detailing PO1 **b(6), b(7)(C)** medical assessment of Mr. AL GHURAIRI.

(U) 11. AIR of SA **b(6), b(7)(C)** 3 Feb 06, detailing notification from LTC **b(6), b(7)(C)** he would be unable to provide a death certificate for Mr. AL GHURAIRI and receipt of 15-6 Investigation Report from LCDR **b(6), b(7)(C)**

(U) 12. E-mail of LTC **b(6), b(7)(C)** 12 Jan 06, wherein he stated he would not be able to provide a death certificate.

~~(Secret/NF)~~ 13. Report of Proceedings by Investigating officer/Board of officers, 23 Nov 05.

(U) NOT ATTACHED:

(U) NONE.

(U) The originals of Exhibits 1, 5 through 9 and 11 are forwarded with USACRC copy of this report. The originals of Exhibit 2 through 4, 10 and 13 is maintained the files of Helicopter Combat Support Special Squadron 5, JSOAD-AP, Logistical Support Area Anaconda, Iraq. The original of Exhibit 12 is maintained on the server at JSOPD-AP, Logistical Support Area Anaconda, Iraq.

(U) STATUS: This is a Final report. Commander's Report of Disciplinary or Administrative Action (DA Form 4833) is not 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:

SUBJECT: CID REPORT OF INVESTIGATION – FINAL / SSI – 0333-2005-CID259-36381–5H9B

1-Director, USACRC, ATTN: CICR-ZA, 6010 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506  
(original) (cid001crsc@sbelvoir.dms.army.smil.mil)  
1-CDR, USACIDC, ATTN: CIOP-ZA, 6010 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506  
(cid001dcsopsops2sc@sbelvoirdms.army.smil.mil)  
1-HQ, USACIDC, ATTN: Chief, Investigative Operations Center, 6010 6<sup>th</sup> Street, Fort Belvoir,  
VA 22060-5506 (b(6), b(7)(C))@us.army.smil.mil) (b(6), b(7)(C))@us.army.smil.mil)  
1-HQ, USACIDC, ATTN: Deputy Chief of Staff Operations (DCSOPS), 6010 6<sup>th</sup> Street, Fort  
Belvoir, VA 22060-5506 (b(6), b(7)(C))@us.army.smil.mil)  
1-CDR, 3D Military Police Group (CID) (b(6), b(7)(C))@force1.army.smil.mil)  
1-CDR, 10TH Military Police Battalion (CID)  
(b(6), b(7)(C))@iraq.centcom.smil.mil) (b(6), b(7)(C))@iraq.centcom.smil.mil)  
1- SJA, MNC-I, ATTN: CPT (b(6), b(7)(C)) (XVIII AIRBORNE CORPS)  
(b(6), b(7)(C))@iraq.centcom.smil.mil)  
1- Provost Marshal, MNF-I (b(6), b(7)(C))@iraq.centcom.smil.mil)  
(b(6), b(7)(C))@iraq.centcom.smil.mil)  
1 – Director, Armed Forces Institute of Pathology (AFIP), 1413 Research Blvd., Bldg. 102,  
Rockville, MD 20850  
(b(6), b(7)(C))@us.army.smil.mil) (b(6), b(7)(C))@us.army.smil.mil)  
1-CDR, Task Force 134, Detainee Operations, MNF-I, ATTN: CPT (b(6), b(7)(C)) Camp Victory, IZ  
APO AE 09342 (b(6), b(7)(C))@iraq.centcom.smil.mil)  
1 - Surgeons Office, MNF-I, ATTN: SGM (b(6), b(7)(C)) Camp Victory, IZ APO AE 09342  
(b(6), b(7)(C))@iraq.centcom.smil.mil)  
1-CDR, 76TH Military Police Detachment (CID), Camp Slayer, IZ APO AE 09342  
(b(6), b(7)(C))@iraq.centcom.smil.mil)  
1-DET SGT, 76TH Military Police Detachment (CID), Camp Slayer, IZ APO AE 09342  
(b(6), b(7)(C))@iraq.centcom.smil.mil)  
1-File



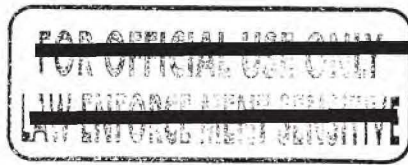
<b>AGENT'S INVESTIGATION REPORT</b> <i>CID Regulation 195-1</i>	<b>ROI NUMBER</b> 0333-05-CID259-36381
<b>PAGE 1 OF 1 PAGE</b>	

**DETAILS**

**BASIS FOR INVESTIGATION:** About 1039, 18 Nov 05, this office was notified by CPT **(b)(6), (b)(7)(C)** **(b)(6), (b)(7)(C)** Office of the Staff Judge Advocate (SJA), Forward Operating Base (FOB) Central, Iraq (IZ), of the death of Mr. AL GHURAIRI. CPT **(b)(6)(b)(7)(C)** related on 13 Nov 05, Mr. AL GHURAIRI was apprehended at this home along with his sons by members of the Hillah Special Weapons and Tactics (SWAT) team. All three were taken into custody without incident and transported, via helicopter, to FOB Kalsu, IZ APO AE 09325 (FOBK). All three detainees appeared to be in good health upon apprehension. While in route to FOBK, Mr. AL GHURAIRI began showing symptoms of cardiac arrest and subsequently lost consciousness. Members of the Hillah SWAT team initiated life saving measures by conducting Cardio Pulmonary Resuscitation (CPR); however, all life saving measures were unsuccessful and Mr. AL GHURAIRI was pronounced dead upon arrival at FOBK. Mr. AL GHURAIRI's sons were released, and were given Mr. AL GHURAIRI's remains for burial.

About 1200, 20 Nov 05, SA **(b)(6), (b)(7)(C)** coordinated with LTCDR **(b)(6), (b)(7)(C)** appointed AR 15-6 Investigating Officer, Combined Special Operations Task Force-Arabian Peninsula (CJSOTF-AP), IZ, who provided a copy of his appointment orders. Also, LCDR **(b)(6), (b)(7)(C)** provided this office with a copy of the Serious Incident Report (SIR) and copies of sworn statements provided by the Soldiers who were present during Mr. AL GHURAIRI's death. The Soldiers present were SPC **(b)(6), (b)(7)(C)** A Troop, 98<sup>th</sup> Calvary, FOBK, SSG **(b)(6), (b)(7)(C)** A Troop, 98<sup>th</sup> Calvary, FOBK, SGT **(b)(6), (b)(7)(C)** Operational Detachment A (ODA) 575, FOBK, SSG **(b)(6), (b)(7)(C)** **(b)(6), (b)(7)(C)** ODA 575, FOBK and SPC **(b)(6), (b)(7)(C)** A Troop, 98<sup>th</sup> Calvary, FOBK. Additionally, LTCDR **(b)(6), (b)(7)(C)** provided a copy of a memorandum prepared by Captain **(b)(6), (b)(7)(C)** Commander, 2<sup>nd</sup> Squadron, Hillah SWAT (NFI), detailing his knowledge of the incident. (See memorandum, SIR and Sworn Statements for details)///LAST ENTRY///

<b>TYPED AGENT'S NAME AND SEQUENCE NUMBER</b>  SA <b>(b)(6), (b)(7)(C), (b)(7)(F)</b> SI <b>(b)(6), (b)(7)(C)</b>	<b>ORGANIZATION</b> 48 <sup>TH</sup> Military Police (MP) DET (CID) Camp Slayer, Iraq APO AE 09342 <b>DATE</b> 20 NOV 05 <b>EXHIBIT</b>
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Serious Incident Report 575-021-001

0333-05-CID259-36381

1. Category
2. Type of Incident: Iraqi Security Force detainee death due to cardiac arrest
3. Date/time of Incident: Approximately 150330CNOV05
4. LOC: vic 38S MB 32 54
5. Other information
6. Personnel Involved:

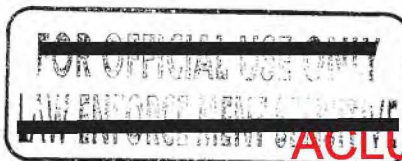
Iraqi Security Force Detainee:  
Rashed Salman Mhomad al Gurari  
Date of Birth: 01 JULY 1939

7. While returning to FOB Kalsu, one of the detainees under Hillah SWAT control died of an apparent heart attack. His body was transported to the FOB Kalsu aid station. The flight surgeon from one of the HH-60s declared him dead at FOB Kalsu. Cause of death- cardiac arrest. His remains were transferred to the Tunisians for return to his family. Two of his sons that were also detained were released by Hillah SWAT to accompany the body.

8. Remarks:

- The detainee was captured by Hillah SWAT and USSF advisors during CONOP 575-021.
- Contributing factor: Unknown prior medical history. The detainee was 66 years old. At this time there is no reason to believe that the detainee experienced any torture or abuse.

9. Publicity: Hillah SWAT and Tunis IPs have returned the body to the family.

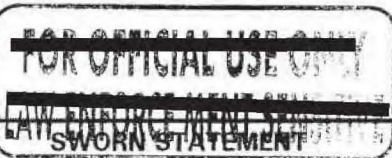


ACLU DDII CID ROI 31301

EXHIBIT 2

000005





For use of this form, see AR 190-45; the proponent agency is ODC SOPs D 259-36381

LOCATION FOB KALSU, IRAQ	DATE 16 Nov 2005	TIME 1100Z	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME b(6), b(7)(C)	SOCIAL SECURITY NUMBER b(6), b(7)(C)	GRADE/STATUS E-4/USANG	
ORGANIZATION OR ADDRESS A TRP 98 CAV FOB KALSU 1Z			

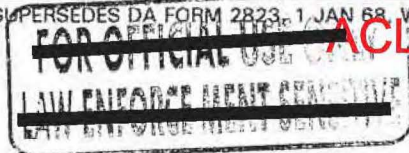
I, b(6), b(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
At approximately 132225ZNOV05 while conducting CONOP CT-75-021, Hillah SWAT x 4 personnel along with ODA 575 x 2 b(6), b(7)(C) b(6), b(7)(C), and 1/A/98 CAV x 3 b(6), b(7)(C) b(6), b(7)(C) and myself were on a raid where Hillah SWAT detained a father RASHED SALMAN MOHOMED AL GURARI and his two sons, b(6), b(7)(C) and b(6), b(7)(C). All 3 detainees were flex-cuffed and escorted by Hillah SWAT outside the residence to the HLZ without incident. All 3 detainees seemed to be in good health as we waited for the HH-60. When the HH-60 arrived Hillah SWAT stood the detainees up and escorted them to the HH-60 with no problems. As we took off from the objective on the way back to FOB Kalsu RASHED SALMAN MOHOMED AL GURARI appeared to have lost consciousness. His flex cuffs were removed while personnel started an assessment. SSG b(6), b(7)(C) started chest compressions to try and revive the detainee. Upon arrival at FOB Kalsu the flight surgeon assessed the casualty using an EKG and pronounced him dead on arrival. Nothing Follows////////////////////////////////////

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

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

USAPPC V2.0G



ACLU DDII CID ROI 31302

EXHIBIT 3

STATEMENT (Continued)

No statement this side////////////////////////////////////

0333-05-CID 259-36381

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)**

(Making Statement)

WITNESSES:

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

ODA 575

ORGANIZATION OR ADDRESS

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

ODA 575

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ at \_\_\_\_\_

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES



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33-05-CID 259-36381

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION FOB KALSU, IRAQ	DATE 16 Nov 2005	TIME 1100Z	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME b(6), b(7)(C)	SOCIAL SECURITY NUMBER b(6), b(7)(C)	GRADE/STATUS E-6/USANG	
ORGANIZATION OR ADDRESS TRP A 98 <sup>TH</sup> CAV, 155 BCT			
I, b(6), b(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: While conducting CONOP CT-75-021 Hillah SWAT, along with ODA 575 and 1/A/98th CAV. Hillah SWAT detained RASHED SALAM MOHAMAED AL GURARI, and his two sons. I was the medical support element for this objective. The above named individual, at no time, after being detained, exhibited any signs of distress; he followed all orders given by Hillah SWAT, moving on his own without complaint. At no time, while on location, did I witness any improper treatment; he cooperated fully when asked to do so. Upon exfil, he walked on his own, with assistance from Hillah SWAT to the awaiting HH-60. I was the first soldier to load the HH-60, and assisted in loading the first two detainees, the two sons. When the individual in question boarded the aircraft, I was at that time in the rear of the aircraft, and Hillah SWAT positioned him forward of the aircraft, still under their control. With limited lighting in the aircraft, I personally could not visually monitor the condition of this individual, although, I could tell that he was moving on his own. Shortly after takeoff, ODA team member b(6), b(7)(C) advised me that Hillah SWAT thought that the individual had stopped breathing. Due to limited space, I was unable to get into a position to check the individual myself, I instructed SSG b(6), b(7)(C) to check for breathing and a pulse. I was then advised that neither was present. At this time, Hillah SWAT personnel and SSG b(6), b(7)(C) started chest compressions, to the best of their ability, due to limited space. Upon landing at FOB Kalsu, I was able to check the individual prior to getting off the aircraft, and found no breathing or pulse. The flight surgeon on assisted after downloading the individual, who at this time appeared pale, with no breathing or pulse, pupils were fixed and dilated. The flight surgeon attached a cardiac monitor, which indicated no electrical activity, and then pronounced the individual DOA. Nothing Follows////////////////////////////////////			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT b(6), b(7)(C)		PAGE 1 OF 2 PAGES
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.			

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EXHIBIT

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0333-05-CID 259-36381

STATEMENT (Continued)

No statement on this side:////

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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

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

ODA 575  
ORGANIZATION OR ADDRESS

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

ODA 575  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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EXHIBIT 3



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0833-05-CID 259-36381

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

LOCATION FOB KALSU, IRAQ	DATE 16 Nov 2005	TIME 1100Z	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME b(6), b(7)(C)	SOCIAL SECURITY NUMBER b(6), b(7)(C)		GRADE/STATUS E-5/AD
ORGANIZATION OR ADDRESS ODA 545 FOB Kalsu, IZ			

I, **b(6), b(7)(C)**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
At approximately 132225ZNOV05 while conducting CONOP CT-75-021, I (Sgt. **b(6), b(7)(C)**) along with **b(6), b(7)(C)** and 4 Hillah SWAT members cleared TA 21. On the target SWAT detained 3 males with no resistance and minimal force. The detainees were flex cuffed, rounded up, and when the house was clear, escorted by Hillah SWAT to the HLZ. At no point on the target were the detainees harmed in anyway. While in PZ posture the detainees showed no noticeable signs that they would be medically unable to make the flight back. When the HH-60 arrived it was boarded without incident. Everybody made it on quickly and unassisted. While retuning to FOB Kalsu I was sitting in the door and could not hear or fully see what was going on inside the HH-60. The bird was crowded and the detainees were surrounded by SWAT. Sometime during the flight the lights in the bird were turned on because the detainee began to show signs that there was medically something wrong with him. When we landed at Kalsu the detainee was declared dead. As to any information to the diagnosis of the cause of death, I could not say. All I know is that there was no use of excessive force applied at anytime. The detainees surrendered without incident and thus were treated accordingly. Nothing follows //////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <b>b(6), b(7)(C)</b>	PAGE 1 OF 2 PAGES
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.		

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~~LAW ENFORCEMENT SENSITIVE~~

DDII CID ROI 31306

**EXHIBIT**

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~~LAW ENFORCEMENT SENSITIVE~~

STATEMENT (Continued)

/////////////////NO STATEMENT THIS SIDE/////////////////

0333-05-C10259-36381

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)

WITNESSES:

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

ODA 575

ORGANIZATION OR ADDRESS

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

ODA 575

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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EXHIBIT



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0333-05-CID 259-36381

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION FOB KALSU, IRAQ	DATE 16 Nov 2005	TIME 1100Z	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME b(6), b(7)(C)	SOCIAL SECURITY NUMBER b(6), b(7)(C)		GRADE/STATUS E-6/AD
ORGANIZATION OR ADDRESS ODA 575 FOB KALSU, IZ			
I, b(6), b(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: While conducting CT-75-021, with Hilla SWAT, ODA 575 and 1/A/98CAV, Hilla SWAT detained RASHED SALMAN MOHOMED AL GURARI and his two sons. The whole time RASHED SALMAN MOHOMED AL GURARI was detained and awaiting exfil he looked to be in good health. Shortly after take off a couple of SWAT members got my attention. RASHED SALMAN MOHOMED AL GURARI had lost consciousness. I informed SSG b(6), b(7)(C) He told me to check for a pulse, and asked if he was breathing. SSG b(6), b(7)(C) was positioned in the HH-60 where he could not get to the detainee. I checked for a pulse, and breathing, he did not have either. Hilla SWAT and I started chest compressions. He still did not have a pulse. Once we touched down at FOB Kalsu the flight surgeon assessed him using an EKG and pronounced him dead. /////////////////////////////////Nothing Follows////////////////////////////////			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT b(6), b(7)(C)		PAGE 1 OF 2 PAGES
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.			

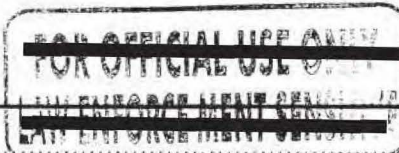
DA FORM 2823, JUL 72      SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.      USAPPC V2.00

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~~LAW ENFORCEMENT SENSITIVE~~

ACLU DDII CID ROI 31308

EXHIBIT

000012



STATEMENT (Continued)

NO STATEMENT THIS SIDE

0333-05-CID 259-36381

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:

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

ODA 575

ORGANIZATION OR ADDRESS

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

ODA 575

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ at \_\_\_\_\_

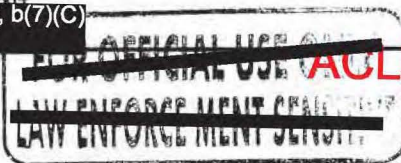
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

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

PAGE 2 OF 2 PAGES





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LAW ENFORCEMENT STATEMENT

For use of this form, see AR 190-46; the proponent agency is DD SOPS

0339-05-CID 259-36381

LOCATION FOB KALSU, IRAQ	DATE 16 Nov 2005	TIME 1100Z	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME b(6), b(7)(C)	SOCIAL SECURITY NUMBER b(6), b(7)(C)	GRADE/STATUS E-4/USANG	

ORGANIZATION OR ADDRESS

A Troop 98th Cav 1st Plt

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

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 15th of November 2005 ODA 575, Hillah SWAT, and 1st Plt 98th Cav were on an air assault raid. I (SPC b(6), b(7)(C)) SSG b(6), b(7)(C) SPC b(6), b(7)(C) and SGT b(6), b(7)(C) were all on the same HH60, when we hit the ground we rushed to the house, by the time I got to the house Hillah SWAT had already detained RASHID SALMON MOHAMMED AL GUARARI and his two sons, so I helped SGT b(6), b(7)(C) clear the house and the roof. Hillah SWAT took all of the detainees with us, all personnel seemed fine. We went back to the HLZ and set up security to wait for our pick up. When the HH60 arrived I watched Hillah SWAT escort all the detainees to the helicopter. I was one of the first people on the helicopter. I watched Hillah SWAT load all the detainees on the HH60. On the way back to FOB Kalsu I was looking out the door and holding on to SGT b(6), b(7)(C) who was sitting in the door. When we landed they hooked the guy up to an EKG and pronounced him dead.////////

End of Statement////////

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.

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 65, WHICH WILL BE USED.

USAPPC V2.00

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LAW ENFORCEMENT STATEMENT

ACLU DDII CID ROI 31310

EXHIBIT

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~~LAW ENFORCEMENT SENSITIVE~~

STATEMENT (Continued)

NO STATEMENT THIS SIDE

0333-05-C10259-36381

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:

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

ODA 575

ORGANIZATION OR ADDRESS

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

ODA 575

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

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

PAGE 2 OF 2 PAGES

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ACLU DDII CID ROI 31311

EXHIBIT





0333-05-CID 259-36381

11/16/2005

Sub. Death incident

Name of the diseased: Rashid Salman Mohammad Al Ghurairi.

On the morning of November 15<sup>th</sup> 2005 4 of the Hillah SWAT and 5 of the SF members from Kalsu raided the house of the terrorist Rashid Salman Mohammad Al Ghurairi, arrested him and his sons Mohammad and Radhi, then we handcuffed the suspects and then took them to the helo pad. None of the suspects looked sick or weak. After the helo copter landed we helped to get into the aircraft.

During the flight back to Kalsu, Rashid was shown signs of nausea then we cut off the hand cuffs tying his hands, and 1<sup>st</sup> Sgt [REDACTED] did everything he could to help him. We continued to try to save him by pressing his chest, then the American doctor arrived and put him on EKG. Then the doctor announced Rashid's death.

Because of this situation, and in a coherence with the humane principles and based on the fact that Rashid is the one who forced his sons to deal with terrorism, we decided to release the sons of Rashid, so they can take care of their fathers' funeral duties.

We called contacted Tunis police station and handed over the body of Rashid , and the 2 sons who were detained.

Rashid was 66 years old, and was obese.

Cause of death is Heart Attack.

All the detainees were treated in humane way.

Captain. [REDACTED] b(6), b(7)(C)

Commander of the 2<sup>nd</sup> squadron of Hillah SWAT

11/16/2005

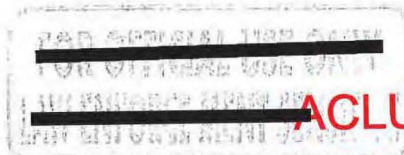


EXHIBIT 4  
ACLU DDII CID ROI 31312

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0333-2005-CID259-36381

PAGE 1 OF 1 PAGE

## DETAILS

About 0938, 1 Dec 05, SA **(b)(6), b(7)(C)** and SA **(b)(6), b(7)(C)**, this office, interviewed CPT **(b)(6), b(7)(C)** **(b)(6), b(7)(C)** A Company (CO), 3<sup>rd</sup> Battalion (BN), 5<sup>th</sup> Special Forces Group (SFG), Forward Operating Base (FOB) Kalsu, Iraq (IZ), APO AE 09325, who provided a sworn statement wherein he stated Mr. AL GHURAIRI was not captured by US Special Forces, but by the Iraqi Hillah Special Weapons and Tactics (SWAT) members. CPT **(b)(6), b(7)(C)** related the extent of his team involvement was limited to technical advice. The decision to release the two sons and the body of the deceased were made by the Commander of Hillah SWAT. After consulting with CPT **(b)(6), b(7)(C)** about locating Mr. AL GHURAIRI's two sons and wife to determine what type of medical care Mr. AL GHURAIRI had received prior to being apprehended; CPT **(b)(6), b(7)(C)** advised travel by convoy to Mr. AL GHURAIRI's residence could result in loss of life and their unit would not be returning to that location unless Mr. AL GHURAIRI's sons became targets as terrorists or insurgents. (See sworn statement for details)

About 1003, 1 Dec 05, SA **(b)(6), b(7)(C)** and SA **(b)(6), b(7)(C)** interviewed SSG **(b)(6), b(7)(C)** A CO, 3<sup>rd</sup> BN, 5<sup>th</sup> FSG, FOB Kalsu, IZ APO AE 09325 who provided a sworn statement wherein he stated he assisted the Hillah SWAT members to perform Cardio Pulmonary Resuscitation (CPR) on Mr. AL GHURARI. SSG **(b)(6), b(7)(C)** related no other life saving measures was performed.

AGENT'S COMMENT: All members of A CO, 3<sup>rd</sup> BN, 5<sup>th</sup> SFG, were present when CPT **(b)(6), b(7)(C)** and SSG **(b)(6), b(7)(C)** were interviewed and verified they had no direct involvement in the raid conducted by Hillah SWAT members. Mr. AL GHURAIRI's medical condition prior to the raid was unknown. An attempt to locate Mr. AL GHURAIRI's medical records or interview of the two sons and spouse would not be conducted by this office because of the high threat level in Iraq due to ongoing terrorist and insurgency activities against US forces.

///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

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

ORGANIZATION

48<sup>th</sup> MP Det (CID)

Camp Slayer, Iraq, APO AE 09342

DATE

1 DEC 05

EXHIBIT

ACLU DDII CID ROI 31313

CID FORM 94

ACLU-RDI 5489 p.18

000017



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For use of this form, see AR 190-45; the proper agency is ODCSC			
LOCATION FOB KALSU, IRAQ	DATE 1 DEC 2005	TIME 0938	FILE NUMBER b(6), b(7)(C)
LAST NAME, FIRST NAME, MIDDLE NAME b(6), b(7)(C)		SOCIAL SECURITY NUMBER b(6), b(7)(C)	GRADE/STATUS O-3/AD
ORGANIZATION OR ADDRESS A COMPANY, 3RD BN, 5TH SFG, FOB KALSU, IRAQ.			
b(6), b(7)(C), I, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: At approximately 1322Z NOV05 while conducting CONOP CT-75-021, Hillah SWAT x 4 personnel along with ODA 575 x 2 (SGT b(6), b(7)(C) and 1/A/98 CAV x 3 b(6), b(7)(C) and SSG b(6), b(7)(C) cleared TA21, a single story residence located at MGRS 38SMB 32170 54676. Hillah SWAT detained RASHED SALMAN MOHOMED AL GURARI DOB 01 JUL 1939, along with two of his sons, b(6), b(7)(C) and b(6), b(7)(C) b(6), b(7)(C), (b)(6), (b)(7)(C), (b)(7)(D) RASHED SALMAN MOHOMED AL GURARI, along with the two other personnel were flex cuffed and moved outside the residence escorted by 3 Hillah SWAT personnel. He was moved directly to the HLZ, approximately 50 meters away from the residence. Hillah SWAT personnel walked the detainees to the HLZ without incident. RASHED SALMAN MOHOMED AL GURARI appeared to be in good health. He walked to the HH-60 and loaded onto the helicopter without assistance and without comment. Hillah SWAT's SOP is to not blindfold detainees when loading onto aircraft in order to expedite the loading process. While returning to FOB Kalsu in an HH-60, he started to show symptoms of cardiac arrest. Immediately his flex cuffs were removed while personnel started a medical assessment. SSG b(6), b(7)(C) (civilian EMT), 1/A/98CAV, and SSG b(6), b(7)(C) ODA 575, attempted to resuscitate the casualty by conducting chest compressions. The total time of flight was less than 10 minutes. Once the HH-60 arrived at FOB Kalsu, the JSOAD flight surgeon assessed the casualty using an EKG and pronounced RASHED SALMAN MOHOMED AL GURARI Dead on Arrival. Medical personnel assessed that the cause of death was most likely cardiac arrest. Because they were Hillah SWAT detainees, the Hillah SWAT determined that the best course of action was to release RASHED's two sons and allow them, along with the local IP unit from Tunis, to escort the body back to be buried in accordance with Islamic religious practices. The Hillah SWAT personnel contacted the TUNIS IP station and coordinated with them to escort the body and b(6), b(7)(C) and b(6), b(7)(C) (b)(6), (b)(7)(C), (b)(7)(D) (b)(6), (b)(7)(C), (b)(7)(D) There was no mistreatment of the detainee in any way. He was 66 years old and obese. All personnel did their best to resuscitate him. Q: SA b(6), b(7)(C) A: CPT b(6), b(7)(C) Q: What was the extent of your involvement in the operations? A: We were combat advisor to Hillah SWAT. Q: Whose decision it was to release the two sons? A: It was the Hillah SWAT commander's decision to release the two sons. His name is CPT b(6), b(7)(C) 2nd Company Commander. Q: Why the body of deceased was released? A: Hillah SWAT made the decision according to the Islamic practice, the body had to be buried in 24 hours. Q: During the Hillah SWAT operation, did Mr. HOHOMED ever complain about being ill? A: No. I wasn't around him. Q: Do you have anything else to add to this statement? A: No. //END OF STATEMENT// b(6), b(7)(C)			
EXHIBIT	INITIAL b(6), b(7)(C)	MAKING STATEMENT	PAGE 1 OF 2 PAGES
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.			

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~~LAW ENFORCEMENT SENSITIVE~~

EXHIBIT 16  
000018

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~~NO FORN DISSEM SENSITIVE~~

~~NO FORN DISSEM SENSITIVE~~

~~NO STATEMENT THIS SIDE~~

0333-05-CID-259-36381

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, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

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

ORGANIZATION OR ADDRESS

48TH MP DET CID

CAMP SLAYER, BACDad, IZ APOE  
09342

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of DEC, 2005 at FOIR KATSU, IRHQ

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

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

(Typed Name of Person Administering Oath)

Act 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

ACLU DDII CID ROI 31315

PAGE 2 OF 2 PAGES

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~~NO FORN DISSEM SENSITIVE~~

~~NO FORN DISSEM SENSITIVE~~

~~NO STATEMENT THIS SIDE~~

EXHIBIT 6



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LAW ENFORCEMENT SENSITIVE

For use of this form see AR 190-46. The appropriate agency is ODCSOPS

LOCATION FOB KALSU, IRAQ	DATE 1 DEC 05 16 Nov 2005	TIME 1003	FILE NUMBER b(6), b(7)(C)
LAST NAME, FIRST NAME, MIDDLE NAME b(6), b(7)(C)	SOCIAL SECURITY NUMBER b(6), b(7)(C)		GRADE/STATUS E-6/AD
ORGANIZATION OR ADDRESS A Company, 3rd Battalion, 5th SFG, FOB KALSU, Iraq.			

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

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While conducting CT-75-021, with Hilla SWAT, ODA 575 and 1/A/98CAV, Hilla SWAT detained RASHED SALMAN MOHOMED AL GURARI and his two sons. The whole time RASHED SALMAN MOHOMED AL GURARI was detained and awaiting exfil he looked to be in good health. Shortly after take off a couple of SWAT members got my attention. RASHED SALMAN MOHOMED AL GURARI had lost consciousness. I informed SSG b(6), b(7)(C) He told me to check for a pulse, and asked if he was breathing. SSG b(6), b(7)(C) was positioned in the HH-60 where he could not get to the detainee. I checked for a pulse, and breathing, he did not have either. Hilla SWAT and I started chest compressions. He still did not have a pulse. Once we touched down at FOB Kalsu the flight surgeon assessed him using an EKG and pronounced him dead.

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

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

Q: Did AL GURARI display any health problem before getting in the aircraft?

A: No

Q: Did AL GURARI mention any health problems when he was captured?

A: NO

Q: Beside the chest compressions, did you perform any additional life saving measures?

A: No

Q: Did anybody assist you in administering the CPR?

A: Hilla SWAT members began the process and I assisted them.

Q: Were you the medic in the team?

A: No, but I was trained in basic life saving measures such as first aid and combat life saver.

Q: Who pronounced AL GURARI dead?

A: The flight surgeon pronounced him dead but I don't his name.

Q: Do you know the cause of death?

A: I don't know, but he was old.

Q: Do you have anything you would like 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.

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68 WHICH WILL BE USED

JSA APPC V2.00

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LAW ENFORCEMENT SENSITIVEEXHIBIT 7  
000020

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STATEMENT (Continued)

NO STATEMENT THIS SIDE

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

~~LAW ENFORCEMENT SENSITIVE~~

## 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:

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

ORGANIZATION OR ADDRESS

48TH MP DET CIDWilliam L. JungblomCAMP SLAYER, BAGHDAD IZ A POAE

ORGANIZATION OR ADDRESS

09342

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of DEC, 18 2005 at FOB KALSY IRAQ

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

Act 136, JCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

ACLU DDII CID ROI 31317

PAGE 2 OF 2 PAGES

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EXHIBIT 7

000021



## AGENT'S INVESTIGATION REPORT

*CID Regulation 195-1*

ROI NUMBER 0333-05-CID259-36381  
0312-05-CID919

PAGE 1 OF 1 PAGES

### DETAILS

BASIS FOR INVESTIGATION: About 0900, 14 Dec 05, this office received a Request for Assistance (RFA), 0333-05-CID259-36381, from the 48<sup>th</sup> Military Police Detachment (48<sup>th</sup> MP Det), (CID), Camp Slayer, Iraq APO AE 09342, concerning the death of Mr Rashid Salman Mohammad AL GHURAIRI (NFI), while in custody of Iraqi Police aboard a U.S. Military aircraft. The 48<sup>th</sup> MP Det requested this office locate, fully identify and interview the flight surgeon who pronounced AL GHURAIRI deceased to determine his opinion as to his cause and manner of death and collect any medical documentation and reports pertaining to the death.

About 1400, 14 Dec 05, SA **(b)(6), b(7)(C)** this office, attempted to make contact with the flight surgeon at the Joint Special Operations Aviation Detachment Arabian Peninsula (JSOAD-AP), LSA Anaconda, Iraq APO AE 09391 (LSAA). Security personnel informed SA **(b)(6), b(7)(C)** the JSOAD-AP medical personnel reported for duty at 1630.

About 1700, 15 Dec 05, SA **(b)(6), b(7)(C)** interviewed PO1 **(b)(6), b(7)(C)** Corpsman, Helicopter Combat Support Squadron 5 (HCS-5), JSOAD-AP, LSAA, who provided a sworn statement, wherein he stated on 15 Nov 05, he pronounced the death of an Iraqi detainee brought via helicopter by Special Operations Forces to Forward Operating Base Kalsu, Iraq. PO1 **(b)(6), b(7)(C)** stated there were no signs to indicate the Iraqi detainee had suffered any physical trauma or displayed any signs other than death by heart attack. PO1 **(b)(6), b(7)(C)** provided copies of his Medical Rescue Report and related he e-mailed LCDR **(b)(6), b(7)(C)** NFI, at **(b)(6), b(7)(C)** @cjsotfap.iraq.socent.centcom.smil.mil concerning his knowledge of the Iraqi detainee's death. (See Sworn Statement of PO1 **(b)(6), b(7)(C)** and Medical Rescue Report for details)///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

31<sup>st</sup> MILITARY POLICE DETACHMENT (CID)  
LSA Anaconda, APO AE 09391

SIGNATURE

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

DATE

15 Dec 05

EXHIBIT

ACLU DDII CID ROI 31318

CID FORM 94

ACLU-RDI 5489 p.23

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~~Law Enforcement Sensitive~~

**EXHIBIT** 000022



~~Law Enforcement Sensitive~~

## SWORN STATEMENT

For use of this form, see AR 190-45: The proponent (b)(6), b(7)(C) the Deputy Chief of Staff for Personnel.

LOCATION CSA Anacanda, Iraq APO AE 09391	DATE 15 DEC 05	TIME 1755	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME b(6), b(7)(C)	SOCIAL SECURITY NUMBER b(6), b(7)(C)		GRADE/STATUS E-6 / PO1
ORGANIZATION OR ADDRESS b(6), b(7)(C)			

want to make the following statement under oath:

ON 14 NOV 2005 I WAS FILLING THE POSITION AS A NAVY SEARCH AND RESCUE INFLIGHT MEDICAL TECHNICIAN ONBOARD A NAVY HH-60H HELICOPTER TASKED WITH PROVIDING CASUALTY EVACUATION AND MEDICAL SUPPORT DURING DIRECT ACTION OPERATIONS WITH SPECIAL OPERATION FORCES. THE FLIGHT TIME EXTENDED TO 15 NOV 2005. UPON COMPLETION OF OPERATION THE SPECIAL OPERATION FORCES HAD SEVERAL PERSONS UNDER CONTROL THAT WERE TO BE TRANSPORTED BACK TO BASE. DURING RETURN FLIGHT IT WAS OBSERVED BY THE AIRCREW THAT AN APPROXIMATE 50 YEAR OLD MIDDLE EASTERN MALE HAD BECOME UNRESPONSIVE. I WAS ADVISED OF THE POTENTIAL MEDICAL EMERGENCY BY MY PILOT WHO HAD RECEIVED THE REPORT VIA RADIO. THE PILOT ADVISED ME THAT THE AIRCREW AND SECURITY FORCE HAD BEGUN CPR. UPON ARRIVAL AT BASE I CARRIED MY MEDICAL EQUIPMENT (SUPPLIES AND EKG) TO THE AIRCRAFT THAT HAD THE PATIENT. THE AIRCREW AND SECURITY FORCES WERE CARRYING THE PATIENT FROM THE AIRCRAFT TO THE AREA OUTSIDE THE ROTOR ARC. THE PATIENT'S APPEARANCE SHOWED NO ACTIVITY AND APPEARED UNRESPONSIVE. I ASSESSED THE PATIENT AS PULSELESS, NOT BREATHING, FULL ARREST. PT APPEARED AS A MEDICAL INCIDENT. HEAD TO TOE ASSESSMENT SHOWED NO TRAUMA. NO NEURO RESPONSE OBSERVED. PUPILS WERE FIXED AND UNREACTIVE. AIRWAY WAS OPEN WITH NO OBSTRUCTION. NO LUNG SOUNDS. NO HEART TONES. ECG SHOWED ASYSTOLE, FLATLINE IN LEAD 1, 2 AND 3 WITH NO ECTOPY. SKIN SIGNS WERE DRY/COOL WITH NO PERIPHERAL CIRCULATION. HEAD INTACT, THORAX INTACT, ABDOMEN SHOWED NO MASSES OR DISTENSION, EXTREMITIES WERE INTACT. PT SHOWED SACRAL POOLING. ASSESSMENT REVEALED OBVIOUS SIGNS OF DEATH. PT WAS ASSESSED AS A POSSIBLE MI/HEART ATTACK LEADING TO A MEDICAL FULL ARREST. PT WAS DETERMINED DEAD ON ARRIVAL WITH AN APPROXIMATE TIME OF UNRESPONSIVENESS +/- 15 MIN FROM POINT OF IDENTIFICATION, PROCESS OF BLS CPR AND LAND TIME WHEN I ASSESSED HIM. FOLLOWING EMT-PARAMEDIC PROTOCOL AND NAVY SAR MEDICAL PROTOCOL PT WAS DETERMINED DEAD BASED ON SIGNS AND SYMPTOMS:

① PULSELESS ② APNEIC ③ DOWN TIME OF 15 MIN WITHOUT CIRCULATION ④ ASYSTOLE IN ALL 3 LEADS ⑤ LATENT SIGNS OF SACRAL POOLING.

UPON DETERMINATION I ADVISED THE SPECIAL OPERATION FORCES PRESENT AND WAS ADVISED THEY WERE TAKING CUSTODY OF THE DEAD BODY. I RETURNED TO BASE PROCESSED BY REPORT AND FORWARDED THROUGH MY CHAIN-OF-COMMAND

EXHIBIT	OF PERSON MAKING STATEMENT	PAGE/ OF PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [NAME] TAKEN AT [DATE] 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 OF ANOTHER COPY OF THIS FORM.



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

A: PO1 b(6), b(7)(C)

Q: Where did you pronounce the patient in question dead?

A: FOB KALSU.

Q: DO you know the name of the Iraqi national that you pronounced dead?

A: No, no identification was given to me.

Q: Describe the Iraqi national that you pronounced dead at FOB KALSU:

A: Approximately 5'9" tall, 180 pounds, slight gut, balding, dark skin, dark eyes, graying, short cut hair.

Q: Did you identify any signs of physical trauma to the Iraqi national you pronounced dead?

A: No physical signs, indications of previous medical trauma, or any signs inconsistent with death by heart attack.

Q: Do you have anything further 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)

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

ACLU DDH CID ROI 31820

-05-CID919-

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

NOT USED

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

AFFIDAVIT

**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 **b(6), b(7)(C)** 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 15TH DAY OF DEC, 2005 AT CSA Augconda, Tsgg APC AE 09391

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

(Signature of Person Administering Oath)

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

Article 136, UCMJ  
(Authority to Administer Oath)

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

PAGES 3 OF 3 PAGES

DA Form 2823 (AUTOMATED)

ACLU DDII CID ROI 31321



## EXHIBIT 10

Page(s) 000026 thru 000027 referred to:

CDR USAMEDCOM  
ATTN: FOIA OFFICE, STOP 76  
1216 STANLEY RD 2D FL  
FT. SAM HOUSTON, TX 78234-5049

ACLU DDII CID ROI 31322



# EXHIBIT



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0333-05-CID259-36381

0312-05-CID919

MEDICAL RESCUE REPORT									
25. OXYGEN THERAPY									
TIME:		DEVICE:		LPM:		TYPE AIRWAY:		SIZE:	
OPSEC		<input type="checkbox"/> NASAL CANNULA				<input type="checkbox"/> OROPHARYNGEAL			
		<input type="checkbox"/> SIMPLE MASK				<input type="checkbox"/> NASOPHARYNGEAL			
		<input type="checkbox"/> NON REBREATHER				<input type="checkbox"/> ETT/NTT			
		<input type="checkbox"/> BVM/ATV				<input type="checkbox"/> CRICOTHYROIDOTOMY			
26. IV THERAPY									
TIME:		SOLUTION		RATE		NEEDLE		SITE:	
OPSEC		<input type="checkbox"/> D5W		<input type="checkbox"/> TKO		<input type="checkbox"/> 18 GAUGE			
		<input type="checkbox"/> LR		<input type="checkbox"/> WIDE OPEN		<input type="checkbox"/> 16 GAUGE			
		<input type="checkbox"/> NS		<input type="checkbox"/> OTHER		<input type="checkbox"/> OTHER			
27. COMMENTS/NOTES: BLS CPR BEGUN BY SECURITY FORCE AND CREW MEMBER. PT WAS ASSESSED UPON LANDING. APPROXIMATE TIME OF UNRESPONSE +/- 15 MIN. PRIMARY EVAL = PULSELESS/APNEIC WITH NO NEURO RESPONSE. SECONDARY EVAL = OBVIOUS SIGNS OF DEATH. NO LUNG SOUNDS. NO HEART TONES. ECG = ASYSTOLE WITH NO ECTOPY. PUPILS FIXED/UNRESPONSIVE. +SACRAL POOLING. PT WAS ASSESSED AS POSSIBLE MI/HEART ATTACK LEADING TO MEDICAL FULL ARREST. PT DETERMINED DB WITH OBVIOUS SIGNS OF DEATH. NO FURTHER RESUSCITATION ATTEMPTED. PT LEFT IN CARE OF OPERATIONAL FORCE.						28. TREATMENT			
						<input type="checkbox"/> AIRWAY MGT			
						<input checked="" type="checkbox"/> CPR			
						<input checked="" type="checkbox"/> DOA			
						<input type="checkbox"/> EXTRICATION			
						<input type="checkbox"/> MAST			
						<input type="checkbox"/> SPINE IMMOB			
						<input checked="" type="checkbox"/> CARDIAC MNTR			
						<input checked="" type="checkbox"/> VS MONITOR			
29. TRAUMA SCORE				30. GLASGOW COMA SCALE				31. TOTAL GLASGOW COMA SCALE POINTS	
29a. 10-29/MIN 4 >29/MIN 3 RESPIRATORY >36/MIN 2 RATE 6-9/MIN 1 ABSENT X 0				30a. SPONTANEOUS 4 TO VOICE 3 EYE TO PAIN 2 OPENING ABSENT X 1				13 - 15 - 5 9 - 12 - 4 6 - 8 - 3 4 - 5 - 2 <4 - 0	
29b. RESP EXPANSION WNL 1 RETRACTIVE/ABSENT X 0				30b. MOTOR RESPONSE				TRAUMA POINTS 0 GCS POINTS + 0 TOTAL SCORE 0	
29c. 90 mmHg OR> 4 70-89 mmHg 3 SYSTOLIC 50-69 mmHg 2 B/P 0-49 mmHg 1 ABSENT X 0				OBEYS COMMANDS 6 LOCALIZES PAIN 5 WITHDRAWS (PAIN) 4 FLEXION (PAIN) 3 EXTENSION (PAIN) 2 NONE X 1					
29d. CAPILLARY WNL 2 REFILL DELAYED 1 ABSENT X 0				30c. VERBAL RESPONSE					
				ORIENTED 5 CONFUSED 4 INAPPROPRIATE WORDS 3 UNCLEAR SOUNDS 2 NONE X 1				32. AID APPROVED BEFORE ARRIVAL	
								<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
								BY WHOM <u>FLIGHT CREW AND</u>	
								SECURITY FORCES/US AND IRAQI	
								WHAT BLS CPR	
29e. TOTAL 0				30d. TOTAL 3					
33. TRANSFERRING HOSPITAL: NONE						34. REC. HOSPITAL <u>NONE/DB LEFT WITH 18D AT FOB</u>			
35. RECEIVING DOCTOR:						36. RELEASE: Having been advised of the need for further			
37. RECEIVED BY:						medical care/transport, of my own will, do hereby refuse any			
38. REPORT PREPARED BY: <u>(b)(6)</u>						additional care and release the US Navy.			
39. REPORT RECEIVED BY:						Signed: _____			
40. EQUIPMENT LEFT AT: <u>NONE</u>						WITNESS: _____			

FOUO

EXHIBIT

ACLU DDII CID ROI 31324

LAW ENFORCEMENT SENSITIVE

000027



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0333-2005-CID259-36381

PAGE 1 OF 1 PAGE

## DETAILS

About 0900, 13 Jan 06, after multiple attempts to obtain a death certificate, SA **b(6), b(7)(C)** received an e-mail from LTC **b(6), b(7)(C)** **b(6), b(7)(C)** JSOAD-AP/SG, Iraq stating after a review of the information; JSOAD-AP cannot produce a death certificate given the circumstances. LTC **b(6), b(7)(C)** attached Message #2: Secretary of Defense Guidance on Detainee Death Procedures. LTC **b(6), b(7)(C)** stated based on this Message, it appears the unit exercising custody would be responsible for this action. (See e-mail)

About 0900, 3 Feb 06, SA **b(6), b(7)(C)** received two e-mails from LCDR **b(6), b(7)(C)** Combined Joint Special Operations Task Force-Arabian Peninsula (CJSOTF-AP), APO AE 09391, containing the 15-6 Investigation Report. A review of the 15-6 revealed the two sons were interviewed by Hillah SWAT and indicated Mr. AL GHURAIRI had high blood pressure and previously had a heart attack. Mr. AL GHURAIRI's sons did not feel he would survive the excitement of a helicopter ride. Additionally, interviews of all personnel indicated Mr. AL GHURAIRI'S and his sons went willingly with Hillah SWAT and did not resist apprehension.

///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

76<sup>th</sup> MP Det (CID)  
Camp Slayer, Iraq, APO AE 09342

DATE

3 FEB 06

EXHIBIT

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

ACLU DDII CID ROI 31325



02-2 05 111 250 76311

**b(6), b(7)(C)** SA MNFI-I Slayer

**From:** JSOAP-AP/ 716 ESOG/MED [JSOAP-AP/MED@blab.centaf.af.smil.mil]  
**Sent:** Thursday, January 12, 2006 3:52 PM  
**To:** **b(6), b(7)(C)** SA MNFI-I Slayer  
**Subject:** RE: [U] RE: Statement question ~~(SECRET)~~

CLASS: ~~SECRET~~

Good morning,

Thank you for your patience.

This is what we have after the review of the information at hand:

- 1) JSOAP-AP cannot produce a death certificate given the circumstances.
- 2) Based on documents we have researched (attached), it appears the unit exercising custody would be the lead agent for this action.

I hope this addresses your immediate question and helps you move to the next step.

Thank you,

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

Lt Col **b(6), b(7)(C)** sends.

**b(6), b(7)(C)** Lt Col  
JSOAP-AP/SG  
443-7754

-----Original Message-----

**From:** **b(6), b(7)(C)** SA MNFI-I Slayer [mailto:**b(6), b(7)(C)**@iraq.centcom.smil.mil]  
**Sent:** Thursday, January 05, 2006 5:58 PM  
**To:** CJSOTFAP J35 NSW1; JSOAP-AP/ 716 ESOG/MED  
**Subject:** [U] RE: Statement question ~~(SECRET)~~

**Classification:** UNCLASSIFIED//FOR OFFICIAL USE ONLY  
LTC **b(6), b(7)(C)**

My name is Agent **b(6), b(7)(C)** with Army CID. LCDR **b(6), b(7)(C)** has been assisting me to obtain a Death Certificate for Mr. Al Ghurairi. The Death Certificate is highly desired as high ranking officials from DOD review our cases. If PO1 **b(6), b(7)(C)** medical assessment of a heart attack was confirmed in the Death Certificate then this would eliminate a suggestion of detainee abuse. There is no suspense however; all investigative activity has been completed pending the Death Certificate.

You may contact me at this e-mail address or at **b(6), b(7)(C)**@tb7.arfor.army.mil. My DSN number is 835-1453/1452.

Thank you for your assistance.

SA **b(6), b(7)(C)**  
76th MP Det (CID)  
10th MP BN (CID)  
APO AE 09342  
DSN 318-835-1453/1452

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~~Law Enforcement Sensitive~~  
ACLU DDII CID ROI 31326 EXHIBIT 326

**Classification:** UNCLASSIFIED//FOR OFFICIAL USE ONLY

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**From:** CJSOTFAP J35 NSW1 [mailto:cjsotfap\_j35\_nsw1@cjsotfap.iraq.soccent.centcom.smil.mil]  
**Sent:** Thursday, January 05, 2006 10:08 AM  
**To:** JSOAP-AP/ 716 ESOG/MED; b(6), b(7)(C) SA MNFI-I Slayer  
**Subject:** RE: Statement question (SECRET)

Classification: ~~SECRET~~

Caveats: NONE

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

I have included Special Agent b(6), b(7)(C) on this email. She has requested the death certificate and can answer your questions.

Very Respectfully,  
LCDR b(6), b(7)(C)  
CJSOTFAP- J35 NSW Planner  
cjsotfap\_j35\_nsw1@cjsotfap.iraq.soccent.centcom.smil.mil  
webbe: cjsotfapj35-1  
DSN: 318-230-0251

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**From:** JSOAP-AP/ 716 ESOG/MED [mailto:JSOAP-AP/MED@blab.centaf.af.smil.mil]  
**Sent:** Wednesday, January 04, 2006 8:12 PM  
**To:** CJSOTFAP J35 NSW1  
**Subject:** RE: Statement question (SECRET)

CLASS: ~~SECRET~~

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

HM1 is not currently available so maybe you can help.

Working solutions.

Is the death certificate an absolute requirement for CID for their investigation or requested through them by Host Nationals ?

What is the suspense ?

Is CID solely driving this or a Judge Advocate ? In short ----- who locally owns the legal process for this case - that is where this is going ?

Do you have a contact for me to connect with directly in CID for this medical/legal stuff or are you officially that person ?

Much Thanks,

v/r

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



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~~Law Enforcement Sensitive~~  
 Lt Col **b(6), b(7)(C)** sends.

**b(6), b(7)(C)** Lt Col  
 JSOAD-AP/SG  
 443-7754

-----Original Message-----

**From:** CJSOTFAP J35 NSW1 [mailto:cjsotfap\_j35\_nsw1@cjsotfap.iraq.soccent.centcom.smil.mil]

**Sent:** Tuesday, January 03, 2006 10:13 AM

**To:** JSOAD-AP/ 716 ESOG/MED; **b(6), b(7)(C)** Lt Col JSOAD-AP/716 ESOG

**Subject:** RE: Statement ~~(SECRET)~~

Classification: ~~SECRET~~

Caveats: NONE

HM1 **b(6), b(7)(C)**

Thank you for the explanation. The body was turned over to the Iraqi Police following the death and to my knowledge a US medical doctor never examined it. With that in mind is there any way that you know of to get a death certificate generated.

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

Are you authorized to generate a death certificate based on the observations of one of your technicians, in this case HM1 **b(6), b(7)(C)**? If you are not then could you suggest another option for me. Perhaps the answer is that we cannot generate a death certificate due to the circumstances?

Thank you both.

Very Respectfully,

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

CJSOTFAP- J35 NSW Planner

cjsotfap\_j35\_nsw1@cjsotfap.iraq.soccent.centcom.smil.mil

webbe: cjsotfapj35-1

DSN: 318-230-0251

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**From:** JSOAD-AP/ 716 ESOG/MED [mailto:JSOAD-AP/MED@blab.centaf.af.smil.mil]

**Sent:** Tuesday, January 03, 2006 12:25 AM

**To:** CJSOTFAP J35 NSW1

**Cc:** **b(6), b(7)(C)** Lt Col JSOAD-AP/716 ESOG

**Subject:** RE: Statement ~~(SECRET)~~

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

As a NAVY SAR Medical Technician (SMT - NEC8401) it is not in my scope of practice to produce a death certificate. The responsibility would fall on the physician or coroner who received the body.

As an SMT I work off protocols, much like a civilian EMT-Paramedic, authorized by a medical director. Those protocols allow me to make determination of death based on "obvious signs of death". The purpose of such a protocol is to make obvious determination based off strict guidelines, resulting in more efficient use of resources without the presence of a Medical Doctor.

**ACLU DDII CID RQI 31328**

EXHIBIT 12

## EXHIBIT 13

Page(s) 000035 thru 000047 referred to

OFFICE OF THE JUDGE ADVOCATE  
GENERAL  
FOIA PUBLIC LIAISON  
ATTENTION: DAJA-AL  
1777 NORTH KENT  
10TH FLOOR  
ROSSLYN, VA 22209

ACLU DDII CID ROI 31332



0333 05 CID 259 36381

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**DEPARTMENT OF DEFENSE**  
Combined Joint Special Operations Task Force - Arabian Peninsula  
LSA Anaconda, Iraq  
APO AE 09391

REPLY TO  
ATTENTION OF:

CJSOTF-AP-CO

16 November 2005

MEMORANDUM FOR (b)(6) Combined Joint Special  
Operations Task Force-Arabian Peninsula (CJSOTF-AP), APO AE 09391

SUBJECT: Appointment as Investigating Officer—Death of Detainee Rashed Salman  
Mohomed al Gurari

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the facts and circumstances surrounding the death of the subject detainee. Relevant background materials—including the initial serious incident report and operational summary—are attached to assist you in your investigation.
2. In your investigation, use informal procedures under AR 15-6. In your findings, identify the individuals involved in the incident. Determine whether applicable detainee handling procedures were followed. Make specific findings whether proper reporting procedures were followed. If not, determine—as is possible—why proper reporting procedures were not followed. As necessary, consult subject matter experts to assist you, particularly medical experts. As appropriate, make recommendations to help prevent future incidents of this nature. Recommend disciplinary measures as appropriate.
3. Witness statements should be sworn and recorded on DA Form 2823; however, do not unduly delay your investigation to obtain sworn statements. If you come to suspect that certain individuals may have committed misconduct, you must advise them of their rights under article 31 of the Uniform Code of Military Justice. In addition, you must provide them a Privacy Act statement before you solicit any (further) personal information. You may evaluate witness statements already gathered by the ODA, but gather additional statements as necessary. You must obtain assistance with these legal matters from the CJSOTF-AP Staff Judge Advocate.
4. Submit your findings and recommendations on DA Form 1574 to the CJSOTF-AP SJA within ten days. Update me by e-mail every third day during your investigation. If you must request an extension, do so in writing. Point of contact for this action is (b)(6)

(b)(6) at DSN (b)(6)

(b)(6)

Encl

COL, SF  
Commanding

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ACLU DDII CID ROI 31333

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS			
For use of this form, see AR 15-6; the proponent agency is OTJAG.			
IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS			
SECTION I - APPOINTMENT			
Appointed by CJSOTFAP Commander, (b)(6) (Appointing authority)			
on 16 November 2005 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data) (See para 3-15, AR 15-6.)			
SECTION II - SESSIONS			
The (investigation) (board) commenced at CJSOTFAP, Balad, Iraq at 2000 (Place) (Time)			
on 16 November 2005 (Date) (If a formal board met for more than one session, check here <input type="checkbox"/> . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)			
The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)			
The (investigating officer) (board) finished gathering/hearing evidence at 2200 on 22 November 2005 (Time) (Date)			
and completed findings and recommendations at 2200 on 23 November 2005 (Time) (Date)			
SECTION III - CHECKLIST FOR PROCEEDINGS			
A. COMPLETE IN ALL CASES			YES NO NA
1. Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?			X
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X
FOOTNOTES: 1. Explain all negative answers on an attached sheet. 2. Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.			



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2	Exhibits (para 3-16, AR 15-6)	YES	NO	NA <sup>2</sup>
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
f.	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
g.	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	Notice to respondents (para 5-5, AR 15-6):			
a.	Is the method and date of delivery to the respondent indicated on each letter of notification?			
b.	Was the date of delivery at least five working days prior to the first session of the board?			
c.	Does each letter of notification indicate:			
(1)	the date, hour, and place of the first session of the board concerning that respondent?			
(2)	the matter to be investigated, including specific allegations against the respondent, if any?			
(3)	the respondent's rights with regard to counsel?			
(4)	the name and address of each witness expected to be called by the recorder?			
(5)	the respondent's rights to be present, present evidence, and call witnesses?			
d.	Was the respondent provided a copy of all unclassified documents in the case file?			
e.	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a.	Was he properly notified (para 5-5, AR 15-6)?			
b.	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
a.	Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/> )			
b.	Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c.	If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a.	Was the challenge properly denied and by the appropriate officer?			
b.	Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a.	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b.	Examine and object to the introduction of real and documentary evidence, including written statements?			
c.	Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d.	Call witnesses and otherwise introduce evidence?			
e.	Testify as a witness?			
f.	Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
<b>FOOTNOTES:</b> 1. Explain all negative answers on an attached sheet. 2. Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur at this investigation or board.				

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**SECTION IV - FINDINGS** (para 3-10, AR 15-6)

The (investigating officer) ~~(b)(6)~~, having carefully considered the evidence, finds:

Throughout the course of this investigation the following questions were answered. These questions were posed on the Investigating Officer's appointment letter.

**1. Determine if applicable detainee handling procedures were followed:**

Throughout the course of the investigation I interviewed 11 different persons, both U.S. and Iraqi, who had contact with the deceased detainee (Rashed Salman Mohomed Al Gurari). All 11 interviews revealed the exact same information which at no point involved any violation of the guidelines which govern the handling of detainees. None of the witnesses or persons involved in the apprehension and movement of the detainee witnessed any poor treatment of the detainee. In each case the witnesses stated that the detainee was completely compliant throughout the detention and movement process. No force was necessary to move he or his two sons as they complied with every order given to them by the Hillah SWAT members. All witnesses stated that the deceased detainee appeared to be in good health (though obese) and walked from the house to the PZ and finally boarded the helicopter by himself. Multiple witnesses stated that two minutes into the flight the detainee appeared to be having a heart attack, then closed his eyes, and then they received no response to repeated attempts to resuscitate him. The medical report (exhibit 15) from HM ~~(b)(6)~~ stated that there were no signs of trauma and the apparent cause of death was a heart attack that led to full cardiac arrest.

**2. Make specific findings whether applicable proper reporting procedures were followed. If not, determine why proper reporting procedures were not followed.**

With the above guidelines in mind there does not seem to have been any specific written requirement for the U.S. forces involved in operation CT-75-021 to report the death of detainee Rashed Salman Mohomed Al Gurari. There is no specific guidance that dictates the reporting of a detainee death while that detainee is in the custody of Iraqi Police and US forces are present. However, even though US forces were not the detaining authority on this operation a unit commander should reasonably assume that there are reporting requirements when his unit is operating in an advisor capacity and when US assets are involved. It is my opinion that the ODA and AOB leadership, in the absence of specific reporting requirements, took the appropriate actions by including the incident in the OPSUM that was submitted to FOB 52. This OPSUM was subsequently forwarded from FOB 52 to CJSOTFAP where the detainee death information was removed in favor of obtaining complete information from the AOB and ODA. The FOB 52 Battle Captain stated "To my knowledge, there are no requirements to report the death of a detainee who is in Iraqi custody." While I agree there are no requirements in writing, there is an implicit requirement to report significant events that occur on operations where US forces are present to your chain of command. I believe the death of a detainee in a US aircraft with US forces present is a significant event. With this in mind I do not feel the FOB should have removed the information on the detainee death from the initial OPSUM. I feel they had an obligation to inform the CJSOTF Commander as soon as possible.

**SECTION V - RECOMMENDATIONS** (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) ~~(b)(6)~~ recommends:

I recommend that CJSOTFAP issue guidance to their subordinate units defining the response required to detainee deaths when US forces are present on an operation where Iraqi forces are the detaining authority.

In addition I recommend that CJSOTF-AP CDR ~~(b)(6)~~ (FOB 52 ~~(b)(6)~~) and ~~(b)(6)~~ (FOB 52 S3) on the importance of the immediate reporting of significant incidents, such as the death of a detainee, in the presence of US forces while on a US aircraft.

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**SECTION VI - AUTHENTICATION** (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(b) (6)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

**SECTION VII - MINORITY REPORT** (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

**SECTION VIII - ACTION BY APPOINTING AUTHORITY** (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

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(b) (5)



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REPLY TO  
ATTENTION OF:

CJSOTF-AP-CO

29 November 2005

MEMORANDUM FOR Commander, Multi-National Corps – Iraq, Baghdad, Iraq APO AE  
09342

SUBJECT: AR 15-6 Investigation—Death of Detainee Rashed Salman Mohomed al Gurari

1. I have reviewed the findings and recommendations of the Investigating Officer, and I concur with both. I am forwarding the subject investigation to you as the approving authority for your consideration and action. Please note that this command has already taken action to disseminate applicable guidance concerning detainee deaths to the lowest subordinate echelons.

2. Point of contact is (b)(6) at DSN (b)(6)  
(b)(6)

COL, SF  
Commanding

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## Exhibits

<u>Exhibit</u>	<u>Description</u>
1	Summary of findings and recommendations
2	Summary of Interviews
3	Timeline
4	Interview- (b) (6)
5	Interview- (b) (6)
6	Interview- (b) (6)
7	Interview- (b) (6)
8	Interview- (b) (6)
9	Interview- (b) (6) (Hillah SWAT)
10	Interview- (b) (6) (Hillah SWAT)
11	Interview- (b) (6) (Hillah SWAT)
12	Interview- (b) (6) (Hillah SWAT)
13	Interview- (b) (6) (b) (6)
14	Interview- (b) (6) (Hillah SWAT)
15	Medical report- (b) (6) (b) (6)
16	Reference- SECDEF procedures for investigations of detainee deaths
17	Reference- FRAGO-260
18	Reference- CJSOTFAP Apprehension and Detention SOPs
19	Reference- FRAGO-1173
20	CERP compensation form
21	OPSUM for mission CT-75-021 sent by ODA 575
22	Communication between FOB/AOB and ODA
23	Serious incident report from ODA 575
24	Serious incident report from ODA 575
25	Serious incident report from ODA 575
26	Sworn statement (b) (6) night (b) (6)
27	Modified OPSUM for CT-75-021 sent by FOB 52
28	Sworn statement- (b) (6) FOB 52 S3
29	Sworn statement from (b) (6) day (b) (6)



MEMORANDUM

26 NOVEMBER 2005

FROM: (b)(6) Investigating Officer  
TO: (b)(6) CJSOTFAP CDR

SUBJECT: Summary of findings resulting from the investigation of the death of detainee Rashed Salman Mohamed Al Gurari

Summary of tasks in the 16NOV05 appointment letter:

1. Identify individuals involved in the incident.
2. Determine if applicable detainee handling procedures were followed.
3. Make specific findings whether applicable proper reporting procedures were followed. If not, determine why proper reporting procedures were not followed.
4. Make recommendations to help prevent future incidents of this nature.
5. Recommend disciplinary measures as appropriate.

Summary of tasks and recommendations:

1. *Identify individuals involved in the incident-* See exhibit 2 (Summary of Interviews) which identifies the persons involved which I was able to interview over the course of my investigation. The list of involved personnel who were on the actual objective includes 2 Special Forces personnel from ODA 575, 3 personnel from BCT 155, and 3 Hillah SWAT members, and one Navy corpsman attached to the JSOAD. With the exception of the two sons detained with the father, I was able to interview all persons of interest in this investigation. Due to the current environment I did not consider it appropriate or safe to attempt to interview the two sons detained during the operation.
2. *Determine if applicable detainee handling procedures were followed-* Throughout the course of the investigation I interviewed 11 different persons, both U.S. and Iraqi, who had contact with the deceased detainee (Rashed Salman Mohamed Al Gurari). All 11 interviews revealed the exact same information which at no point involved any violation of the guidelines which govern the handling of detainees. A summary of those guidelines and the specific language governing the reporting and handling of detainee deaths is included below:
  - a. Secretary of Defense Procedures for investigation into deaths of detainees in the custody of the armed forces of the United States – This memorandum reiterates and clarifies procedures for investigating deaths of detainees in the custody of the Armed Forces, including the requirement for an autopsy (exhibit 16).
  - b. FRAGO-260 (291320DJUN04) MNC-I guidelines for investigating and reporting detainee deaths to MNC-I OPORD 04-01 – When any person who is held as a detainee in the custody of the U.S. armed forces dies, the commander of the detention facility or the unit exercising custody over the deceased will immediately report the death to the responsible Army, Navy, or Air Force investigating agency (exhibit 17).
  - c. CJSOTFAP Apprehension and Detention Standard Operating Procedures pg. H-3 – FOBs will immediately notify the Commander, CJSOTFAP through J-3 operations, if a detainee dies while in custody throughout any part of the detention process (from initial point of capture to transfer to the AGIF) (exhibit 18).
  - d. FRAGO-1173 [Detention operations] to MNC-I OPORD 04-01- Criminal detainee is any person who is suspected of having committed criminal acts and is not considered a security internee. "Criminal Detainees" shall be handed over to Iraqi authorities as soon as reasonable practical for processing into the Iraqi criminal system. (exhibit 19).

Guidelines a, b, and c cited above specifically refer to the requirement that US forces have to report detainee deaths in their custody. These guidelines do not apply in this circumstance because the detaining and apprehension authority was not the U.S. armed forces. The apprehending and detaining authority on this operation was the Iraqi Police (Hillah SWAT) assigned to the Iraqi Ministry of the Interior. This operation was generated by a Hillah SWAT source and prosecuted by the Hillah SWAT operators under the supervision of the U.S. armed forces. The actual apprehension of this detainee and his two sons was done by Hillah SWAT members and at no time were the detainees out of the Iraqi Police's custody. The FRAGO referenced in (d.) above specifies that criminal detainees "should be transferred to Iraqi authorities as soon as reasonably practical". In this case Rashed Salman Mohomed Al Gurari was never in U.S. custody because US forces were with Iraqi policeman who had detention authority on the operation. Both (b) (6) and (b) (6) stated that they believed that when operating with Hillah SWAT the detainees would belong to Hillah SWAT. The only exception to this was if they were apprehending a security detainee or HVI.

Following the detention and death of Salman Mohomed Al Gurari the Hillah SWAT (b) (6) ordered that the two sons of Salman Mohomed Al Gurari be released with appropriate CERP compensation (exhibit 20) from the ODA commander. This decision was based on the Hillah SWAT's determination that the two sons were coerced into participating in the father's insurgent activity. In addition Hillah SWAT believed that they would receive a better response from the deceased family members and community at large if they allowed the family to follow traditional burial ceremonies and practices.

With regard to specific handling of the detainee, none of the witnesses or persons involved in the apprehension and movement of the detainee witnessed any poor treatment of the detainee. In each case the witnesses stated that the detainee was completely compliant throughout the detention and movement process. No force was necessary to move he or his two sons as they complied with every order given to them by the Hillah SWAT members. All witnesses stated that the deceased detainee appeared to be in good health (though obese) and walked from the house to the PZ and finally boarded the helicopter by himself. Multiple witnesses stated that two minutes into the flight the detainee appeared to be having a heart attack, then closed his eyes, and then they received no response to repeated attempts to resuscitate him. The medical report (exhibit 15) from HMI (b) (6) stated that there were no signs of trauma and the apparent cause of death was a heart attack that led to full cardiac arrest.

3. *Make specific findings whether applicable proper reporting procedures were followed. If not, determine why proper reporting procedures were not followed* - With the above guidelines in mind there does not seem to have been any specific requirement for the U.S. forces involved in operation CT-75-021 to report the death of detainee Rashed Salman Mohomed Al Gurari. There is no specific guidance that dictates the reporting of a detainee death while that detainee is in the custody of Iraqi Police and US forces are present. However, even though US forces were not the detaining authority on this operation a unit commander should reasonably assume that there are reporting requirements when his unit is operating in an advisor capacity and when US assets are involved.

The unit (b) (6) (b) (6) used his professional judgment and concluded that he did have a responsibility to report the death of detainee Rashed Salman Mohomed Al Gurari. He did so at 150315ZNOV05 in his Operation Summary (OPSUM) CT-75-021 (exhibit 21) that he sent to AOB 560. The submission of this OPSUM was approximately 3 hours and 15 minutes after the ODA commander was informed that the detainee had died. Subsequently the AOB sent the OPSUM to FOB 52 at 150408ZNOV05. When FOB 52 received the OPSUM the (b) (6) made the decision to omit the information (3 sentences) about the detainee death. In his sworn statement he stated that "The fact that there were no details regarding the death of the detainee seemed strange but to avoid confusion between all headquarters and to further explore the details involved in the incident, I omitted this line and sent the amended the report to CJSOTF-AP headquarters." The FOB 52 (b) (6) sent the amended OPSUM (exhibit 27) to CJSOTF at



150513ZNOV05 via SIPRNET (approximately 5 hours after the detainee DOA occurred). The FOB 52 (b) (6) was informed of the incident at approximately 150630ZNOV05 at which time he "gave instructions to immediately contact the AOB for further clarification of the incident..." per his statement (exhibit 28). Following the submission of the OPSUM the FOB and AOB sent requests (exhibit 22) for further information on the detainee's death to the ODA. These requests were met with follow on serious incident reports at 151300ZNOV05 (exhibit 23), 152015ZNOV05 (exhibit 24), 160015ZNOV05 (exhibit 25) that further clarified the incident. The first message that was sent from FOB 52 to CJSOTFAP that informed CJSOTFAP of the incident was sent at 151041ZNOV05 and a second was sent at 151103ZNOV05. Neither of these reports reached the CJSOTFAP in a timely manner due to SIPR Net problems the CJSOTF was experiencing.

It is my opinion that the ODA and AOB leadership, in the absence of specific reporting requirements, took the appropriate actions by including the incident in the OPSUM that was submitted to FOB 52. This OPSUM was subsequently forwarded from FOB 52 to CJSOTFAP where the detainee death information was removed in favor of obtaining complete information from the AOB and ODA.

4. *Make recommendations to help prevent future incidents of this nature-* ODA 575 is in a unique situation in that they are conducting training and advising with forces that have the authority to detain criminals. Because of this they do not view the detention of criminal detainees as part of their role when they are operating with Hillah SWAT (unless those detainees are HVI or of particular interest to coalition forces). They instead leave such detention activities to the Hillah SWAT members who regularly apprehend, detain, and prosecute criminals with and without the assistance of US forces.

The FOB 52 (b) (6) stated "To my knowledge, there are no requirements to report the death of a detainee who is in Iraqi custody." While I agree there are no requirements in writing there is an implicit requirement to report significant events that occur on operations where US forces are present to your chain of command. I believe the death of a detainee in a US aircraft with US forces present is a significant event.

I recommend that CJSOTFAP issue guidance to their subordinate units defining the response required to detainee deaths when US forces are present on an operation where Iraqi forces are the detaining authority.

5. *Recommend disciplinary measures as appropriate-* One of the first lessons I learned in the military was that your boss should find out bad news from you early rather than from someone else later. I recommend verbal (b) (6) be given by the CJSOTFAP CDR to (b) (6) and (b) (6) that emphasizes that lesson.

Summary of Interviews

<u>Personnel on Target</u>	<u>Unit Assigned</u>	<u>Position</u>	<u>Exhibit</u>
(b) (6)	ODA 575	(b) (6)	1
	ODA 575		2
	TRP A 98 <sup>th</sup> CAV, 155 BCT		3
	TRP A 98 <sup>th</sup> CAV, 155 BCT		4
	TRP A 98 <sup>th</sup> CAV, 155 BCT		5
	Hillah SWAT		6
	Hillah SWAT		7
	Hillah SWAT		8
	ODA 575		9
<u>Related Individuals</u>	<u>Unit Assigned</u>	<u>Position</u>	
(b) (6)	ODA 575	(b) (6)	10
	ODA 575		
	ODA 575		
	Hillah SWAT		12
	JSOAD		13

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Timeline

DTG	Event
142225ZNOV05	Hillah SWAT, ODA 575, 155BCT conduct CT-75-021
152350ZNOV05	Detainee in cardiac arrest on HH60 helicopter
150001ZNOV05	DOA detainee arrives at FOB KALSU
150010ZNOV05	Examination of detainee by flight surgeon
150315ZNOV05	OPSUM CT-75-021 submitted to AOB 560
150408ZNOV05	AOB 560 submitted OPSUM CT-75-021 to FOB 52
150513ZNOV05	FOB 52 submitted modified OPSUM CT-75-021 to CJSOTFAP
150500ZNOV05	FOB 52 request additional information/SIR re: detainee death during CT 75-021
151041ZNOV05	FOB 52 sends amplifying information on the incident which does not reach CJSOTFAP due to SIPRNET connectivity problems
151300ZNOV05	ODA 575 sends additional information to AOB 560
152015ZNOV05	ODA 575 sends additional information to AOB 560
160015ZNOV05	ODA 575 sends additional information to AOB 560
161640CNOV05	Investigating Officer (IO) received appointment letter
161715CNOV05	FOB informed that IO has been assigned
190600ZNOV05	(b) (6) IO, begins conducting interviews with personnel involved



21 JAN 05 01:25Z 00301

Typically, the body is handed over to the "acting" authority. In this case, I advised the FOB SOF team at Kalsu of the patient's status on scene. I advised them I would produce my medical report and forward it through my chain-of-command up my return to Balad. A copy of my report should have been forwarded to the authority command in this case and they should have compiled it with their report.

Not knowing the end result of how the patient was transferred to a coroner or physician I can not be much help in directing you to the final death certificate report.

I recommend that you contact the FOB SOF Commanding Officer as to what the chain-of-custody was.

In addition, I will discuss this issue with Lt Col <sup>(b)(6), (b)(7)(C)</sup> the AIR FORCE Flight Surgeon here at JSOAD-AP and see if there are other options.

r/  
HM1(NAC) <sup>(b)(6), (b)(7)(C)</sup>  
JSOAD-AP/Medical  
DSN: 443-7753

-----Original Message-----

**From:** CJSOTFAP J35 NSW1  
[mailto:cjsotfap\_j35\_nsw1@cjsotfap.iraq.soccent.centcom.smil.mil]  
**Sent:** Monday, January 02, 2006 6:24 PM  
**To:** JSOAD-AP/ 716 ESOG/MED  
**Subject:** RE: Statement ~~(SECRET)~~

Classification: ~~SECRET~~

Caveats: NONE

HM1 <sup>(b)(6), (b)(7)(C)</sup>

I have been contacted by Army CID and they are asking about the detainee death (heart attack on the helo to Kalsu) a couple of months ago. They saw your medical information and are asking if there is a death certificate. Do you normally put one together for deaths of LN's. Is there any way you can put one together or point me in the right direction to get one. Thank you much.

Very Respectfully,  
LCDR <sup>(b)(6), (b)(7)(C)</sup>  
CJSOTFAP- J35 NSW Planner  
cjsotfap\_j35\_nsw1@cjsotfap.iraq.soccent.centcom.smil.mil  
webbe: cjsotfapj35-1  
DSN: 318-230-0251

---

**From:** JSOAD-AP/ 716 ESOG/MED [mailto:JSOAD-AP/MED@blab.centaf.af.smil.mil]  
**Sent:** Friday, November 25, 2005 10:31 AM  
**To:** CJSOTFAP J35 NSW1  
**Subject:** RE: Statement ~~(SECRET)~~

LCDR <sup>(b)(6), (b)(7)(C)</sup>

I apologize for the delay. I had advised my OIC, LCDR <sup>(b)(6), (b)(7)(C)</sup> of your request and

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0333 05 CID 259 36381

forwarded my report through our chain.  
I spoke directly to CDR **b(6), b(7)(C)** who authorized me to release the information.  
Enclosed is my Medical Report. It is a 2 page EXCEL format.  
I will be available for the next few days if you have any questions.

r/  
HM1(NAC) **b(6), b(7)(C)**  
JSOAD-AP/Medical

-----Original Message-----

**From:** CJSOTFAP J35 NSW1  
[mailto:cjsotfap\_j35\_nsw1@cjsotfap.iraq.soccent.centcom.smil.mil]  
**Sent:** Friday, November 25, 2005 5:58 PM  
**To:** jsoad-ap\med@blab.aorcentaf.af.smil.mil  
**Cc:** JSOAD-AP/ 716 ESOG/MED  
**Subject:** Statement (~~SECRET~~)

Classification: ~~SECRET~~

Caveats: NONE

HM1 **b(6), b(7)(C)**

I have been trying unsuccessfully now for three days to get in touch with you. I need a statement regarding the detainee death on 15 November 2005 at FOB KALSU. Please send me a statement this evening. Thank you.

Very Respectfully,  
LCDR **b(6), b(7)(C)**  
CJSOTFAP- J35 NSW Planner  
cjsotfap\_j35\_nsw1@cjsotfap.iraq.soccent.centcom.smil.mil  
webbe: cjsotfapj35-1  
DSN: 318-230-0251

Classification: ~~SECRET~~

Caveats: NONE

Classification: ~~SECRET~~

Caveats: NONE

Classification: ~~SECRET~~

Caveats: NONE

Classification: ~~SECRET~~

Caveats: NONE

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## MEDICAL RESCUE REPORT

[illegible]



MEDICAL RESCUE REPORT					
25. OXYGEN THERAPY					
TIME	DEVICE	LPM	TYPE AIRWAY	SIZE	
OPSEC	NASAL CANNULA		OROPHARYNGEAL		
	SIMPLE MASK		NASOPHARYNGEAL		
	NON REBREATHER		ETT/NTT		
	BVM/ATV		CRICOTHYROIDOTOMY		
26. IV THERAPY					
TIME	SOLUTION	RATE	NEEDLE	SITE	
OPSEC	D5W	TKO	18 GAUGE		
	LR	WIDE OPEN	16 GAUGE		
	NS	OTHER	OTHER		
27. COMMENTS/NOTES			28. TREATMENT		
BLS CPR BEGUN BY SECURITY FORCE AND CREW MEMBER.					
PT WAS ASSESSED UPON LANDING. APPROXIMATE TIME OF UNRESPONSE +/- 15 MIN.					
PRIMARY EVAL = PULSELESS/APNEIC WITH NO NEURO RESPONSE.			AIRWAY MGT		
SECONDARY EVAL = OBVIOUS SIGNS OF DEATH. NO LUNG SOUNDS. NO HEART TONES. ECG = ASYSTOLE			X CPR		
WITH NO ECTOPY. PUPILS FIXED/UNRESPONSIVE + SACRAL POOLING.			X DOA		
PT WAS ASSESSED AS POSSIBLE MI/HEART ATTACK LEADING TO MEDICAL FULL ARREST.			EXTRICATION		
PT DETERMINED DB WITH OBVIOUS SIGNS OF DEATH. NO FURTHER RESUSCITATION ATTEMPTED			MAST		
PT LEFT IN CARE OF OPERATIONAL FORCE.			SPINE IMMOB		
			X CARDIAC MNTR		
			X VS MONITOR		
29. TRAUMA SCORE			30. GLASGOW COMA SCALE		
29a			30a		
10-29/MIN 4			SPONTANEOUS 4		
>20/MIN 3			TO VOICE 3		
RESPIRATORY 2			EYE TO PAIN 2		
RATE 0-9/MIN 1			OPENING ABSENT X 1		
ABSENT X 0					
29b			30b		
RESP EXPANSION WNL 1			MOTOR RESPONSE		
RETRACTIVE/ABSENT X 0			OBEYS COMMANDS 6		
29c			LOCALIZES PAIN 5		
90 mmHg OR > 4			WITHDRAWS (PAIN) 4		
70-90 mmHg 3			FLEXION (PAIN) 3		
SYSTOLIC 50-80 mmHg 2			EXTENSION (PAIN) 2		
B/P 0-49 mmHg 1			NONE X 1		
ABSENT X 0					
29d			30c		
CAPILLARY WNL 2			VERBAL RESPONSE		
REFILL DELAYED 1			ORIENTED 5		
ABSENT X 0			CONFUSED 4		
			INAPPROPRIATE WORDS 3		
			UNCLEAR SOUNDS 2		
			NONE X 1		
29e			30d		
TOTAL 0			TOTAL 3		
33. TRANSFERRING HOSPITAL. NONE			34. REC. HOSPITAL NONE/DB LEFT WITH 18D AT FOB		
35. RECEIVING DOCTOR.			35. RELEASE Having been advised of the need for further		
37. RECEIVED BY			medical care/transport, of my own will, do hereby refuse any		
38. REPORT PREPARED BY (b)(6)			additional care and release the US Navy		
39. REPORT RECEIVED BY			Signed		
40. EQUIPMENT LEFT AT NONE			WITNESS		





SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

June 9, 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
COMMANDERS OF THE COMBATANT COMMANDS  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
DIRECTOR, OPERATIONAL TEST AND EVALUATION  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT  
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION  
DIRECTOR, NET ASSESSMENT  
DIRECTOR, FORCE TRANSFORMATION  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Procedures for Investigation into Deaths of Detainees in the Custody of  
the Armed Forces of the United States

References: (a) DoD Directive 2310.1, "DoD Program for Enemy Prisoners of War  
(EPOW) and other Detainees," August 18, 1994  
(b) DoD Directive 5100.77, "DoD Law of War Program," December 9,  
1998  
(c) AR 190-8, OPNAVINST 3461.6, AFJI 31-304, MCO 3461.1, "Enemy  
Prisoners of War, Retained Personnel, Civilian Internees and Other  
Detainees," 1 October 1997  
(d) 10 U.S.C. 1471, Forensic pathology investigations  
(e) DoD Directive 5154.24, "Armed Forces Institute of Pathology,"  
October 3, 2001  
(f) DoD Instruction 5154.30, "Armed Forces Institute of Pathology  
Operations," March 18, 2003

This memorandum reiterates and clarifies procedures for investigating deaths of  
detainees in the custody of the Armed Forces, including the requirement for an autopsy.

References (a), (b) and (c) establish policy and procedure for investigations of  
possible violations of protections afforded enemy prisoners of war, retained personnel,  
civilian internees, and other detainees, including procedures in cases of deaths of such



OSD 08668-04

16

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persons. References (d), (e), and (f) provide that the Office of the Armed Forces Medical Examiner has primary jurisdiction and authority within DoD to determine the cause and manner of death in any DoD death investigation. This jurisdiction may be exercised as part of DoD death investigations of enemy prisoners of war, retained personnel, civilian internees, and other detainees in the custody of the Armed Forces of the United States.

In the case of a death of such an individual, the commander of the facility (or if the death did not occur in a facility, the commander of the unit that exercised custody over the individual) shall immediately report the death to the responsible investigative agency; Army Criminal Investigation Division, Navy Criminal Investigative Service, or Air Force Office of Special Investigations. This investigative agency shall contact the Office of the Armed Forces Medical Examiner (AFME). The AFME will determine whether an autopsy will be performed. The regional combatant commander shall notify the Secretary of Defense, through the Chairman, Joint Chiefs of Staff, of all deaths occurring in US armed forces custody.

Upon declaration of death, the remains will be placed in a clean body bag and secured awaiting instructions from the appropriate investigating agency. The remains will not be washed and all items on or in the body will be left undisturbed except for weapons, ammunition, and other items that pose a threat to the living. The body will not be released from United States custody without written authorization from the investigative agency concerned or the Armed Forces Medical Examiner.

In summary, in the case of death of any individual described above, while in custody of the Armed Forces of the United States, it is presumed that an autopsy shall be performed, unless an alternative determination is made by the Armed Forces Medical Examiner. Determination of the cause and manner of death in these cases will be the sole responsibility of the AFME or other physician designated by the AFME.

Points of contact for procedures under this memorandum are: (b)(6)

(b)(6)

This memorandum is effective immediately.



EXHIBIT 13

Page(s) 000079 thru 000080 referred to

OFFICE OF THE JUDGE ADVOCATE  
GENERAL  
FOIA PUBLIC LIAISON  
ATTENTION: DAJA-AL  
1777 NORTH KENT  
10TH FLOOR  
ROSSLYN, VA 22209

ACLU DDII CID ROI 31384



U. S. GOVERNMENT  
PURCHASE ORDER-INVOICE-VOUCHER

(b)(6)

WORKING AND ACCIDENTS IN THE

2162020.0000 76-2084 P136198 26EB83G3CT83 MNCIC852800005 S09076

PURCHASER-		To sign before for use after delivery of items	
RECEIVED BY		DATE	
TITLE		DATE	
SELLER-		Please read instructions on Copy 2	
<input type="checkbox"/> PAYMENT NO. 1000	1	<input type="checkbox"/> PAYMENT RECEIVED	1
NO FURTHER INVOICE NEED BE SUBMITTED			
(b)(6)		DATE c. 10/1/86	
(b)(6)		DIFFERENCE	
(b)(6)		ACCOUNT VERIFIED	
(b)(6)		CORRECT FOR	
(b)(6)		BY	
PAID BY <input checked="" type="checkbox"/> CASH		DATE PAID	
OR <input type="checkbox"/> CHECK (Check No.)		14 NOV 2005	
PLEASE PROVIDE ZIP CODE		1. SELLER'S INVOICE	
		FINANCIAL CONTROL UNIT FEDERAL BUREAU OF INVESTIGATION U.S. DEPARTMENT OF JUSTICE	

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0 3 05 CID 259 36381

Clear 145.txt

BLACKSMITH 60 DE BLACKSMITH 75  
152015ZNOV05  
CLEAR145

AAA At approximately 1422Z5ZNOV05 while conducting CONOP CT-75-021 Hillah SWAT along with ODA 575, and 1/A/98CAV cleared a residence located at MGRS 38SMB 32170 54676. Hillah SWAT detained RASHED SALMAN MOHOMED AL GURARI, Date of Birth 1 JUL 1939. He was PID by a Hillah SWAT source, as a member of an insurgent cell. RASHED SALMAN MOHOMED AL GURARI, along with two other personnel were flex cuffed and moved outside the residence escorted by 3 Hillah SWAT personnel. He was moved directly to the HLZ, appx 50 meters away from the residence. Hillah SWAT personnel walked the detainees to the HLZ without incident. RASHED SALMAN MOHOMED AL GURARI appeared to be in good health. He walked to the HH-60 and loaded onto the helicopter without assistance and without comment. Hillah SWAT's SOP is to not blindfold detainees when loading onto aircraft, in order to expedite the loading process. While returning to FOB Kalsu in an HH-60 he started to show symptoms of cardiac arrest. Immediately his flex cuffs were removed while ODA personnel started a medical assessment and started conducting chest compressions. The total time of flight was less than 10 minutes. Once the HH-60 arrived at FOB Kalsu, JSQAD flight surgeon assessed the causality using an EKG, and pronounced RASHED SALMAN MOHOMED AL GURARI Dead on Arrival. Medical personnel assessed that the cause of death was most likely cardiac arrest. Hillah SWAT personnel contacted the TUNIS IP station. The Tunis police arrived on FOB Kalsu to pick up the body and return it to the NOK.

BBB There was no mistreatment of the detainee in any way. He was 66 years old and obese.

(b)(6) SENDS

Page 1

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ACLU-RDI 5489 p.57

EXHIBIT 13



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033 05 CID 259 363

Clear 146(Hillah SWAT detainee death).txt

BLACKSMITH 60 DE BLACKSMITH 75  
160015ZNOV05  
CLEAR146 (Hillah SWAT detainee death)

AAA At approximately 132225ZNOV05 while conducting CONOP CT-75-021 Hillah SWAT x 4 personnel along with ODA 575 x 2 (b)(6) and 1/A/98CAV x 3 (b)(6) cleared TA 21, a single story residence located at MGRS 38SMB 32170 34670. Hillah SWAT detained RASHED SALMAN MOHOMED AL GURARI, Date of Birth 1 JUL 1939, along with two of his sons, (b)(6)

(b)(6) They were PID by a Hillah SWAT source as members of an insurgent cell. RASHED SALMAN MOHOMED AL GURARI, along with the two other personnel were flex cuffed and moved outside the residence escorted by 3 Hillah SWAT personnel. He was moved directly to the HLZ, appx 50 meters away from the residence. Hillah SWAT personnel walked the detainees to the HLZ without incident. RASHED SALMAN MOHOMED AL GURARI appeared to be in good health. He walked to the HH-60 and loaded onto the helicopter without assistance and without comment. Hillah SWAT's SOP is to not blindfold detainees when loading onto aircraft, in order to expedite the loading process. While returning to FOB Kalsu in an HH-60 he started to show symptoms of cardiac arrest. Immediately his flex cuffs were removed while personnel started a medical assessment, (b)(6) (civilian EMT) 1/A/98CAV and (b)(6) JDA 575 attempted to resuscitate the casualty by conducting chest compressions. The total time of flight was less than 10 minutes. Once the HH-60 arrived at FOB Kalsu, JSOAF flight surgeon assessed the casualty using an EKG and pronounced RASHED SALMAN MOHOMED AL GURARI Dead on Arrival. Medical personnel assessed that the cause of death was most likely cardiac arrest. Because they were Hillah SWAT detainees, Hillah SWAT determined that the best course of action was to release RASHED's two sons, and allow them, along with the local IP unit to escort the body back to be buried in accordance with Islamic religious practices. Hillah SWAT personnel (b)(6) station and coordinated with them to escort the body and (b)(6)

(b)(6) back to their homes.

BBB All of the detainees on this operation were Hillah SWAT targets, and were under the control of Hillah SWAT personnel at all times. Due to all of these targets being under the control of Hillah SWAT they were the ones that decided to release the two sons and allow them to take the remains of their father. Their reasoning for releasing the two sons was that the father was most likely responsible for forcing his sons to participate in the insurgency.

CCC There was no mistreatment of the detainee in any way. He was 66 years old and obese. All personnel did their best to resuscitate him.

DDD We will have all American personnel write sworn statements and forward them to the AOB NLT 161200ZNOV05.

EEE We will have all Hillah SWAT personnel write sworn statements and forward them to the AOB ASAP, due to SWAT returnig to Hillah this morning we will have to wait until 17 NOV to have SWAT fill out sworn statements.

(b)(6)  
SENDS

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## Chapter H – Medical Procedures

(1) FOBs will immediately notify the Commander, CJSOTF-AP, through J3 operations, if a detainee dies while in custody throughout any part of the detention process (from initial point of capture to transfer to the AGIF). CJSOTF-AP J-3 will notify the USACIDC immediately. USACIDC has primary jurisdiction over all detainee death investigations. The Special Agent will provide instructions on the actions to take to secure the scene. When all life saving measures have been exhausted and medical personnel have either transported the victim to a medical facility or if the corpse remains in place conduct the following actions:

(2) Secure the scene and do not allow anyone access except the responding CID Special Agent. No exceptions.

(3) Begin a log of all personnel that were present surrounding the time of incident i.e. before, during and after.

(4) Document who transported the victim and what facility the victim was transported to.

(5) Do not allow anyone to depart the area. If it is mission essential that a person must depart the area, document their name, unit, and contact information.

(6) If the victim was pronounced deceased at the scene, do not remove the body.

(7) CJSOTF-AP J3 Operations will immediately report the detainee death to MNC-I through operations channels.

(8) The Commander of the detention facility or the Commander of the unit in custody of the detainee at the time of death, will confirm that proper notification, as described above, has been made and submit any follow up reports. If the death occurred in any location other than a medical treatment facility the OIC/NCOIC on the ground will ensure that the corpse and scene are preserved. Upon the discovery of a detainee death all personnel other than medical and investigative personnel should be restricted from disturbing the setting of death. To determine if a death has occurred, a physician must pronounce the detainee dead. Until pronounced dead, U.S. Forces will initiate first aid steps to assist the detainee as they would a U.S. soldier. The remains will not be washed and all the items on or in the body will be left undisturbed except for weapons, ammunition, and other items that pose a threat to human life. Medical and criminal investigators will notify the facility commander when their investigation is over so that clean up can occur. The body will not be released from U.S. custody without written approval from the Armed Forces Medical Examiner. The CID or medical investigator will contact the Armed Forces Medical Examiner, who will determine whether an autopsy will be performed. The cause of death (proximal cause and other causal or contributing causes) must be identified on the death certificate or field medical card by the pronouncing physician. Additional determination of the cause of death or manner of death will be the sole responsibility of the Armed Forces Medical Examiner or other physician designated by the Armed Forces Medical Examiner when an autopsy is performed. The remains should then be released to the local hospital or Iraqi Police Station for processing.



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# CJSOTF-AP

## APPREHENSION AND DETENTION



### STANDARD OPERATING PROCEDURES Version 2

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EXHIBIT 13  
000080

## EXHIBIT 13

Page(s) 000083 referred to

OFFICE OF THE JUDGE ADVOCATE  
GENERAL  
FOIA PUBLIC LIAISON  
ATTENTION: DAJA-AL  
1777 NORTH KENT  
10TH FLOOR  
ROSSLYN, VA 22209

ACLU DDII CID ROI 31390



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Clear 143\_Ref clear 1650 .txt  
Blacksmith 60 de Blacksmith 75  
151300ZNOV05 Clear 143  
Ref Clear:1650

AAA Ref to the below questions:

BBB During the flight back to base after the mission, the detainee in question apparently had a heart attack. Once on the ground the flight doctor aboard the HH-60 assessed the detainee. The doctor hooked him up his EKG for a few minutes and then pronounced him dead. COD being Cardiac Arrest.

CCC Hillah SWAT called the Tunis Police Chief and informed them of the situation, the Tunis police then came to kalsu and picked up the body, and took it back to the family with condolence money.

DDD The detainees name was RASHED SALMAN MHOMAD AL GURARI, Date of Birth 1 JUL 1939.

(b) (6) sends

AAA: As you can read below the FOB needs more details. Once you get the details just send it to us and we will send it to the FOB

(b) (6) sends

BLACKSMITH 60 DE BLACKSMITH 52  
150500ZNOV05 CLEAR 3075

AAA. I received the OPSUM from CONOP CT 575-021. In the OPSUM it says that 23 people were detained. It then says that one died of an apparent heart attack. I need more information on this. If he died in our hands we need to have more detail description of the events. If he was taken into custody by the SWAT team and died while he was in their custody, then it's not as big of a deal. I just need to know so when I'm asked to explain how the guy died, I can give a good explain about what happened.

(b) (6) sends

BTAR

Page 1

## EXHIBIT 13

Page(s) 000085 and 000086 referred to

OFFICE OF THE JUDGE ADVOCATE  
GENERAL  
FOIA PUBLIC LIAISON  
ATTENTION: DAJA-AL  
1777 NORTH KENT  
10TH FLOOR  
ROSSLYN, VA 22209

ACLU DDII CID ROI 31394



SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is DDCSOPS			
LOCATION Radwaniyah Palace Complex, Baghdad, Iraq	DATE 23NOV05	TIME 0030C	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	SOCIAL SECURITY NUMBER (b) (6)	GRADE/STATUS (b) (6)	
ORGANIZATION OR ADDRESS FOB Central, APO, AE 09342			
(b) (6)			
(b) (6) , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
Regarding the death of Hillah SWAT detainee RASHED SALMAN MHOMAD AL GURARI:			
On the morning of 15NOV05 I received an OPSUM from ODA 575 (OPSUM 575-021). Normally an ODA submits a "Quick Look OPSUM" to the OPCEN within four hours after an operation is complete and then the "OPSUM" which gives a full account of the operation within 24 hours.			
The OPSUM that they sent was not specifically labeled as a "Quick Look", but came in very soon after the mission ended (within four hours). The OPSUM stated that Hillah SWAT detained 23 personnel. It also contained a sentence at the end stating that a detainee died. No other details were included. The fact that there were no other details regarding the death of the detainee seemed strange, but to avoid confusion between all headquarters and to further explore the details involved in the incident, I omitted this line and sent the report to CJSOTF-AP headquarters. From past experience, I knew that the full OPSUM would explain the details which were missing and that there should be no conflict in reporting timelines to FOB Central, CJSOTF-AP, or MNC-I regarding the death of a detainee in Iraqi custody. MNC-I is to be notified immediately through official channels of the death of a detainee in US or Coalition custody. I was not aware of any requirement to report the death of a detainee in Iraqi custody.			
In the meantime, I attempted to contact the AOB 560 (b) (6) to get more information on the circumstances surrounding the detainee's death and to make sure that they included these details in the final version of the OPSUM. When I got through to the AOB, I was told that (b) (6) and (b) (6) had already left the compound to discuss these same issues with the ODA. I immediately notified the (b) (6) and the (b) (6) of the situation when they came into the OPCEN that morning. I also told them that I had attempted to contact (b) (6) to get more details on the situation.			
During shift changeover, I gave a full report of the situation to the incoming (b) (6) and he ensured that AOB 560 followed up on the situation as soon as possible. AOB 560, after gathering facts on the detainee's death, began submitting reports and message traffic by the afternoon of 15NOV05. CJSOTF SIPR and VOIP lines were down from approximately 1500C to 2300C that day, which compounded the timeliness of reporting of this incident.			
This incident is unique to my experience. There are policies and FRAGOs that cover detainee deaths when in US and Coalition custody. To my knowledge, there are no requirements to report the death of a detainee who is in Iraqi custody. To avoid conflict, I recommend that a policy be issued covering this likelihood.			
////////////////////END OF STATEMENT////NOTHING FOLLOWS////////////////////////////////////			
<div style="text-align: center;">(b) (6)</div> <div style="display: flex; justify-content: space-around;"><div style="width: 30%; text-align: center;">(b) (6)</div><div style="width: 30%; text-align: center;">(b) (6)</div></div> <div style="text-align: center; margin-top: 20px;">(b) (6)</div>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b) (6)		PAGE 1 OF 2 PAGES
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.			

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 88, WHICH WILL BE USED.

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ACLU-RDI 5489 p.64

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EXHIBIT 13

STATEMENT (Continued)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

AFFIDAVIT

(b) (6), 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)

Signature of Person Making Statement

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of NOVEMBER, 19 05

(b) (6)

(b) (6)

(b) (6)

(Typed Name of Person Administering Oath)

ARTICLE 136  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b) (6)

PAGE 2 OF 2 PAGES

ACLU DDII CID ROI 31396



## EXHIBIT 13

Page(s) 000088 and 000091 referred to

OFFICE OF THE JUDGE ADVOCATE  
GENERAL  
FOIA PUBLIC LIAISON  
ATTENTION: DAJA-AL  
1777 NORTH KENT  
10TH FLOOR  
ROSSLYN, VA 22209

ACLU DDII CID ROI 31399

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<b>SWORN STATEMENT</b> <small>For use of this form, see AR 190-45; the proponent agency is ODCSOPS</small>			
<b>PRIVACY ACT STATEMENT</b>			
<b>AUTHORITY:</b> Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).			
<b>PRINCIPAL PURPOSE:</b> To provide commanders and law enforcement officials with means by which information may be accurately			
<b>ROUTINE USES:</b> Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.			
<b>DISCLOSURE:</b> Disclosure of your social security number is voluntary.			
1. LOCATION Radwanayah Palace Complex, BIAP, Iraq	2. DATE (YYYYMMDD) 2005/11/26	3. TIME 0400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS (b) (6)	
8. ORGANIZATION OR ADDRESS FBI Central, APO AE 89342			
9. I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  Following the 0900 morning CUB, I was briefed on the details of the 575 operation (CT 575-021) conducted earlier in the evening by (b) (6) (estimate approximately 0930) (b) (6) is the night shift (b) (6) within the OPCEN. (b) (6) informed me that he had taken the phrase "a detainee died" out of the Quick Look provided by 575 within the four hour time requirement following their return to base and had forwarded the OPSUM to CJSOTF IAW our message handling SOP. He removed the unqualified statement because there was no additional information other than the above statement and it was insufficient, incomplete, and provided no clarity. His intent was to avoid confusion due to incomplete and insufficient information, as well as a justified concern that it would cause misunderstanding and misdirected effort due to insufficiency. This was the first incidence that the FOB was aware that a detainee had died on the operation (detailed in the OPSUM); during monitoring of the operation via TACSAT in the OPCEN, no mention was made of the situation. I acknowledged his decision and gave instructions to immediately contact the AOB for further clarification regarding the name of the detainee, age, circumstances of death, whether he was in US custody or in Hillah SWAT custody at the time of detention and transfer as well as several other information requirements. He was also to contact the CJSOTF with a follow up report to the OPSUM for SA and guidance and ensure that this was understood by the incoming (b) (6). We discussed the sensitivity of this event, despite it having taken place in HN custody, and the need for immediate and accurate reporting. At that time, I returned to bed for another IV due to illness. I returned to the OPCEN and personally forwarded a copy of the first follow up report to CJSOTF at 1341 (BTL CPT had sent it to the JOC SGM, JOC Director and GOO) and the next report at 1403 (to the J3 and Deputy J3) which identified some of our actions and a request for clarification regarding LN death in HN custody. Again, I returned to bed and woke up for the 2100 shift change. At that time, it became evident that there was a disconnect between reporting to CJSOTF and each elements understanding of the situation (later deemed due to SIPR outages at CJSOTF and then at FOB CENTRAL). The BN CSM brought this to our attention based on an email he received from the GRP CSM following the CJSOTF CUB. For the remainder of the evening, we sent follow up reports as well as contacted SMEs on proper procedures and actions to ensure we were within established MNCI/MNFI requirements with the detainee dying in HN custody on US aircraft. I provided specific instructions to the SJA to review the incident as well as to contact CID and MNCI/CJSOTF SJAs, the Company Commander for additional RFIs, as well as the OPCEN/FOB staff on activities to conduct over the next 24 hour period. Other than the Day Shift (b) (6) I am personally unaware of who was told of the incident and at what times as requested in the 15-6 Officer's query. Following the CUB, situational update and request for guidance from (b) (6) (at approximately 0930), I issued explicit instructions and then returned to bed as stated above. That evening, following a detailed examination of MNCI/MNFI requirements and discussions with MNCI SMEs (b) (6) which are not contained within CJSOTF published guidance/orders, written documents or requirements, I directed that (b) (6) develop and publish a Battle Drill for detainee deaths to be published on the OPCEN floor along with specific reports and supporting documentation. Detailed examination of MNCI/MNFI guidance confirmed the FOBs initial understanding of reporting requirements regarding LN death in HN custody but identified several that were not understood regarding LN death in US custody; this information was sent via official message traffic on 16 NOV to all subordinate elements and FOB staff sections. /////////////////////////////////////////////////////////////////// Nothing Follows ///////////////////////////////////////////////////////////////////			
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">(b) (6)</div> <div style="text-align: center;">(b) (6)</div> <div style="text-align: center;">(b) (6)</div> </div>			
10. EXHIBIT	11. (b) (6) ON MAKING STATEMENT		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.			

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

ACLU DDII CID ROI 31400



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STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

**AFFIDAVIT**

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 0. 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 (b) (6), WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26<sup>th</sup> day of November, 2005.

PAC

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 0 OF 0 PAGES

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION Radwaniyah Palace Complex, Baghdad, Iraq	DATE 26 NOV 05	TIME 1110C	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	SOCIAL SECURITY NUMBER (b) (6)	GRADE/STATUS (b) (6)	
ORGANIZATION OR ADDRESS FOB Central, APO, AE 09342			
I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Regarding the death of Hillah SWAT detainee RASHED SALMAN MHOMAD AL GURARI:  While conducting change over with (b) (6) on the morning of 15 NOV 05 I was informed that a detainee had died of a heart attack while in the SWAT custody. (b) (6) showed me the OPSUM that was sent to the FOB regarding the death of the detainee and informed me that more information was needed regarding the detainee's death. I informed the 560 AST to contact AOB and begin collecting more accurate information; the follow up information described the death as a heart attack. This information was sent to CJSOTF-AP by both e-mail and by phone.  Serious Incident Report (SIR 575-021-001) that I received stated 'death due to cardiac arrest'.  On 16 NOV 05 I received a message from (b) (6) stating that he was the investigating officer in the death of the detainee, he stated that he would be coming to the RPC to begin his investigation; I replied to him that he should go down south to AOB 560, where the death occurred.  ////////////////////END OF STATEMENT//NOTHING FOLLOWS////////////////////////////////////  <div style="text-align: center;"><p>(b) (6)</p><p>(b) (6)</p><p>(b) (6)</p><p>(b) (6)</p></div>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b) (6)		PAGE 1 OF 2 PAGES
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.			

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

USAPPC V2.00

ACLU DDII CID ROI 31402



STATEMENT (Continued)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

AFFIDAVIT

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

WITNESSES:

(b) (6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of November, 19 05 at RPC, Baghdad, Iraq

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

INITIALS OF PERSON MAKING STATEMENT (b) (6)

PAGE 2 OF 2 PAGES

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opsum 75-021.txt

SECRET NOFORN  
BLACKSMITH 60 DE BLACKSMITH 75  
150130ZNOV05  
OPSUM FOR CI-75-021

AAA (S//NF) Target Name and Number:  
Detainee list to follow.

BBB (S//NF) WHO: ODA 575, 1/A/98CAV, Hillah SWAT Company 5, JSOAD air, 1/502IN  
(blocking positions)

CCC (S//NF) WHAT: Conduct raids on 5 target houses in two target sets

DDD (S//NF) WHERE: Target set one (MGRS 38SMB 32011 55194), target set two (MGRS 38SMB 32170 54676), (MGRS 38 MB 3217 54545), (MGRS 38 MB 32354 54391), (MGRS 38 MB 32209 54507)

EEE (S//NF) WHEN: 142300ZNOV05.

FFF (S//NF) WHY: In order to detainee an AIF cell leader and key members of his terrorist cell.

III (S//NF) NUMBER OF IZ PERSONNEL KILLED BY USSF: 0

III (S//NF) NUMBER OF IZ PERSONNEL WOUNDED BY USSF: 0

KKK (S//NF) NUMBER OF WEAPONS CAPTURED: 6 AK-47, 2 shot guns, all weapons were destroyed on the targets.

LLL (S//NF) NUMBER AND TYPE OF OTHER MATERIAL CAPTURED: none

MMM (S//NF) NUMBER OF DETAINEES: 23 (1 died of an apparent heart attack)

NNN (S//NF) SUMMARY OF THE OPERATION: ODA 575, 1/A/98CAV, and Hillah SWAT inflied via 2 MH-53s and 2 HH-60s, with 1 HH-60 providing ISR, and an immediate reaction force, to interdict personnel fleeing any of the targets. The objective consisted of two target sets, the northern target consisted one target house, the southern target set consisted of four target houses and a number of out buildings. The northern assault team inflied on 1 MH-53 and proceed to assault the objective area. The assault team moved in and secured the area. The source led the assault team to two neighboring houses and detained two other individuals. The southern assault teams that inflied on the 2 HH-60's proceeded to their target houses without incident. They detained 3 individuals that were residing in the houses. The southern assault team that inflied on 1 MH-53 landed in a flooded field that significantly delayed movement to 2 target houses. Once assault teams cleared their target houses 575 personnel surveyed a more suitable HLZ. Immediate reaction force was utilized to detainee 7 personnel who fled target houses in the southern target set. All personnel that were attempting to flee were detained. While returning to FOB Kalsu, one of the detainees died of an apparent heart attack. His body was transported to FOB Kalsu aid station.

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SECRET//REL USA, GBR, AUS

TO: CJSOTF-AP  
FROM: FOB CENTRAL (52)

OPSUM 575-021 LVL I

(S//NF) WHO: ODA 575, 1/A98CAV, Hillah SWAT Company 5, JSOAD air, 1/502IN (blocking positions)

(S//NF) WHAT: Conduct raids on 5 target houses in two target sets

(S//NF) WHERE: Target set one (MGRS 38SMB 32011 55194), target set two (MGRS 38SMB 32170 54676), (MGRS 38 MB 3217 54545), (MGRS 38 MB 32354 54391), (MGRS 38 MB 32209 54507)

(S//NF) WHEN: 142300ZNOV05

(S//NF) WHY: In order to detainee an AIF cell leader and key members of his terrorist cell.

(S//NF) NUMBER OF IZ PERSONNEL KILLED BY USSF: 0

(S//NF) NUMBER OF IZ PERSONNEL WOUNDED BY USSF: 0

(S//NF) NUMBER OF WEAPONS CAPTURED: 6 AK-47, 2 shot guns, all weapons were destroyed on the targets.

(S//NF) NUMBER AND TYPE OF OTHER MATERIAL CAPTURED: none

(S//NF) NUMBER OF DETAINEES: 23

(S//NF) SUMMARY OF THE OPERATION: ODA 575, 1/A98CAV, and Hillah SWAT inflied via 2 MH-53s and 2 HH-60s, with 1 HH-60 providing ISR and an immediate reaction force, to interdict personnel fleeing any of the targets. The objective consisted of two target sets, the northern target consisted one target house, the southern target set consisted of four target houses and a number of out buildings. The northern assault team inflied on 1 MH-53 and proceed to assault the objective area. The assault team moved in and secured the area. The source led the assault team to two neighboring houses and detained two other individuals. The southern assault teams that inflied on the 2 HH-60's proceeded to their target houses without incident. They detained 3 individuals that were residing in the houses. The southern assault team that inflied on 1 MH-53 landed in a flooded field that significantly delayed movement to 2 target houses. Once assault teams cleared their target houses STS personnel surveyed a more suitable HLZ. Immediate reaction force was utilized to detainee 7 personnel who fled target houses in the southern target set. All personnel that were attempting to flee were detained.

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EXHIBIT 13

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