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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Fort Carson CID Office
6525 Specker Avenue, Building 1816, Fort Carson, Colorado 80913-0913

06 Jun 2006

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL SUPPLEMENTAL/SSI -
0498-2004-CID056-76349 - 5H9B / 5M3A / 9G1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004, 0100 - 03 JAN 2004, 0130; GRID COORDINATES MC2143061320,
NEAR BALAD, IRAQ

2. 10 JAN 2005, 1149 - 10 JAN 2005, 1149; BLDG 1816, 6525 SPECKER AVE, FORT
CARSON, CO 80913-0913

DATE/TIME REPORTED: 22 NOV 2004, 0800

INVESTIGATED BY:

SA (b)(2),(b)(6),(b)(7)(C)
SA [REDACTED]

SUBJECT:

1. UNKNOWN, ; [UNDETERMINED MANNER OF DEATH (INSUFFICIENT
EVIDENCE)] (NFI)

2. (b)(6),(b)(7)(C) [REDACTED] FORMER PVT. (b)(6),(b)(7)(C) [REDACTED]
(b)(6),(b)(7)(C) [REDACTED] MALE; WHITE; (b)(6),(b)(7)(C) [REDACTED]
(b)(6),(b)(7)(C) [REDACTED] [PERJURY] (NFI)

VICTIM:

1. HASSAN, ZAIDAN KALAF (DECEASED) ; CIV; IRAQ; 8 JUL 1936; BAGHDAD,
IRAQ; MALE; UNKNOWN; NEAR BALAD, IZ; ZZ ; AKA: HASAN, ZEDAN KHELEF
RAHMAN ; [UNDETERMINED MANNER OF DEATH (INSUFFICIENT EVIDENCE)]

2. U.S. GOVERNMENT; BLDG 1816, 6525 SPECKER AVE, FORT CARSON, CO
80913; [PERJURY]

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INVESTIGATIVE SUMMARY:

On 22 Nov 04, this office was notified by the 4th Infantry Division, Office of Staff Judge Advocate that a 15-6 Investigation conducted on the shooting of Mr. HASSAN by U.S. forces at his residence south of Balad, Iraq did not adequately determine the circumstances under which his killing was justified.

SSG (b)(6),(b)(7)(C) A Company (CO) 1/8 Infantry (INF) Battalion (BN), Fort Carson, CO (FCC), shot and killed Mr. HASSAN after he alleges Mr. HASSAN reached for a weapon in an attempt to engage and kill U.S. forces. Interviews of A CO 1/8 INF BN personnel including SFC (b)(6),(b)(7)(C) who was in the room at the time of the shooting, failed to corroborate the statements originally made by SSG (b)(6),(b)(7)(C) after the shooting.

On 20 Apr 05, SSG (b)(6),(b)(7)(C) was advised of his legal rights which he invoked and requested to speak with an attorney.

On 10 Jan 05, Mr. (b)(6),(b)(7)(C) was advised of his legal rights, which he waived and rendered a sworn statement wherein he admitted he lied about Mr. HASSAN producing an AK-47 and pointing it at SSG (b)(6),(b)(7)(C).

Investigation established there was insufficient evidence to determine the cause and manner of Mr. HASSAN's death. Investigation was limited to testimonial evidence which could not unequivocally identify the manner in which Mr. HASSAN was killed; moreover, the lack of available physical evidence and security issues associated with interviewing Mr. HASSAN's family members prevented the accurate determination of a cause of death.

Further investigation established probable cause to believe Mr. (b)(6),(b)(7)(C) committed the offense of Perjury when he provided information he knew to be false on a sworn statement to CID.

Further investigation was conducted in reference to Request for Correction (0502-05-CID001) which did not change the original investigative conclusion.

STATUTES:

Title 18 USC Section 1621: Perjury

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EXHIBITS/SUBSTANTIATION:

EXHIBITS:

Added Attached:

54. Agent's Investigative Report (AIR) of SA (b)(6), (b)(7)(C) 5 May 06, detailing the receipt of the Request for Correction; Re-interviews; and the review of this investigation in reference to the Request for Correction.

55. AIR of SA (b)(6), (b)(7)(C) 12 May 06, detailing the receipt of the Request for Assistance (RFA); significant coordinations; and document translations.

56. English and Arabic translation of the victim's family questionnaire.

57. Medical Records, pertaining to Mr. HASSAN, 3 Jul 62, written in Arabic (written HASAN in record). (Formerly part of Exhibit 2 in original final report)

58. English translation of Exhibit 57, by Mr. (b)(6), (b)(7)(C) Interpreter, 31st MP Det CID.

59. Death Certificate, pertaining to Mr. HASSAN (listed RAHMAN in death certificate), issued 3 Jun 03, written in Arabic. (Formerly part of Exhibit 2 in original final report)

60. English translation of Exhibit 59, by Mr. (b)(6), (b)(7)(C) Interpreter, 31st MP Det CID.

61. Medical Records, pertaining to Mr. HASSAN (written HASAN in record), no date, written in Arabic. (Formerly part of Exhibit 2 in original final report)

62. English translation of Exhibit 61, by Mr. (b)(6), (b)(7)(C) Interpreter, 31st MP Det CID.

Added Not Attached: None.

The original of Exhibit 54 through 62 is forwarded with the USACRC copy of this report.

STATUS: This is a final supplemental report. Mr. (b)(6), (b)(7)(C) was not prosecuted for the offense of Perjury. Commanders Report of Disciplinary Action Taken (DA Form 4833) is not required.

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REPORT PREPARED BY

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

Special Agent

REPORT APPROVED BY

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

Special Agent-in-Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA

Commander, USACIDC, ATTN: CIOP-ZA, 6010 6th Street, Ft Belvoir, VA 22060

1 - Commander, 6th MP Group (CID), Fort Lewis, WA 98433

Cdr, 22d MP Bn, Ft Lewis, WA

CHIEF OF STAFF, FT CARSON

CHIEF, CRIMINAL LAW, FT CARSON, CO

PMO, FORT CARSON, CO

Dir, Armed Forces Institute of Pathology, Bldg 102, 1413 Research Blvd, Rockville,

MD

FILE

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DATE: 14 OCT 2005
FROM: SAC, 48TH MP DET (CID)
TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR USACIDC 22D MP BN FT LEWIS WA//CIMPL-ZA//
CDR USACIDC 6TH MP GRP FT LEWIS WA
CHIEF OF STAFF, FT CARSON
CHIEF, CRIMINAL LAW, FT CARSON, CO
DCO, 7TH ID, FT CARSON, CO
GARRISON COMMANDER, FT CARSON
PMO, FORT CARSON, CO
AFIP LNO SA (b)(6),(b)(7)(C)
SAC, 48TH MP DET (CID)
SUBJECT: CID REPORT OF INVESTIGATION - 1ST SUPPLEMENTAL /SSI -
0498-2004-CID056-76349 - 5H9B / 5M3A / 9G1

DRAFTER: (b)(6),(b)(7)(C)

RELEASER:

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004, 0100 - 03 JAN 2004, 0130; GRID COORDINATES MC2143061320,
NEAR BALAD, IRAQ

2. 10 JAN 2005, 1149 - 10 JAN 2005, 1149; BLDG 1816, 6525 SPECKER AVE, FORT
CARSON, CO 80913-0913

2. DATE/TIME REPORTED: 22 NOV 2004, 0800

3. INVESTIGATED BY:

SA (b)(2),(b)(6),(b)(7)(C)

4. SUBJECT:

1. UNKNOWN, ; [UNDETERMINED MANNER OF DEATH (INSUFFICIENT
EVIDENCE)] (NFI)

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

FORMER PVT. (b)(6),(b)(7)(C)

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

MALE; WHITE; (b)(6),(b)(7)(C)

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

[PERJURY]

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5. VICTIM:

1. HASSAN, ZAIDAN KALAF (DECEASED) ; CIV; IRAQ; IRAQ; MALE;
UNKNOWN; NEAR BALAD, IZ; ZZ ; [UNDETERMINED MANNER OF DEATH
(INSUFFICIENT EVIDENCE)] (NFI)

2. U.S. GOVERNMENT; BLDG 1816, 6525 SPECKER AVE, FORT CARSON, CO
80913; [PERJURY]

6. INVESTIGATIVE SUMMARY:

THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR
PRELIMINARY INVESTIGATION AND MAY BE CHANGED PRIOR TO THE
COMPLETION OF THE INVESTIGATION.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS GENERATED TO REOPEN THIS INVESTIGATION
IN ORDER TO CONDUCT FURTHER INVESTIGATIVE ACTIVITY.

ON 6 OCT 05, THIS OFFICE RECIEVED A MEMORANDUM FROM USACIDC
COMMAND REQUIRING THIS INVESTIGATION BE REOPENED AND FURTHER
ACTIVTY BE CONDUCTED.

INVESTIGATION BY USACIDC CONTINUES.

FINAL REPORT:

ON 22 NOV 04, THIS OFFICE WAS NOTIFIED BY THE 4TH INFANTRY DIVISION,
OFFICE OF STAFF JUDGE ADVOCATE, THAT A 15-6 INVESTIGATION CONDUCTED
ON THE SHOOTING OF MR. HASSAN BY U.S. FORCES AT HIS RESIDENCE SOUTH
OF BALAD, IRAQ DID NOT ADEQUATELY DETERMINE THE CIRCUMSTANCES
UNDER WHICH HIS KILLING WAS JUSTIFIED.

SSG (b)(6),(b)(7)(C) A COMPANY (CO) 1/8 INFANTRY (INF)
BATTALION (BN), FORT CARSON, CO (FCC), SHOT AND KILLED MR. HASSAN
AFTER HE ALLEGES MR. HASSAN REACHED FOR A WEAPON IN AN ATTEMPT TO
ENGAGE AND KILL U.S. FORCES. INTERVIEWS OF A CO 1/8 INF BN PERSONNEL
INCLUDING SFC (b)(6),(b)(7)(C) WHO WAS IN THE ROOM AT THE
TIME OF THE SHOOTING, FAILED TO CORROBORATE THE STATEMENTS
ORIGINALLY MADE BY SSG (b)(6),(b)(7)(C) AFTER THE SHOOTING.

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ON 20 APR 05, SSG (b)(6),(b)(7) WAS ADVISED OF HIS LEGAL RIGHTS WHICH HE INVOKED AND REQUESTED TO SPEAK WITH AN ATTORNEY.

ON 10 JAN 05, MR (b)(6),(b)(7) WAS ADVISED OF HIS LEGAL RIGHTS, WHICH HE WAIVED AND RENDERED A SWORN STATEMENT WHEREIN HE ADMITTED HE LIED ABOUT MR. HASSAN PRODUCING AN AK-47 AND POINTING IT AT SSG

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

INVESTIGATION ESTABLISHED THERE WAS INSUFFICIENT EVIDENCE TO DETERMINE THE CAUSE AND MANNER OF MR. HASSAN'S DEATH. INVESTIGATION WAS LIMITED TO TESTIMONIAL EVIDENCE WHICH COULD NOT UNEQUIVOCALLY IDENTIFY THE MANNER IN WHICH MR. HASSAN WAS KILLED; MOREOVER, THE LACK OF AVAILABLE PHYSICAL EVIDENCE AND SECURITY ISSUES ASSOCIATED WITH INTERVIEWING MR. HASSAN'S FAMILY MEMBERS PREVENTED THE ACCURATE DETERMINATION OF A CAUSE OF DEATH.

FURTHER INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE MR. (b)(6),(b)(7) COMMITTED THE OFFENSE OF PERJURY WHEN HE PROVIDED INFORMATION HE KNEW TO BE FALSE ON A SWORN STATEMENT TO CID.

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

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

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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
48th Military Police Detachment (CID) Rear
6525 Specker Avenue, Fort Carson, Colorado 80913-0913

26 May 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0498-2004-CID056-76349 -
5H9B / 5M3A / 9G1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004, 0100 - 03 JAN 2004, 0130; GRID COORDINATES MC2143061320,
NEAR BALAD, IRAQ
2. 10 JAN 2005, 1149 - 10 JAN 2005, 1149; BLDG 1816, 6525 SPECKER AVE, FORT
CARSON, CO 80913-0913

DATE/TIME REPORTED: 22 NOV 2004, 0800

INVESTIGATED BY:

SA (b)(2),(b)(6),(b)(7)(C)

SUBJECT:

1. UNKNOWN, ; [UNDETERMINED MANNER OF DEATH (INSUFFICIENT
EVIDENCE)] (NFI)

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

FORMER PVT (b)(6),(b)(7)(C)

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

MALE; WHITE; (b)(6),(b)(7)(C)

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

[PERJURY]

VICTIM:

1. HASSAN, ZAIDAN KALAF (DECEASED) ; CIV; IRAQ; IRAQ; MALE;
UNKNOWN; NEAR BALAD, IZ; ZZ ; [UNDETERMINED MANNER OF DEATH
(INSUFFICIENT EVIDENCE)] (NFI)

2. U.S. GOVERNMENT; BLDG 1816, 6525 SPECKER AVE, FORT CARSON, CO
80913; [PERJURY]

INVESTIGATIVE SUMMARY:

On 22 Nov 04, this office was notified by the 4th Infantry Division, Office of Staff Judge

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Advocate, that a 15-6 Investigation conducted on the shooting of Mr. HASSAN by U.S. forces at his residence south of Balad, Iraq did not adequately determine the circumstances under which his killing was justified.

SSG (b)(6),(b)(7)(C) A Company (CO) 1/8 Infantry (INF) Battalion (BN), Fort Carson, CO (FCC), shot and killed Mr. HASSAN after he alleges Mr. HASSAN reached for a weapon in an attempt to engage and kill U.S. forces. Interviews of A CO 1/8 INF BN personnel including SFC (b)(6),(b)(7)(C), who was in the room at the time of the shooting, failed to corroborate the statements originally made by SSG (b)(6),(b)(7)(C) after the shooting.

On 20 Apr 05, SSG (b)(6),(b)(7)(C) was advised of his legal rights which he invoked and requested to speak with an attorney.

On 10 Jan 05, Mr. (b)(6),(b)(7)(C) was advised of his legal rights, which he waived and rendered a sworn statement wherein he admitted he lied about Mr. HASSAN producing an AK-47 and pointing it at SSG (b)(6),(b)(7)(C).

Investigation established there was insufficient evidence to determine the cause and manner of Mr. HASSAN's death. Investigation was limited to testimonial evidence which could not unequivocally identify the manner in which Mr. HASSAN was killed; moreover, the lack of available physical evidence and security issues associated with interviewing Mr. HASSAN's family members prevented the accurate determination of a cause of death.

Further investigation established probable cause to believe Mr. (b)(6),(b)(7)(C) committed the offense of Perjury when he provided information he knew to be false on a sworn statement to CID.

STATUTES:

Title 18, USC, Section 1621: Perjury

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigation Report (AIR) of SA (b)(6),(b)(7)(C) 30 Nov 04, detailing the initial notification, receipt of the Army Regulation (AR) 15-6 investigation and the receipt of name check results.

2. AR 15-6 Commander's Inquiry conducted by LTC (b)(6),(b)(7)(C) 7 Mar 04.

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3. AIR of SA (b)(6),(b)(7) 3 Dec 04, detailing the interview of SSG (b)(6),(b)(7)(C) and the interview of Mr. (b)(6),(b)(7)(C)
4. Sworn Statement of SSC (b)(6),(b)(7)(C) 1 Dec 04, wherein he detailed his knowledge of the death of Mr. HASSAN.
5. AIR of SA (b)(6),(b)(7) 13 Dec 04, detailing the following interviews of SGT (b)(6),(b)(7)(C) SGT (b)(6),(b)(7)(C) Mr. (b)(6),(b)(7)(C) and SSG (b)(6),(b)(7)(C)
6. Sworn Statement of SGT (b)(6),(b)(7)(C) 8 Dec 04, wherein he detailed his knowledge of the death of Mr. HASSAN.
7. Rough sketch by SGT (b)(6),(b)(7)(C) 8 Dec 04, depicting the first floor interior of Mr. HASSAN's residence.
8. Sworn Statement of Mr. (b)(6),(b)(7)(C) 9 Dec 04, wherein he detailed his knowledge of the death of Mr. HASSAN.
9. Rough sketch by Mr. (b)(6),(b)(7)(C) 9 Dec 04, depicting the first floor interior of Mr. HASSAN's residence and the surrounding area.
10. Sworn Statement of SSG (b)(6),(b)(7)(C) 13 Dec 04, wherein he detailed his knowledge of the series of raids during which Mr. HASSAN was killed.
11. AIR of SA (b)(6),(b)(7)(C) 28 Dec 04, detailing the following: interview of SGT (b)(6),(b)(7)(C) interview of 1SG (b)(6),(b)(7)(C) interview of SPC (b)(6),(b)(7)(C) interview of 1LT (b)(6),(b)(7)(C) interview of Mr. (b)(6),(b)(7)(C) and coordination with the Defense Manpower Data Center.
12. Sworn Statement of SGT (b)(6),(b)(7)(C) 15 Dec 04, wherein he detailed his role as a medic in the series of raids during which Mr. HASSAN was killed.
13. Sworn Statement of Mr. (b)(6),(b)(7)(C) 21 Dec 04, wherein he detailed his knowledge of the death of Mr. HASSAN.
14. Listing of personnel assigned to A CO 1/8 INF BN in January 2004.
15. AIR of SA (b)(6),(b)(7)(C) 10 Jan 05, detailing the interview of Mr. (b)(6),(b)(7)(C)
16. Sworn Statement of Mr. (b)(6),(b)(7)(C) 10 Jan 05, wherein he detailed his knowledge of the

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death of Mr. HASSAN.

17. AIR of SA (b)(6), (b)(7)(C) 10 Jan 05, detailing the interview of SGT (b)(6), (b)(7)(C)

18. Sworn Statement of SGT (b)(6), (b)(7)(C) 10 Jan 05, wherein he detailed his knowledge of the death of Mr. HASSAN.

19. AIR of SA (b)(6), (b)(7)(C) 18 Jan 05, detailing the interview of Mr. (b)(6), (b)(7)(C) and coordination with this office.

20. Sworn Statement of Mr. (b)(6), (b)(7)(C) 14 Jan 05, wherein he indicated he had no recollection of the death of Mr. HASSAN.

21. AIR of SA (b)(6), (b)(7)(C) 24 Jan 05, detailing the interview of SFC (b)(6), (b)(7)(C)

22. Rights Waiver Certificate of SFC (b)(6), (b)(7)(C) 24 Jan 05.

23. AIR of SA (b)(6), (b)(7)(C) 14 Feb 05, detailing the following: receipt of type-written statement purportedly made by 1LT (b)(6), (b)(7)(C) interview of 1LT (b)(6), (b)(7)(C) and the Request for Assistance (RFA) declination from the 37th Military Police (MP) Detachment (DET).

24. Type written statement of 1LT (b)(6), (b)(7)(C) 28 Jan 05, detailing his knowledge of the death of Mr. HASSAN, which implicated CPT (b)(6), (b)(7)(C)

25. AIR of SA (b)(6), (b)(7)(C) 7 Mar 05, detailing the following: interview of Mr. (b)(6), (b)(7)(C) interview of Mr. (b)(6), (b)(7)(C) interviews of CPT (b)(6), (b)(7)(C) interview of SFC (b)(6), (b)(7)(C) interview of SFC (b)(6), (b)(7)(C) interviews of 1LT (b)(6), (b)(7)(C) and interview of 1LT (b)(6), (b)(7)(C)

26. Sworn Statement of CPT (b)(6), (b)(7)(C) 2 Mar 05, wherein he detailed his knowledge of CPT (b)(6), (b)(7)(C) policy.

27. Sworn Statement of CPT (b)(6), (b)(7)(C) 2 Mar 05, wherein he clarified his earlier sworn statement.

28. AIR of SA (b)(6), (b)(7)(C) 4 Mar 05, detailing the receipt of the RFA and the interview of 1LT (b)(6), (b)(7)(C)

29. Sworn Statement of 1LT (b)(6), (b)(7)(C) 3 Mar 05, wherein he detailed his knowledge of the Operations Order given by CPT (b)(6), (b)(7)(C)

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30. AIR of SA (b)(6),(b)(7)(C) 7 Mar 05, detailing the receipt of the RFA and the interview of Mr. (b)(6),(b)(7)(C)

31. Sworn Statement of Mr. (b)(6),(b)(7)(C) 7 Mar 05, wherein he indicated he had no knowledge of the series of raids during which Mr. HASSAN was killed.

32. AIR of SA (b)(6),(b)(7)(C) 8 Mar 05, detailing the receipt of the RFA and the interview of SFC (b)(6),(b)(7)(C)

33. Sworn Statement of SFC (b)(6),(b)(7)(C) 8 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. HASSAN was killed.

34. AIR of SA (b)(6),(b)(7)(C) 10 Mar 05, detailing the following: receipt of the RFA; interview of Mr. (b)(6),(b)(7)(C) and coordination with this office.

35. Sworn Statement of Mr. (b)(6),(b)(7)(C) 10 Mar 05, wherein he indicated he had no direct knowledge of the series of raids during which Mr. HASSAN was killed.

36. AIR of SA (b)(6),(b)(7)(C) 18 Mar 05, detailing the following: receipt of the RFA; interview of SFC (b)(6),(b)(7)(C) interviews of SSG (b)(6),(b)(7)(C) and coordination with this office.

37. Sworn Statement of SFC (b)(6),(b)(7)(C) 9 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. HASSAN was killed.

38. Sworn Statement of SSG (b)(6),(b)(7)(C) 10 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. HASSAN was killed.

39. Sworn Statement of SSG (b)(6),(b)(7)(C) 17 May 05, clarifying his earlier statement.

40. AIR of SA (b)(6),(b)(7)(C) 21 Mar 05, detailing the following: interview of Mr. (b)(6),(b)(7)(C) interview of 1LT (b)(6),(b)(7)(C) rights invocation of SFC (b)(6),(b)(7)(C) receipt of Stipulation of Fact; and receipt of Sworn Statement made by 1LT (b)(6),(b)(7)(C)

41. Rights Waiver Certificate and Sworn Statement, 7 Mar 05, of Mr. (b)(6),(b)(7)(C) wherein he he admitted he provided information he knew to be false in an earlier sworn statement to CID.

42. Sworn Statement of 1LT (b)(6),(b)(7)(C) 7 Mar 05, wherein he clarified his earlier statement.

43. Rights Non-waiver certificate of SFC (b)(6),(b)(7)(C) 10 Mar 05.

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44. Stipulation of Fact, 11 Mar 05, detailing 1LT (b)(6),(b)(7)(C) knowledge of the raids during which Mr. HASSAN was killed.

45. Sworn Statement of 1LT (b)(6),(b)(7)(C) 18 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. HASSAN was killed.

46. AIR of SA (b)(6),(b)(7)(C) 12 Apr 05, detailing the following: receipt of the RFA; interview of 1LT (b)(6),(b)(7)(C) and coordination with this office.

47. Sworn Statement of 1LT (b)(6),(b)(7)(C) 12 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. HASSAN was killed.

48. AIR of SA (b)(6),(b)(7)(C) 20 Mar 05, detailing the following: rights invocation of SSG (b)(6),(b)(7)(C) interview of 1LT (b)(6),(b)(7)(C) and coordination with the 4th ID, OSJA.

49. Rights Non-waiver Certificate of SSG (b)(6),(b)(7)(C) 20 Apr 05.

50. Polygraph Examination Report, Mr. (b)(6),(b)(7)(C) 7 Mar 05.

Not Attached:

Retained in the files of the U.S. Army Crime Records Center, Fort Belvoir, VA:

51. Polygraph Examination Authorization, Mr. (b)(6),(b)(7)(C) 1 Mar 05.

52. Polygraph Examination Statement of Consent, Mr. (b)(6),(b)(7)(C) 7 Mar 05.

53. 7 Polygrams, Mr. (b)(6),(b)(7)(C) 7 Mar 05.

The originals of Exhibits 1, 3 through 13, 15 through 23, 25, 40, 41, 43, 48, 49 are attached to the USACRC copy of this report. The originals of Exhibits 2, 24, 44 and 45 are retained in the files of the 4th ID OSJA, Fort Hood, TX. The original of Exhibit 14 is retained in the files of Defense Manpower Data Center, Seaside, CA. The originals of Exhibits 26 through 39, 42, 46 and 47 are maintained in Report of Investigation 489-04-CID056-76341 pending finalization and eventual attachment to the USACRC copy of the final report. The original of Exhibit 50 is retained in the files of USACRC.

STATUS: This is a final (C) report. This investigation is being terminated in accordance with Section V, paragraph 4-17(6), CIDR 195-1, in that the special agent-in-charge has determined that furtherance of this investigation would be of little or no value and that leads remaining to be

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

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developed are not significant. Remaining leads include conducting interviews of Mr. HASSAN's family members present in his residence at the time of his death. Commander's Report of Action Taken (DA Form 4833) is pending regarding Mr. (b)(6),(b)(7)(C)

REPORT PREPARED BY

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

SA
Special Agent

REPORT APPROVED BY

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

Special Agent-in-Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA
Cdr, 22d MP Bn, Ft Lewis, WA
Commander, 6th MP Group (CID), Fort Lewis, WA 98433
Dir, AFIP, Bldg 102, 1413 Research Blvd, Rockville, MD
CHIEF OF STAFF, FT CARSON
CHIEF, CRIMINAL LAW, FORT CARSON, CO
GARRISON COMMANDER, FT CARSON
PMO, FORT CARSON, CO (MPR # 02094-2004-MPLCSE)
SAC, 48TH MP DET (CID)
SJA, Fort Hood, TX (ATTN: MAJ (b)(6),(b)(7)(C))
FILE

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REPLY TO
ATTENTION OF

AFYB-CS

DEPARTMENT OF THE ARMY
HEADQUARTERS TASK FORCE IRONHORSE
TIKRIT, IRAQ

0498-04 CID056 76349

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LAW ENFORCEMENT SENSITIVE

07 March 2004

MEMORANDUM FOR LTC (b)(6), Provost Marshall, Task Force Ironhorse, Tikrit, Iraq

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the facts and circumstances surrounding the death of Zaidan Kalaf Hassan.
2. You will use informal procedures under AR 15-6, Chapter 4. You will make specific findings and recommendations on all relevant issues you identify in the course of your investigation. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. Rights warnings and waivers will be documented on DA Form 3881. All witness statements will be sworn and recorded on DA Form 2823.
3. Prepare the report of proceedings on DA Form 1574 and submit the original to me within 10 days of receipt of this memorandum. You must submit any requests for delay to me in writing. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered.
4. Before proceeding with the investigation, contact CPT (b)(6) at (b)(6) for an initial legal briefing. CPT (b)(6) will serve as your primary legal advisor.
5. If during the course of your investigation you discover systemic training, maintenance, and/or equipment design deficiencies that potentially caused or contributed to the incident under investigation, you will immediately contact your legal advisor for further guidance.

FOR THE COMMANDER:

(b)(6)

Chief of Staff

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DE II CID ROI 20597

LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

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

LOCATION LSA ANACONDA (BALAD), IRAQ (3BCT CP)	DATE 9 MAR 04	TIME 1315	FILE NUMBER (b)(6)
LAST NAME FIRST NAME MIDDLE NAME (b)(6)	SOCIAL SECURITY NUMBER (b)(6)	GRADE/STATUS (b)(6)	
ORGANIZATION OR ADDRESS A CO 1-8 IN, 3 BCT, 4ID(M)			

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

Were you present at a cordon and search conducted by A CO 1-8 IN on 03 JAN 04 between 0030 and 0200?

yes

Give a synopsis of what occurred during the mission (your position, actions you took, actions you witnessed, rounds fired, etc)?

I Sgt (b)(6) WAS outside the first house my team took. I was in charge of guarding any POW, females and kids. I heard a couple of shots fired which was friendly which ended up killing a HVT. Before the shots were fired I heard over the Icom that an Iraqi was pulling out or grabbing something. The voice I heard was of SSG (b)(6). That's when I heard (b)(6) a few seconds later shots being fired.

Were there Iraqi casualties? How many?

yes. 1

Was Zaidan Kalf Hassan one of the targets of the raid?

I donot recall the name

Did you observe or hear any shooting? Where? How many rounds? Who fired?

yes, first target house. A couple and SFC (b)(6) fired the shots.

What was your units SOP for securing detainee's during these missions? (Segregate, restrain, etc)

N/A

EXHIBIT C	INITIALS OF PERSON MAKING STATEMENT (b)(6)	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.

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS
LAW ENFORCEMENT SENSITIVE

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS.

SECTION I - APPOINTMENT

Appointed by (b)(6) TASK FORCE IRONHORSE
(Appointing authority)

on 07 MARCH 2004 (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 FOB IRONHORSE, TIKRIT, IRAQ at 1300 (Time)
on 08 MARCH 2004 (Date)
(If a formal board met for more than one session, check here ☐. 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 1700 (Time) on 09 MARCH 2004 (Date)
and completed findings and recommendations at 2200 (Time) on 09 MARCH 2004 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

		YES	NO ¹⁾	NA ²⁾
A. COMPLETE IN ALL CASES				
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 agreement that the circumstances described in the question did not occur in this investigation or board.

EDITION OF NOV 77 IS OBSOLETE.

Page 1 of 4 pages

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EXHIBIT

2

		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (para 3-16, AR 15-6)			
a.	Are all items offered (whether or not received) or considered as evidence individually numbered and lettered as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered as evidence attached to the report?	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)?			
3.	COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
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)?			
5	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)?			
C.	COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
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)?			

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.

10-0126 ACLU DDII CID ROI 20600

SECTION IV - FINDINGS (para 3-10, AR 15-6)
LAW ENFORCEMENT SENSITIVE

The (investigating officer) (board), having carefully considered the evidence, finds:

That on the morning of 03 January 2004 between the hours of 0030 and 0200, Mr. Zaidan Kalaf Hassan died at his residence as a result of gunshot wounds incurred during combat operations being conducted by U.S. forces in the city of Balad, Iraq.

A Company, 1-8 Infantry under the command of CPT (b)(6) was tasked to execute a Cordon and Search on a small 'Ville' in the city of Balad in order to detain ten individuals identified by the 1-8 Infantry BN S-2 as suspects in recent mortar and IED attacks against U.S. forces operating in the Balad area. A/1-8 IN initiated the Cordon at approx. 030030L MAR2004 with the task of clearing Mr. Zaidan Kalaf Hassan's residence falling to 1st Squad of 1st Platoon lead by SSG (b)(6). SSG (b)(6) Squad was additionally tasked to rapidly clear six dwellings in rapid succession in order to surprise the identified targets who were thought to be in the area. Mr. Hassan's residence was the first of the dwellings to be searched. The first PLT Platoon Sergeant (SFC (b)(6)) was tasked by 2LT (b)(6) to follow behind first squad and take detainee's back to the PLT collection point in order to prevent the other squad members from losing momentum as they searched from house to house.

Upon breaching the outer gate of the residence by ramming it with an M2 Bradley the squad dismounted and immediately began breaching operations with A TM while B TM established a hasty perimeter on the exterior of the residence. By all counts, there was limited visibility that evening due to a local power outage. All members were wearing night vision devices and several became disoriented and missed the initial breach at the front door to the residence. Upon encountering some difficulty in breaching the front door, it is unclear if the door was opened by the residents or not. Upon entering with SSG (b)(6) in the lead, it appears that a near immediate struggle occurred in the darkness with one male individual described to be over six feet in height and weighing over 200 pounds (subsequently identified as Mr. Hassan).

This entire portion of the operation which was merely to detain all personnel and move to the next target house lasted between 7 and 10 minutes. During the struggle in the main entrance room which involved up to three U.S. soldiers, the suspect was reported to have above average strength and was determined to not be restrained (it was noted that all other male occupants were passive and restrained easily). At some point within the first 3-5 minutes SFC (b)(6) entered the dwelling upon hearing the struggle and the screams and calmer from the female occupants and directed the U.S. soldiers to cease. At this point SFC (b)(6) and SSG (b)(6) appear to have made positive I.D. of Mr. Hassan as one of the targets. The decision was made to attempt to calm Mr. Hassan in an adjoining room to calm and restrain him there. Note that Mr. Hassan had not been restrained at this point nor searched.

As reported by SFC (b)(6) Mr. Hassan became calm upon reaching the adjoining rooms threshold at which point he turned to request a set of restraints when SSG (b)(6) shouted to SFC (b)(6) that the individual had something in his hand at which point SFC (b)(6) turned and fired due to what he saw as a small caliber pistol in the individuals hand. No other individual viewed these actions due to limited visibility and the other movement and action in the room. As Mr. Hassan fell SFC (b)(6) reports that Mr Hassan continued to raise the weapon forcing SFC (b)(6) to fire a third round which struck Mr. Hassan in the head.

After interviewing the majority of the individuals present that night, it is apparent that all individuals are quite confused in determining the exact facts surrounding the height in question due to the numerous raids and cordons that they have since executed. Therefore the inconsistency in many of the statements should be overlooked in an effort to get to the proximal cause of Mr. Hassan's death. The direct circumstances of his death are truly only known by SFC (b)(6) and possibly SSG (b)(6) due to the line of sight into the second room and the darkness and confusion that was taking place. All possible forensic evidence has been lost due to the burial of Mr. Hassan and the families attempt to clean the immediate area as well of the passage of two months time.

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

In view of the above findings, the (investigating officer) (board) recommends:

-That no action be taken against SFC (b)(6) for his actions on the morning in question. All apparent actions taken by 1st squad, 1st PLT, A CO 1-8 IN appear to have been conducted within the confines of unit SOPs. Further, SFC (b)(6) actions appear to have been within the parameters of the CJTF-7 ROE.

LAW ENFORCEMENT SENSITIVE

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.)

0498-04 CID056 76349

(b)(6)

LTC (b)(6)

PROVOST MARSHAL

(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.)

(b)(6)

107 MAR 2004

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LAW ENFORCEMENT SENSITIVE

DII CID ROI 20602

LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION LSA ANNAACONDA, IRAQ	2. DATE (YYYYMMDD) 2004 03 04 (b)(6)	3. TIME 1633 (b)(6)	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 Aco 1-8 IN, 3 BCT Ft Carson CO 80913			
9. (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON 3 JAN 04 sometime early in the morning 1st Platoon had the mission of a Cordon and Attack. My Role was to move with 1st Sqd until the 1st house was clear then move their EPW's and establish an EPW collection point (b)(6) The tgt individual Zidan KALEF was struggling w/ members of 1st Sqd so he was moved to another room. I come in to assist by calming the individual down. I thought he had settled down enough to detain, I turned to ask for some prostic cuffs, when SSG (b)(6) shouted something to the effect that the man was grabbing something. I turned saw a pistol in the mans hand and fired a controlled pair, the arm was still coming up and I fired a third shot in his head. The platoon medic come in and said the man was dead. Some of the exact details may be a little different this is the second statement I've made for this event. END OF Statement (b)(6)			

10. EXHIBIT B	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 7 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

10-1-0126 ACLU DDIL CID ROI 20603

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

STATEMENT OF **(b)(6)** TAKEN AT LSA Amman
IRAQ DATED 2004 03 04

9. STATEMENT (Continued)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

10-L-0126 ACLU DDII CID-ROI 20694 PAGES

STATEMENT OF (b)(6) TAKEN AT LJA ANACAPLA IRAQ DATED 2004 03 04

9. STATEMENT (Continued)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

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

(b)(6)

(Signature of Person Making Statement)

WITNESSES:

(b)(6)

(b)(6)

CPT, FA HMC 1-81A

ORGANIZATION OR ADDRESS

(b)(6)

(b)(6)

MSG HMC 3 BCT 4th ID

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of MAR, 04 at Babel, Iraq

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

CPT, USA

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

10-L-0126 ACLU DDII CID RO 20605

PAGES

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency only			
LOCATION LSA ANACONDA (BALAD), IRAQ (3BCT CP)	DATE 9 MAR 04	TIME 1345	FILE NUMBER CID056 76349
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	SOCIAL SECURITY NUMBER (b)(6)	GRADE/STATUS (b)(6)	
ORGANIZATION OR ADDRESS A CO 1-8 IN, 3 BCT, 4ID(M)			
<p>I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>Were you present at a cordon and search conducted by A CO 1-8 IN on 03 JAN 04 between 0030 and 0200? YES</p> <p>Give a synopsis of what occurred during the mission (your position, actions you took, actions you witnessed, rounds fired, etc)?</p> <p>I followed 1st Sqd into the house after it was secure. I assisted SSG (b)(6) with identifying the individuals. Once we did I identify the man as the target SSG (b)(6) instructed them to detain the target and one other male. The target Zaidan Kalf Hassan was resisting, so we separated him and I attempted to detain him. Once I thought he had settled down I turned to ask for prostic-wrfs when SSG (b)(6) said, "look out" or something of that nature. I turned the man had a weapon (a pistol) in his hand. I fired a controlled pair and the man still continued to raise the weapon then I fired a third shot into the mans head and killed him, I secured the weapon and checked for a pulse. He was dead.</p> <p>Were there Iraqi casualties? How many? YES, 1</p> <p>Was Zaidan Kalf Hassan one of the targets of the raid? YES, he was target #1</p> <p>Did you observe or hear any shooting? Where? How many rounds? Who fired? YES, house 1, 3 rounds, I FIRED them.</p> <p>What was your units SOP for securing detainee's during these missions? (Segregate, restrain, etc)</p> <p>Consolidate all males in one area and female outside. I identify target individuals, restrain them, and mark them with information. Then move them to EPW Collection point.</p>			
EXHIBIT A	INITIALS OF PERSON MAKING STATEMENT (b)(6)		PAGE 1 OF 2 PAGES
<p style="font-size: x-small;">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.</p>			

STATEMENT (Continued)

Who was on the entry team? (names/rank) I do not recall

Who was on the outer cordon? (names/rank) I do not recall

Did you go up to the second floor? What did you see? Was anyone ahead of you? How many personnel? Who?
NO

Where you in the room where any shooting occurred? Who shot? What actions were taken by Zaidan Kalf Hassan that prompted you to shoot? Where did you shoot him? How many times?

YES, I shot, he had a pistol, 2 in chest center mass area, 1 in head, 3 rounds total

Was Zaidan Kalf Hassan ever taken downstairs prior to being shot? Was he flex-cuffed?

HE WAS ~~NOT~~ ^{(b)(6)} already downstairs, he was resisting and could not be flex cuffed

Why was the body taken away? Where was it taken to?

UNIT SOP, TURNED OVER TO IP's

Approx how many raids/cordons have you participated in since you have been in Iraq?
MORE than 100.

How many of these raids resulted in the death/injury of Iraqi's due to U.S. weapons fire?

I think 3

Is there anything that you want to add to clarify your statement or feel needs to be added?

NO. END OF statement

AFFIDAVIT

I, ^{(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)

WITNESSES:

^{(b)(6)}

Sgt US Army
Paralegal Specialist
ORGANIZATION OR ADDRESS

HHC 3rd BCT
4th ID USA Anacosta
Salad, Diana
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of March, 19 04 at BALDO IRA (LSA ANACOSTA)

^{(b)(6)}

(Signature of Person Administering Oath)

^{(b)(6)}

(Typed Name of Person Administering Oath)

LTC, PROVOST MARSHAL (4ID)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

^{(b)(6)}

PAGE 2 OF 2 PAGES
10-I-0126 ACLU DDII CID RDI 20607

USAPPC V2.00

SWORN STATEMENT <small>For Use of this form, see AR 190-45; the proponent agency is ODCSOPS</small>			
LOCATION LSA ANACONDA (BALAD), IRAQ (3BCT CP)	DATE 9 MAR 04	TIME 1245 CBT	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME (b)(6)	SOCIAL SECURITY NUMBER (b)(6)	GRADE/STATUS (b)(6)	
ORGANIZATION OR ADDRESS A CO 1-8 IN, 3 BCT, 4ID(M)			
<p>I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>Were you present at a cordon and search conducted by A CO 1-8 IN on 03 JAN 04 between 0030 and 0200? <i>Yes</i></p> <p>Give a synopsis of what occurred during the mission (your position, actions you took, actions you witnessed, rounds fired, etc)?</p> <p><i>We entered the house and immediately encountered several civilians (approx. 3 women, 1 child and 3 men). We separated the women and children by moving them outside. We cuffed two of the men and were attempting to cuff the third but he was putting up quite a struggle. Three soldiers were trying to hold him down and get the cuffs on him. The situation was getting out of control so I told a couple of the soldiers to continue clearing and to separate the individual from the others in hopes that he calmed down. As he was moved to another room I saw him grab something; I suspected that he had something in his hand and SFC (b)(6) shot him.</i></p> <p>Were there Iraqi casualties? How many? <i>Yes, 1</i></p> <p>Was Zaidan Kalf Hassan one of the targets of the raid? <i>Yes</i></p> <p>Did you observe or hear any shooting? Where? How many rounds? Who fired? <i>Yes, inhouse, 3, SFC (b)(6)</i></p> <p>What was your units SOP for securing detainee's during these missions? (Segregate, restrain, etc)</p> <p><i>Clear, Secure, Search.</i></p>			
EXHIBIT <div style="text-align: center; font-size: 2em;">D</div>	INITIALS OF PERSON MAKING STATEMENT (b)(6)		PAGE 1 OF <u>2</u> 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

SUPERSEDED BY DA FORM 2823-1 JAN 06, WHICH WILL BE USED
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STATEMENT (Continued)

Who was on the entry team? (names/rank)

Sgt (b)(6), PFC (b)(6), SPC (b)(6), SPC (b)(6)
Sgt (b)(6), SPC (b)(6), SPC (b)(6), SPC (b)(6)

Who was on the outer cordon? (names/rank) Sgt (b)(6), Sgt (b)(6), SFC (b)(6)

Did you go up to the second floor? What did you see? Was anyone ahead of you? How many personnel? Who?
NO, N/A N/A N/A N/A

Where you in the room where any shooting occurred? Who shot? What actions were taken by Zaidan Kalf Hassan that prompted you to shoot? How many times? Where was he shot?

NO, I did not shoot but I observed something in his hand and shouted the SFC (b)(6) shot. 3 times, Dont know.

Was Zaidan Kalf Hassan ever taken downstairs prior to being shot? Was he flex-cuffed?

NO NO

Why was the body taken away? Where was it taken to?
SOP FOB

Approx how many raids/cordons have you participated in since you have been in Iraq? A lot!

How many of these raids resulted in the death/injury of Iraqi's due to U.S. weapons fire? Approx. 3

Is there anything that you want to add to clarify your statement or feel needs to be added? Not at this time.

(b)(6) End of Statement (b)(6)

AFFIDAVIT

I, (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)

WITNESSES:

(b)(6)

SPC U.S. Army

Paralegal Specialist

ORGANIZATION OR ADDRESS

HHC, 3rd BCT

4th ID, LSA Anaconda

BALAO, Temo

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this (b)(6) day of March, 19 04 at BALAO, IRAC CUSA ANACONDA

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

LTC, PROVOST MARSHAL (4ID)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

-0126 ACLU DDH CID ROI 20609

PAGE 3 OF 7 PAGES

USAPPC V2.00

LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Balad Iraq	2. DATE (YYYYMMDD) CDF 2004 03 04	3. TIME CDF 0035	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 Aco 1-8 INF. 3 RD BCT Fort Carson CO. 80913			

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

(b)(6) It is now the middle of the night and I was woken up to write another statement on something that happened about two months ago.

On 04 Jan 04 in the early morning hours my unit conducted a mission to capture a suspected planner of attacks against Coalition Forces (Zadan Kalef). My squad entered the house to clear, search and detain all personnel there. We immediately separated the women and children and were beginning to search the males. One man (Zadan Kalef) was putting up a struggle so I told my guys to move him to another room thinking he might calm down a little. The Platoon Sgt (SFC (b)(6)) came in to assist. As Zadan Kalef was moved into the other room I saw him grab something, I shouted that he had something in his hand (which turned out to be a gun) and SFC (b)(6) shot him.

End of Statement (b)(6)

(b)(6)

(b)(6)

10. EXHIBIT E	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 2 PAGES
------------------	---	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

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

10-0126 ACU DDIL CID ROI 20610

STATEMENT OF

(b)(6)

TAKEN AT

Balad Iraq

DATED

04 Mar 04

9. STATEMENT (Continued)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

(b)(6)

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(6). 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)

(b)(6)

WITNESSES:

(b)(6)

SGT

(b)(6) ACO 48 INF (M) BALAD, IRAQ

(b)(6)

ORGANIZATION OR ADDRESS

(b)(6)

PFC

ACO 48 INF (M) Balad, Iraq

(b)(6)

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of MAR 04

at Balad, Iraq

(b)(6)

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

CPT, USA

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

10-L-0126 ACLU DDII CID RDI 20614

PAGES

LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

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

LOCATION LSA ANACONDA (BALAD), IRAQ (3BCT CP)	DATE 9 MAR 04	TIME 1100 PLE	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME (b)(6)	SOCIAL SECURITY NUMBER (b)(6)	GRADE/STATUS (b)(6)	
ORGANIZATION OR ADDRESS A CO 1-8 IN, 3 BCT, 4ID(M)			

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

Were you present at a cordon and search conducted by A CO 1-8 IN on 03 JAN 04 between 0030 and 0200? *yes*

Give a synopsis of what occurred during the mission (your position, actions you took, actions you witnessed, rounds fired, etc)?

I kicked in the front door and was prepared to throw a flash bang when my squad leader entered before me so I stood outside trying to put my pins back in the flash bang by the time I entered the house I was informed it was clear. Females were outside being watched by our medic I entered to help search the rooms for weapons when I heard yelling then two shots go off. My team passed off one detainee to SFC (b)(6) to take to our C.P.W. sight while the rest of the squad was told to move to the next target house so we moved out to Cordon and attack the rest of the village.

Were there Iraqi casualties? How many? *yes, one*

Was Zaidan Kalf Hassan one of the targets of the raid? *I don't remember*

Did you observe or hear any shooting? Where? How many rounds? Who fired?

I heard two shots MAIN ROOM. Don't know.

What was your units SOP for securing detainee's during these missions? (Segregate, restrain, etc)

zip ties or 5-50 cabbys The 5 S's behind the back.

EXHIBIT <i>F</i>	INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF <i>2</i> PAGES
<p>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.</p>		

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, JAN 66, WHICH WILL BE USED

10-E-0126 ACU DDH CID ROI 20612

USAPPC V2.00

STATEMENT (Continued)

Who was on the entry team? (names/rank)

(b)(6) GT
SPC
SPC
PVT

SSG. (b)(6)

Who was on the outer cordon? (names/rank)

(b)(6) SGT
SPC
SGT - Just got promoted
SPC

Did you go up to the second floor? What did you see? Was anyone ahead of you? How many personnel? Who?

No, did not go to second floor.

Where you in the room where any shooting occurred? Who shot?

No, Don't Know

Approx how many raids/cordons have you participated in since you have been in Iraq?

OVER 100

How many of these raids resulted in the death/injury of Iraqi's due to U.S. weapons fire?

Approx. 3

Is there anything that you want to add to clarify your statement or feel needs to be added?

my soldier PVT (b)(6) told me after math the individual had reached and grabbed his weapon.

WE usually or quiet when entering and clearing building all room or head and arm signals but heard he was reaching for something then two shots.

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) (b)(6)

(Signature of Person Making Statement)

WITNESSES:

(b)(6)

SPC U.S. Army -
Paralegal Specialist

ORGANIZATION OR ADDRESS

KHC, 3rd OCT

4th ID, LSA ANACONDA

Barad, Jena
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, on the 9th day of March, 19 04

at BALFOUR, IRAQ (LSA ANACONDA)

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

LTC, PROVOST MARSHAL (4ID)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT:

(b)(6)

10-L-0126 ACLU DDII CID R01 20613

PAGES

USAPPC V2.00

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION LSA ANACONDA (BALAD), IRAQ (3BCT CP)	DATE 9 MAR 04	TIME 1135	FILE NUMBER (b)(6)
LAST NAME FIRST NAME MIDDLE NAME (b)(6)	SOCIAL SECURITY NUMBER (b)(6)	GRADE/STATUS (b)(6)	
ORGANIZATION OR ADDRESS A CO 1-8 IN, 3 BCT, 4ID(M)			
(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
Were you present at a cordon and search conducted by A CO 1-8 IN on 03 JAN 04 between 0030 and 0200? <i>yes</i>			
Give a synopsis of what occurred during the mission (your position, actions you took, actions you witnessed, rounds fired, etc)?			
<i>As I entered the home we started to clear for personnel and segregate the men & women. I as a sangunner was putting security on a stairwell leading to the roof. It was clear so I was then maintaining security on women & children in front of house. I heard two shots fired in one of back rooms then a call out one KIA. I don't recall who was in back I had started to help restrain eaw's.</i>			
Were there Iraqi casualties? How many? <i>1</i>			
Was Zaidan Kalf Hassan one of the targets of the raid? <i>yes</i>			
Did you observe or hear any shooting? Where? How many rounds? Who fired? <i>heard two shots in back room, Don't recall</i>			
What was your units SOP for separating detainee's during these missions? (Segregate, restrain, etc) <i>We segregate men from women and place in different locations. When we restrained the men we used flexicuffs behind their backs.</i>			
EXHIBIT <i>G</i>	INITIALS OF PERSON MAKING STATEMENT (b)(6)		PAGE 1 OF <i>2</i> 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, JAN 68, WHICH WILL BE USED

101-0126-ACLU-RDI CID-ROI 20614

USAPPC V2.00

STATEMENT (Continued)

Who was on the entry team? (names/rank)

A TEAM

Sgt

Spc

Pvt

Spc

(b)(6)

Who was on the outer cordon? (names/rank)

B TEAM

Sgt

Spc

Spc

Spc

(b)(6)

Spc

(b)(6)

(b)(6)

(b)(6)

Did you go up to the second floor? What did you see? Was anyone ahead of you? How many personnel? Who?

No

Where you in the room where any shooting occurred? Who shot?

No

Approx how many raids/cordons have you participated in since you have been in Iraq? over 100

How many of these raids resulted in the death/injury of Iraqi's due to U.S. weapons fire?

Approximately 3-5

Is there anything that you want to add to clarify your statement or feel needs to be added?

No

END OF STATEMENT

AFFIDAVIT

I, (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)

(b)(6)

(Signature of Person Making Statement)

WITNESSES:

(b)(6)

Spc, U.S. Army
Paralegal Specialist
ORGANIZATION OR ADDRESS

HHC, 3rd BCT
4th FO, BSA ANACONDA
Balad, Iraq
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer (b)(6) his 9th day of March, 19 04 at BALAD IRAQ (LSA ANACONDA)

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

LTC, PROVOST MARSHAL (4ID)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

10-L-0126 ACLU DDII CID RO 20615 PAGES 2 OF 2

USAPPC V2.00

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION LSA ANACONDA (BALAD), IRAQ (3BCT CP)	DATE 9 MAR 04	TIME 1210 SP	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	SOCIAL SECURITY NUMBER (b)(6)		GRADE/STATUS (b)(6)
ORGANIZATION OR ADDRESS A CO 1-8 IN, 3 BCT, 4ID(M)			
<p>I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>Were you present at a cordon and search conducted by A CO 1-8 IN on 03 JAN 04 between 0030 and 0200? yes</p> <p>Give a synopsis of what occurred during the mission (your position, actions you took, actions you witnessed, rounds fired, etc)?</p> <p>my team went into the house. we started to detain All males After we cleared the house. An old man in the house was our prime target. He put up A fight AS I tried to detain him. my Plt. Sgt. had come into the house by that time to identify the main target. we decided to separate the old man from the other males because he was the main target. As I was detaining the old man's nephew, SSG (b)(6) yelled to SFC (b)(6) that the old man was reaching for something. Then I heard 3 shots And was told to take the nephew I had detained outside.</p> <p>Were there Iraqi casualties? How many? yes / 1</p> <p>Was Zaidan Kalf Hassan one of the targets of the raid? I cannot recall.</p> <p>Did you observe or hear any shooting? Where? How many rounds? Who fired?</p> <p>yes, in bedroom, 3 rds, Plt. Sgt.</p> <p>What was your units SOP for securing detainee's during these missions? (Segreagte, restrain, etc)</p> <p>Our SOP was to restrain detainees, but if we felt threatened or the enemy had A weapon we were to shoot to kill.</p>			
EXHIBIT 14	INITIALS OF PERSON MAKING STATEMENT (b)(6)		PAGE 1 OF 2 PAGES
<small>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.</small>			

DA FORM 2823, JUL 72

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

USAPPC V2.00

STATEMENT (Continued)

Who was on the entry team? (names/rank)

(b)(6) Pvt.
(b)(6) SPC.
(b)(6) Sgt.

Who was on the outer cordon? (names/rank)

Sgt. (b)(6)
SPC.
SPC.
SPC.

Did you go up to the second floor? What did you see? Was anyone ahead of you? How many personnel? Who?

no

Where you in the room where any shooting occurred? Who shot?

no SFC (b)(6) shot

Approx how many raids/cordons have you participated in since you have been in Iraq?

more than 100

How many of these raids resulted in the death/injury of Iraqi's due to U.S. weapons fire?

1

Is there anything that you want to add to clarify your statement or feel needs to be added?

no

End of statement

AFFIDAVIT

I, (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)

(b)(6)

(Signature of Person Making Statement)

WITNESSES:

(b)(6)

SPC U.S. Army
Paralegal Specialist
ORGANIZATION OR ADDRESS

HHC, 3rd BCT
4th ID, BSA Anacosta
Bagram, Iraq
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oath (b)(6) h day of March, 19 04 at BALAD, IRAQ (b)(6) CLSA ANACONDA

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

LTC, PROVOST MARSHAL (4ID)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

10-L-0126 ACLU DDII CID ROI 20617

USAPPC V2.00

LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

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

LOCATION 4ID (D-MAIN) TIKRIT, IRAQ	DATE 8 MAR 04	TIME 1410	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	SOCIAL SECURITY NUMBER (b)(6)	GRADE/STATUS (b)(6)	
ORGANIZATION OR ADDRESS Aco 1-8 IN 3 rd BCT 4ID			

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

Were you present at a cordon and search conducted by a, 1-8 IN on 03 Jan 04 between 0030 and 0200?

Give a synopsis of what occurred during that mission.

We (1st Sgt + 2nd Sgt) infiltrated on Humvee's. Dismounted + went to our target houses. My team set up inner cordon as Alpha breached. Non-combatants (females) were brought outside. One shot was fired in the house. Alpha team infiltrated + we moved as a squad to a 2nd house, leaving our medic to over watch females. After clearing 2nd house my team (Bravo) brought Epw's around to the collection point. A detainee escaped. Brown + I relieved the medic at the house. The detainee was retaken. We loaded the dead body onto a truck + infiltrated as a platoon.

Were there civilian casualties?

yes

Was Zaidan Kalaf Hassan one of the targets of the mission?

Not sure

Did you hear or see any shooting?

yes - heard.

What was your Platoon and Company procedure for securing detainee's during a cordon and search (raid)?

1st segregate Males + females. Search all males over 16 yrs. old. If taking them into custody we would bind their hands behind their backs w/ zip strips or persic cuffs.

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

STATEMENT (Continued)

WHO WAS ON THE ENTRY TM?

Sgt. (b)(6) SPC (b)(6) SPC (b)(6) SSG (b)(6) SFC (b)(6)
PVT (b)(6)

WHO WAS ON THE OUTER CORDON?

SGT. (b)(6), SPC (b)(6), SPC (b)(6)

HOW MANY CORDON'S/RAID'S WERE YOU INVOLVED IN SINCE YOU HAVE BEEN IN IRAQ?

at least 100

HOW MANY RAID'S/MISSIONS WERE YOU ON THAT RESULTED IN THE DEATH/INJURY ON AN IRAQI BY U.S. WEAPONS FIRE?

at least 10

IS THERE ANYTHING YOU WISH TO ADD TO CLARIFY YOUR STATEMENT OR FEEL NEEDS TO BE ADDED?

The numbers above are estimations I can not recall exact figures to the questions

END OF STATEMENT

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE (b)(6). 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)(6)

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

10-L-0126 ACLU DDII CID ROL 20619

PAGES

USAPPC V2.00

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
 For use of this form, see AR 190-30: the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION 410 (D-main) TIKRIT, IRAQ		2. DATE 8 MAR 04	3. TIME 1410	4. FILE NO.
5. NAME (Last, First, MI) (b)(6)		8. ORGANIZATION OR ADDRESS A CO 118 IN, 3 BCT		
6. SSN (b)(6)	7. GRADE/STATUS (b)(6)			

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States 410 PROVOST MARSHAL LTC (b)(6) and wanted to question me about the following offense(s) of which I am

suspected/accuse **WITNESS TO ALLEGATION OF ROE VIOLATION (3 JAN 04) PURSUANT TO IS-6 INVES.**
 Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE (b)(6)	
1a. NAME (Type or Print) (b)(6)	b. ORGANIZATION OR ADDRESS AND PHONE 4th MP Co. Provost Marshal Office	4. SIGNATURE OF INVESTIGATOR (b)(6)	
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR (b)(6)	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 4th mp co, 410(m) Ft Hood, TX	

Section C. Non-Waiver

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 1221) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:

- a. Your official position
- b. Nature of offense(s).
- c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

WHEN THE SUSPECT/ACCUSED REFUSES TO SIGN THE WAIVER

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

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION 4ID (D-MAIN) TIKRIT, IRAQ	DATE 8 MAR 04	TIME 1330	FILE NUMBER 0498-04 CID0567634
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	SOCIAL SECURITY NUMBER (b)(6)		GRADE/STATUS (b)(6)
ORGANIZATION OR ADDRESS Aco 1/8 INF 3RD BCT			
<p>I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER GATH:</p> <p>Were you present at a cordon and search conducted by a, 1-8 IN on 03 Jan 04 between 0030 and 0200? yes</p> <p>Give a synopsis of what occurred during that mission.</p> <p style="margin-left: 40px;">I was on Outer Cordon I heard I believe 2 shots fired from an M-16 I believe the shots were fired upon entry shortly after we went to another house approximately 20 mins. later we returned to the house I was guarding the 2 women and 1 child and I seen a body drag out in a body bag. I seen Sgt (b)(6) drag the body outside the gate</p> <p>Were there civilian casualties? yes 1 suspected enemy</p> <p>Was Zaidean Kalaf Hassan one of the targets of the mission? yes</p> <p>Did you hear or see any shooting? I heard 2 shots</p> <p>What was your Platoon and Company procedure for securing detainee's during a cordon and search (raid)? We separate the men from the women & children in different rooms & cuff the males with zip strips or 550 cord with there arms behind there back</p>			
EXHIBIT J	INITIALS OF PERSON MAKING STATEMENT (b)(6)		PAGE 1 OF 2 PAGES
<p>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.</p>			

DA FORM 2823, JUL 72

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

10-1-0126 ACUDDN CID RDI 20622

USAPPC V2.00

STATEMENT (Continued)

WHO WAS ON THE ENTRY TM?

SFC (b)(6), SSG (b)(6), SPL (b)(6), SFC (b)(6)

Some people from the team were on leave

WHO WAS ON THE OUTER CORDON?

Sgt (b)(6), SPL (b)(6), and myself

How many CORDON'S / RAID'S WERE YOU INVOLVED IN SINCE YOU HAVE BEEN IN IRAQ? approximately 30

How many RAID'S / MISSIONS WERE YOU ON THAT RESULTED IN THE DEATH / INJURY OF AN IRAQI BY U.S. WEAPONS FIRE? 1

IS THERE ANYTHING YOU WISH TO ADD TO CLARIFY YOUR STATEMENT OR FEEL NEEDS TO BE ADDED? What I was told by here say is that the Iraqi that died was reaching for a weapon upon the teams entry and SFC (b)(6) shot him.

End of statement

AFFIDAVIT

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

(b)(6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8TH day of MARCH, 2004 at TIKRIT, IRAQ

(b)(6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b)(6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

LTC, PROVOST MARSHAL, 410
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

10-L-0126 ACLU DDII CID RQ 20623 PAGES

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form. see AR 190-30: the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

10498-04 CID05676349

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

1. LOCATION 410 (O-main) TIKRIT, IRAQ	2. DATE 8 MAR 04	3. TIME 1325	4. FILE NO.
5. NAME (Last, First, MI) (b)(6)	8. ORGANIZATION OR ADDRESS Aco 1/8 INF 3RD BCT		
6. SSN (b)(6)	7. GRADE/STATUS (b)(6)		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States 410 PROVOST MARSHAL, LTC (b)(6) and wanted to question me about the following offense(s) of which I am suspected/accuse WITNESS TO ALLEGATION OF ROE VIOLATION (3 JAN 04) PURSUANT TO IS-6 INVES.

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

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE (b)(6)
a. NAME (Type or Print) (b)(6)	b. ORGANIZATION OR ADDRESS AND PHONE 4th MP Co, Provost Marshal Office	4. SIGNATURE OF INVESTIGATOR (b)(6)
2a. NAME (Type or Print) (b)(6)	b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR (b)(6)
		6. ORGANIZATION OF INVESTIGATOR 4th mp co, 410(m) FT HOOD, TX

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer.

☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (A statement is a statement made by the subject/accused).

10-1-0126 AGU-HDDU-CID-ROI-20624
FOR OFFICIAL USE ONLY

ACLU-RDI 5479 p.42

LAW ENFORCEMENT SENSITIVE

EXHIBIT

LAW ENFORCEMENT SENSITIVE

THE WARNING

P0498-04 CID056 76349

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

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

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

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

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COMMENTS (Continued)

10-1-0126 AGUDDII CID ROI 20625

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

AUTHORITY:

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

Title 10 USC Section 2635

To provide information

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval

Disclosure of your social security number is voluntary.

0498-04 CID056763491

1. LOCATION Samarra, Iraq	2. DATE (YYYYMMDD) 2004/01/04	3. TIME 1415	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 A/1-8 IN			

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

On 03 Jan 04 at approx 0130 1st platoon A Co 1-8 IN conducted a raid on the home of Zadan Kabaf at vic grid MC 21430 61320. As 1st Squad cleared the house and the second story the target individual was holding a 32 mm pistol. SFC (b)(6) using a controlled pair shot group engaged the target. 1st Platoon medic, Sgt (b)(6), after attempting medical treatment, declared the individual KIA. The body was then loaded onto Bradley # A13 and taken to Attack FOB. Nothing Follows—

(b)(6)

(b)(6)

(b)(6)

(b)(6)

10. EXHIBIT K	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	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

USAPA V1

10-L-0126 ACLU DDII CID ROI 20626

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

ACLU-RDI 5479 p.44

EXHIBIT 2

STATEMENT OF (b)(6) TAKEN AT Samarra Iraq DATED 04 Jan '04

9. STATEMENT (Continued)

Nothing Follows

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

I, (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)

(b)(6) (Signature of Person Making Statement)

WITNESSES:

(b)(6)

(b)(6)

2/A/1-B

ORGANIZATION OR ADDRESS

MICHELE TTI - ALEXANDER 2ST

2/A/1-B

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of Jan, 04 at Samarra Iraq

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

U.S.M.

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

10-L-0126 ACLU DDII CID RDI 20627

PAGE 2 OF 7

PAGES

USAPA V1.00

1. LOCATION: Balai, Iraq
2. DATE (YYYYMMDD): 2004/01/04
3. TIME: 1250
4. FILE NUMBER: 7
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: (b)(6)
8. ORGANIZATION OR ADDRESS: A/1-B IN BN

9. (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 3 Jan 04 around 0130, 1st Platoon/A/1-B IN conducted a raid on Zidan Kafaf's house vic MC 21430 61320. As 1st Squad entered the house and began clearing the second floor, they found the target individual holding a 32mm pistol. SFC (b)(6) engaged the individual with a controlled pair. Upon initial medical treatment, 1st PLT medic, SGT (b)(6) declared Zidan Khafaf KIA. The body was loaded on BFV A/1-B and taken to Attaba FOB. Noting Follows.

(b)(6)
(b)(6)
(b)(6)
(b)(6)

10. EXHIBIT: L
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6)
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.

STATEMENT OF (b)(6) TAKEN AT Samarra DATED 4 JAN 04

9. STATEMENT (Continued)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

I, (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)
(b)(6) (Signature of Person Making Statement)

WITNESSES:

(b)(6)
A Co 1-8 IN
FT CARSON, CO 80913
ORGANIZATION OR ADDRESS

(b)(6) Sgt. (b)(6)
A Co 1-8 IN
FT. CARSON, CO 80913
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of JAN, 2004 at Samarra, Iraq

(b)(6)
(Signature of Person Administering Oath)

(b)(6)
(Typed Name of Person Administering Oath)
1LT USA
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

10

(b)(6)

126 ACLU DDII CID R01 20629

PAGES

USAPA V1.00

LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DD FORM 10498-04 CID056 76349

PRIVACY ACT STATEMENT

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

1. LOCATION BAHD, IRAQ	2. DATE (YYYYMMDD) 20040304	3. TIME 2351	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 A/1-BIN Bahd, IRAQ			

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

ON THE NIGHT OF 03 JAN 04 MY COMPANY CONDUCTED CORDON AND SEARCH ON 3 SEPARATE OBJECTIVE AREAS IN ORDER TO DETAIN THE CELL RESPONSIBLE FOR MULTIPLE IED ATTACKS IN BAHD OVER THE PREVIOUS WEEK. THE LEADER OF THE CELL WAS A FORMER SSG OFFICER AND RANKING BATH PARTY MEMBER NAMED ZEDAN KHAUF. ZEDAN RECENTLY RETURNED TO THE AREA PRIOR TO THE IED ATTACKS. MULTIPLE INFORMANTS, TO INCLUDE THE BAHD POLICE CHIEF INDICATED THAT ZEDAN'S CELL WAS RESPONSIBLE FOR 4 IEDS TO INCLUDE THE BOMB THAT KILLED THE BAHD PATROL CHIEF AND 6 OTHER IRAQI POLICE OFFICERS.

WHILE CONDUCTING SEARCH OPERATIONS IN ZEDAN'S RESIDENCE THE SENIOR SQUAD LEADER IDENTIFIED THE TARGET, ZEDAN KHAUF, REACHING FOR A WEAPON. THE SQUAD LEADER YELLED TO THE NEAREST SOLDIER, SFC (b)(6) TO ALERT HIM OF THE THREAT. SFC PERKINS SHOT ZEDAN, MORTALLY WOUNDING HIM.

AT THE TIME OF THE SHOOTING, I WAS OUTSIDE THE HOUSE TALKING TO THE FEMALE RESIDENTS WITH MY INTERPRETER. I HEARD THE SHOTS AND ASKED

10. EXHIBIT M	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT DATED

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

10-L-0126 ACLU DDII CID ROI 20630

STATEMENT OF

(b)(6)

TAKEN AT

BALD, IRAQ

DATED

9 MARCH 2004

9. STATEMENT (Continued)

THE PLATOON LEADER OVER THE RADIO TO GIVE AN UPDATE ONCE HE DEVELOPED THE SITUATION. SOON AFTER THAT, SFC (b)(6) AND SSG (b)(6) BRIEFED ME ON THE ACTION.

I HAD THE PLATOON LEADER AND MY INTEL OFFICER WRITE BASIC STATEMENTS ON THE INCIDENT WITH STATEMENTS FROM THE OTHER 16 DETAINEEES. BASED ON MY PROXIMITY TO THE ACTION AND THE BATTALION COMMANDER OUTSIDE THE COURTYARD, I DID NOT HAVE THE INDIVIDUALS WRITE FULL STATEMENTS. I WITNESSED THE INCIDENT ON SCENE AND WAS CONFIDENT ALL ACTIONS WERE WELL WITHIN REG.

ABOUT A WEEK LATER, CAPT (b)(6) APPROACHED ME FOR CLARIFICATION ON THE INCIDENT BASED ON A CLAIM FROM ONE OF THE WOMEN I WAS TALKING TO. I HAD SFC (b)(6) AND SSG (b)(6) WRITE FULL STATEMENTS AND HANDSO THEM TO CAPT (b)(6) THAT EVENING. APPARENTLY THE STATEMENTS WERE NOT INCLUDED IN THE CLAIMS SUBMISSION.

ON 4 APRIL, (b)(6) ASKED ME TO HAVE BOTH INDIVIDUALS RE-WRITE THE STATEMENTS IN ORDER TO CLARIFY THE INCIDENT. (b)(6)

(b)(6)

NOTHING FOLLOWS (b)(6)

AFFIDAVIT

I, (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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 2004.

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

10-I-0126 ACLU DDII CID RDI 20631 PAGES

0498-04 CID056 76349

DEPARTMENT OF THE ARMY
Headquarters and Headquarters Company,
1st Battalion, 8th Infantry Regiment, 4th Infantry Division (Mechanized)
Balad, Iraq

WAKBTO

22 JAN 04

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6)

1. Claimant's name and address: (b)(6) Balad, Iraq.
2. Date and Place the incident occurred giving rise to the claim: Incident occurred on 04 JAN 2004 in Balad Iraq.
3. Amount of Claim and the date it was filed: Claimant Filed the claim requesting a public apology clearing the deceased of all wrong doing, the arrest of the soldiers who shot the deceased, and monetary compensation for the loss, on 15 JAN 04.
4. Chapter(s) the claim was considered under, and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for damages to claimant's property, wrongful death, and slandering the name of the deceased.
5. Facts:
 - a. A 1-8 IN had valid information identifying the deceased as an IED planter and terrorist cell planner. The Balad City Police chief witnessed the deceased running from the scene of a previous IED attack.
 - b. According to witness statements: A 1-8 IN conducted a cordon and search of the claimant's father's home (the deceased). Upon entering a 2nd story room the suspect was seen holding a pistol and pointing it in the direction of the clearing team. A soldier on the clearing team reacted to the hostile threat, firing 2 controlled shots at the deceased killing him.
 - c. After positively identifying the deceased as the target suspect, A 1-8 IN loaded the deceased into a body bag and transported him to the Balad hospital's morgue section.
 - d. The claimant feels her father was executed and was a poor innocent man. The claimant is a well educated female teacher, which further backs up reports of her father's high standing within the Ba'ath party.

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ACLU-RDI 5479
EXHIBIT 1850

000052
EXHIBIT 2

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e. Another male who was in the home (b)(6) who was detained and released gave the following statement. US Forces came to the home and woke up the family while trying to kick in the door, he opened the door and was quickly placed on the ground and restrained. Zaidon (the deceased) was brought out also restrained and placed on the ground. A US Soldier holding a pistol began asking everyone for their name. When Zaidon was identified US Soldiers lifted him up and took him into a separate room. (b)(6) and all female occupants were taken outside.

f. (b)(6) claims US Forces came out of the house with a body bag, loaded it in a Bradley fighting vehicle and drove away. Upon entering the home (b)(6) found a pool of blood in the room where Zaidon had been taken.

g. Upon interviewing the company commander reference the facts of this case I was informed the information about Zaidon was valid and he was a leader of a terrorist cell working in the local area responsible for attacks against US Forces. After all males were detained in the living room, "like normal for questioning," soldiers began asking the names of the males to identify the target suspect. When the target suspect was identified the males were separated for questioning, at which point Zaidon lunged for a pistol in the room.

6. Opinion:

a. The claim was submitted outside the United States in Balad, Iraq and was the result of legitimate combat operations. The deceased was a valid terrorist cell target and was threatening the lives of US Soldiers when he was engaged and killed. No public apology or monetary compensation is owed.

b. The claim is not meritorious.

7. Recommended action: Deny the claim.

(b)(6)

CPT, FA
1-8 IN, S5

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DEPARTMENT OF THE ARMY
 Headquarters and Headquarters Company,
 1st Battalion, 8th Infantry Regiment, 4th Infantry Division (Mechanized)
 Balad, Iraq

WAKBTO

18 JAN 04

MEMORANDUM OF OPINION

SUBJECT: Claim of

(b)(6)

1. Claimant's name and address: (b)(6) Balad, Iraq.
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 - b. A 1-8 IN conducted a cordon and search of the claimant's father's home (the deceased. Upon entering a 2nd story room the suspect was seen holding a pistol and pointing it in the direction of the clearing team. A soldier on the clearing team reacted to the hostile threat, firing 2 controlled shots at the deceased killing him.
 - c. After positively identifying the deceased as the target suspect, A 1-8 IN loaded the deceased into a body bag and transported him to the Balad hospital's morgue section.
 - d. The claimant feels her father was executed and was a poor innocent man. The claimant is a well educated female teacher, which further backs up reports of her father's high standing within the Ba'ath party.

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6. Opinion:

a. The claim was submitted outside the United States in Balad, Iraq and was the result of legitimate combat operations. The deceased was a valid terrorist cell target and was threatening the lives of US Soldiers when he was engaged and killed. No public apology or monetary compensation is owed.

b. The claim is not meritorious.

7. Recommended action: Deny the claim.

(b)(6)

(b)(6)

CPT, FA
1-8 IN, S5

04-08-04 CLU5576349
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State men

(b)(6)

- Detained for 2 hours in street

In The Name Of God Most Gracious Most Merciful

- Different room
On the third of January 2004, 2.00 A.M., our house had been attacked by American troops, while we were sleeping, American troops destroyed the outer door and fence by armored vehicles during the raid where the soldiers stormed into the house taking women outside the house, arresting our young guest tightening his hands together and placed him in the outdoor. - opened door for us. Put on ground - No Arabic

- 1 american w/ pistol - What is your name in Arabic
They kept our father inside, who was physically disabled retired old man, walking only through the aid of crutches due peripheral neuropathy and muscular atrophy caused by long standing disease of Diabetes Mellitus and hypertension that is documented earlier.

Then the soldiers pulled our father to the west room where they shot him dead, where which there is still blood patch on the carpet, after that they put him in the sac and dropped him in the armored vehicle.

The soldiers took five million I.D. along with gold jewelry worth of eight million I.D., not to mention the huge sabotage to the house and furniture costing about four million I.D.

The troops searched the house thoroughly and they did not find any weapons, or documents that verify my father was a supporter of insurgents or anti-American

activists, we asked the CPA local agent about the following measures:

1. Settling a mutual account committee for the excessive force and aggressiveness measures that used without need, documenting any of these acts and acting to prevent them in the future.
2. If there is no evidence incriminating our father, so he must be considered as innocent until otherwise proved. It is not heroic to kill an old, handicapped, retired man living peacefully his home, it is a plain murder.
3. This murder is arbitrates act and oppression; so we demand complete compensation; financial and moral.

Family of the Murdered

(b)(6)

(b)(6)

Death Certificate

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(b)(6)

[illegible]

سُجِّلَتْ لَدَى السُّلْطَةِ الصَّحِيحَةُ فِي

10-L-0126 ~~ACLU~~ FBI CID

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دائرة مدينة صدام الطبية

مستشفى الشهيد عدنان خير الله

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قسم الاشعة

Patient's name : ZEDIAN KHALAF

اسم المريض :

No. of examination :

رقم الفحص :

Date : 24. 4. 2001

التاريخ :

Type of examination : M.R.I. OF THE LUMBAR SPINES

نوع الفحص :

Radiological and imaging reports

reduced signal intensity of the lumbar inter vertebral discs material with reduction in disc heights of L.1_L.2 AND L.4_L.5 and flaval ligaments hypertrophy at L.3 down to L.5 level due to degenerative process causing spinal canal stenosis .

signs of degenerative spondylosis .

no sign of disc herniations .

normal vertebral alignment .

myelogram appearance confirms features of spinal canal stenosis .

(b)(6)

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EXHIBIT 2

LAW ENFORCEMENT SENSITIVE

Radiologist

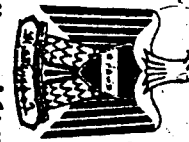
000059

حزيران	ايار	نيسان	آذار	شباط	كانون الثاني	المراجعة تاريخ
						الكمية
						نوع العـلاج
						التاريخ

كانون الاول	كانون الثاني	الاول	ايلول	آب	تموز	المراجعة تاريخ
						الكمية
						نوع العـلاج
						التاريخ

10-L-0126 ACLU DEJ CID ROI 20640

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بمصرية الحرة

وإذا جاء

دائرة الميادات الطبية الشعبية

العيلة الطيبة الشعبية في

॥ श्रीगणेशाय नमः ॥

رقم البطاقة: ١٥٨
التاريخ الصادر: ٢٠١٧

التشخيص.

Heater in
15 chemi head die

التقرير الطبي الصادر من مستشفى

Dr. الطيبي الصالح بن مصطفى
 رقم الترخيص: 114445

تاريخ القدر

Spinal cord injury



الاسم الثلاثي: محمد بن علي

محل وتاريخ الولادة ١٩٢٧

الجنس فصيلة رتبة

العضوان الدائم

ارسلت اللجنة الطبية بمنحه البطاقة الدوائية وأثبت فيها العلاج الفناه شهريا:

① 22mg 193.-1

2-Tenax Min 100-24-1

AS-Pf.van.....10.1-^r


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1

المجلس
A

١- الالتزام بارج كافة المعلومات المدونة في التقرير الطبي

- ١- فحص المريض سهرًا وبيتًا العلاج
- ٢- كتابة العلاج المعروف وتاريخ التحليل من قبل العاملين في الصيدلية.

١- لا يجوز تغيير العلاج المُنبت في البطاقة إلا من قِبل الطبيب الاختصاص.

1. *What is the purpose of this study?*
 2. *What are the research objectives?*
 3. *What is the research methodology?*
 4. *What are the results of the study?*
 5. *What are the conclusions of the study?*
 6. *What are the limitations of the study?*
 7. *What are the implications of the study?*
 8. *What are the future research directions?*
 9. *What are the contributions of the study?*
 10. *What are the key findings of the study?*
 11. *What are the main results of the study?*
 12. *What are the primary outcomes of the study?*
 13. *What are the secondary outcomes of the study?*
 14. *What are the tertiary outcomes of the study?*
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0498-04 CID 20642
(EMG & NCS Report)

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Name :

Zidan Khalf Hassani

Date : 11.7.

NCS						
Nerve	Sensory Conduction			Motor Conduction		
	Latency m-second	Speed m/second	Amplitude UV	Latency m-second	Speed m/second	F - Wave MS
<i>RL sural</i>	<i>no</i>	<i>Response</i>				
<i>RL PAT</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>no</i>	<i>Response</i>	
<i>RL med</i>	<i>no</i>	<i>Response</i>		<i>6.0</i>	<i>37.5</i>	<i>—</i>
<i>RL ulnar</i>	<i>no</i>	<i>Response</i>		<i>—</i>	<i>—</i>	

BMG			
Muscle	Insertion	SPont, activity	VC
<i>A-P. B</i>	<i>slight prolonged</i>	<i>silent</i>	<i>poly phasic, giant wave with reduced vol. from</i>

CONCLUSION

severe poly nerve pathy

(b)(6)

Cardiologist

سلمان داود وهبي
B. Sc. M. S. (UK)

0498-04 CIDU50 / 0549-
ابراهيم احمد
M. B. Ch. B.-D.C.P. Sc., Dip-Bact, (UK)

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٢٥٨٤٨٥ LAW ENFORCEMENT SENSITIVE
بنية مستشفى الخيال ومركز ورع الكلية شارع العرب

Pat. Name Req. by Dr.

- | | | | |
|---------------------------|------------|---------------------------|---------|
| 1. Serum Glucose | 243 mg/dl. | 14. Bence - Jones protein | |
| 2. Blood Urea | mg/dl. | 15. 24 hr. Urine protein | |
| 3. S. Creatinine | mg/dl. | 16. Total S. Protein | g/dl. |
| 4. Cr. Clearance | | S. Albumin | g/dl. |
| S. Creatinine | mg/dl. | S. Globulins | g/dl. |
| Urine Creatinine | mg/dl. | A / G | |
| Urine Volume | ml/24h. | | |
| Cr. Clearance | ml/min. | 17. Total S. Bilirubin | mg/dl. |
| 5. S. Cholesterol | mg/dl. | Direct = | mg/dl. |
| 6. S. Uric acid | 5 mg/dl. | Indirect = | mg/dl. |
| 7. T. S. Acid phosphatase | KAU/dl. | 18. S. Alk. Phosph. | KAU/dl. |
| 8. S. Calcium | mg/dl. | 19. S. G O T | IU/L. |
| 9. S. Phosphate | mg/dl. | 20. S. G P T | IU/L. |
| 10. S. Amylase | U/L | 21. Serum Electrolytes | |
| 11. Triglyceride | mg/dl. | Sodium | mEq/L. |
| 12. Iron | | Chloride | mEq/L. |
| 13. S. I. B. C. | | Potassium | mEq/L. |

OTHER TESTS

sugar in urine : (+++)

Date

14.9.03

Yours Sincerely

Date of Report: 14/ 9 / 2003

(b)(6)

Yours Sincerely,

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EXHIBIT

Dr.

(b)(6)

M. B. Ch. B.
AMERICAN BOARD
F. R. C. P. (C)

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امتشاري لامراض القلب والباطنية
البورد الامريكي - زيل كلية الاطباء الملكية (كندا)

رقم التسجيل ١٨٣٣ تاريخ التسجيل ١٩٦٢/٧/١٣

اسم المريض : زيان خلف حسن التاريخ : / / ١٩٦
العمر :
R.

صاحب ارتفاع ضغط الدم و داء
الركبة مع تضيق شرايين القلب
و داء قلبي سابق
(Inf wall H.I.)
و يشار على ظهره زود بلاء القدر

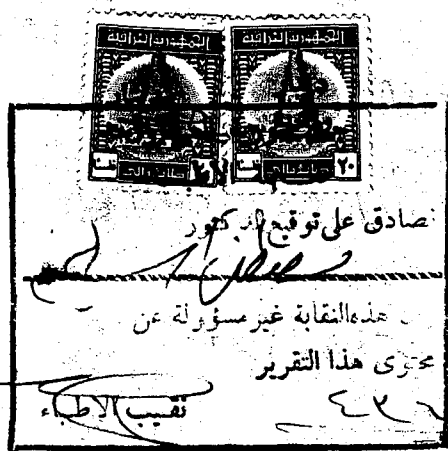
مع القدر
شكرا

٩٤/٦/١٨

الحارثية - عمارة الجيبهجي مقابل معرض بغداد هاتف : ٥٤١٠٩٩٥
السكن :

مطبعة بغداد

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٩٦٩٤ / ٧ / ١٩

10-L-0126 ACLU DDII CID ROI 20645

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FOR OFFICIAL USE ONLY DDII CID ROI 20646
LAW ENFORCEMENT SENSITIVE



0498-04 CIDU56 76349-

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10-L-0126 ACLU DDII CID ROI 20647
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ACLU-RDI 5479 p.65

LAW ENFORCEMENT SENSITIVE

EXHIBIT 2 000067



10-L-0126-ACLU-DDII CID ROI 20648

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LAW ENFORCEMENT SENSITIVE



10-L-0126 ACLU DDII CID ROI 20649
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EXHIBIT

000069



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LAW ENFORCEMENT SENSITIVE

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10-11-0126 ACLU DDII CID ROI 20650

LAW ENFORCEMENT SENSITIVE



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LAW ENFORCEMENT SENSITIVE

FOR OFFICIAL USE ONLY
ACLU DDII CID ROI 20651

LAW ENFORCEMENT SENSITIVE

(b)(6)

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LAW ENFORCEMENT SENSITIVE

Statement

On

(b)(6)

10-1-0126A ONLY DDII CID ROI 20652

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LAW ENFORCEMENT SENSITIVE

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LAW ENFORCEMENT SENSITIVE

Information of a group from Hukba West
 near Tomato Paste Factory. They are Suppliers
 and attackers. Conducting operations against
 Coalition forces and Balad City (Operation Ravage?)

Group Claims responsibility for multiple IEDs
 resulting in 2 Iraqi IEs Killed ^{one killed} ~~and~~ ^{(b)(6), (b)(7)(C)} ~~and~~ ^{(b)(6), (b)(7)(C)}
 and several civilian casualties

Name of suspects

- 1) Zedan Khalaf (was killed) ← is General from Almujaahid trobe
 2) Nasir Isma-el (was killed)

3)

4)

5)

6)

7)

8)

9)

10)

(b)(6)

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ACLU-RDI 5479 p.71 LAW ENFORCEMENT SENSITIVE

EXHIBIT 2

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LAW ENFORCEMENT SENSITIVE

وردت من مصادر معلومات لبيد ان مجموع من منطقة الحفيرة اغريب

محولون وينفذون عمليات تخريبية ضد قوات الاثقال والمدينة وقدما

البعض منهم بنوع الاعبوات اناسه على طريقه مدخل بلد حما

ادى الى استهداف (٨) افراد من اشراف بعريته وبعضهم

مقدم اشراف (ناصر الصمدي) وخرج عدد كبير من الجوالين

ومن هذه الزعماء التخريبية (خوزي يونس العاني وطالب احمد عزول

والعقيد زياره خلف الجعي والمقدم رفعت محمد علوان وبمساعدة الجوالين

خالد احمد سلمان وحمد فخر العاني ومحمود فخر العاني واولاد احمد فخر

العاني كل من (نزهان وسفاه) وكان يعاون المنفذين المعتبر (ناصر بجا

بمبارته الخاصة لغرض تنفيذ عمليات التخريب وقامت بمحوه التخريب المنذلو

بشن عدة هجمات على قوات الاثقال بقذائف الهاون من منطقة

الحفيرة اشراف ونصبت هذه الجيوب ايضا كمين على طريقه قاعده

الجويه بين ناصيه ثريب وعديته بلد حما ادى الى استهدافها والقائمه

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0498-04 CID056 76349

SSN	NAME (last, first, middle)	RANK	DOB	UIC	DATE DEPLOYED	DATE RETURNED
(b)(6)	(b)(6)	SGT	(b)(6)	WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		PVT		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030405	20040404
		SSG		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030405	20040404
		SSG		WAKBA0	20030406	20040405
		1SG		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030801	20040409
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040111
		SGT		WAKBA0	20030406	20040405
		W5		WAKBA0	20030406	20040325
		SSG		WAKBA0	20030406	20040405
		SFC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405

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(b)(6)	(b)(6)	SPC	(b)(6)	WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SFC		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SGM		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030502	20040430
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030401	20040331
		SGT		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040111
		SSG		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030405	20040404
		SFC		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		PVT		WAKBA0	20030406	20040405
		PVT		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		SGT		WAKBA0	20030406	20040405
		SPC		WAKBA0	20030406	20040405
		PFC		WAKBA0	20030406	20040405
		SFC		WAKBA0	20030406	20040405
		SSG		WAKBA0	20030406	20040405
		PFC		WAKBA0	20030406	20040405
		SFC		WAKBA0	20030406	20040405

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(b)(6)	(b)(6)	
		SPC (b)(6) WAKBA0 20030406 20040405
		PVT WAKBA0 20030406 20040405
		SPC WAKBA0 20030406 20040405
		SGT WAKBA0 20030405 20040404
		SPC WAKBA0 20030406 20040405
		SGT WAKBA0 20030405 20040404
		SGT WAKBA0 20030406 20040405
		SPC WAKBA0 20030406 20040405
		SSG WAKBA0 20030406 20040405
		SPC WAKBA0 20030502 20040430
		SPC WAKBA0 20030406 20040405
		SSG WAKBA0 20030406 20040405
		SSG WAKBA0 20030406 20040405
		SGT WAKBA0 20030406 20040405

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281430JAN05

The following outlines the information I know regarding to the incidents on 2-3 JAN 04 involving SSG (b)(6)

On 2 JAN 04, A/1-8 received the mission to cordon and search an area in/around Balad, Iraq. We had received accurate reports outlining names and locations of insurgents responsible for mortar attacks on FOBs Eagle and Attack (Balad). Operating out of Samarra, 1-8 IN returned to Balad to capture/kill enemy combatants.

During our planning phase, FOB Eagle received numerous enemy mortar fires. One round impacted vicinity of CPT (b)(6) and B/4 EN platoon leaders, killing CPT Paliwoda and injuring 3 others. After reacting to a Q36 acquisition and not finding those responsible, we returned to FOB Attack and continued planning phase. During the planning phase, A/1-8 platoon leaders, platoon sergeants, and squad leaders (to include SSG (b)(6)) received the following briefing from CPT (b)(6)

(Under distress from the death of his friend and classmate, CPT (b)(6) stated the following:)

Of the roughly 18 names on the list of insurgents, 5 were known to be planners/funders/executors. In his words, these 5 individuals "were not to come back alive". He circled the numbers next to each of these names, identifying which combatants this order referred to.

Because we had received this type of order before (i.e. in reference to the capture of (b)(6) - 4ID HVT #1), we perceived it as severe, but not out of the ordinary. In subsequent meetings with my squad leaders, I relayed what CPT (b)(6) had stated, not giving the order myself, while also emphasizing not to do anything "you feel is wrong" (implying the ROE is still in effect). In addition, I stated that upon capturing any of the 5 HVTs listed, that the squad leaders should notify me via ICOM radio. Each squad leader and team leader had this list, with the five names circled, emphasizing that these individuals were the most dangerous/most likely to make contact with.

SSG(b)(6) was the squad leader for the Sapper squad attached to my platoon. The remaining 2 Sapper squads, feeling they were unable to perform combat operations resulting from the death of CPT Paliwoda, did not accompany A/1-8 on the mission that night.

1/A/1-8, with CPT (b)(6) began conducting a cordon and search at 030200JAN04 on a group of roughly 20 houses. During this time, we captured about 8 of the individuals on the target list (the remainder were in other platoons' areas of responsibilities). SFC(b)(6) and SSG(b)(6) searched one house, identifying an elderly male reaching for a weapon. SFC(b)(6) engaged, resulting in the death of this individual. He and SSG(b)(6) seized the weapon, removing it from the house.

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As we began concluding operations on this group of houses, SSC(b)(6) notified me via ICOM radio that he had identified one of the individuals listed as an HVT on the list. I replied with an acknowledgement, and began moving towards his location. As I began my movement, he then replied that "he was about to make contact". As I continued movement to this house, I heard roughly 4 to 6 shots fired. During these few seconds, I did not verbally or mentally question his report or his actions.

As I arrived to the house and notified SSC(b)(6) that I was entering, I immediately saw the combatant on the floor. SSG(b)(6) briefed me that as he moved to detain the individual, the combatant pulled out a 9mm pistol, firing a shot in his direction, impacting the sofa next to him. I acknowledged the report, relayed this to CPT (b)(6) and then called for a body bag from one of our Bradley Fighting Vehicles. Upon receipt of the body bag, I assisted in placing the KIA in the bag. I noticed multiple gun shot wounds but no other markings.

Upon returning to Attack FOB, the platoon leaders conducted an AAR with CPT (b)(6). We discussed the operation (A/1-8 had captured 17 of the 18 combatants listed), and began in processing detainees and seized weapons.

(b)(6)

1LT, IN
3BCT S4

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UNITED STATES

v.

STIPULATION OF FACT

(b) (6)

1LT, U.S. Army, (b)(6)
 Headquarters and Headquarters Company,
 3rd Brigade Combat Team,
 4th Infantry Division
 Fort Hood, Texas 76544

11 March 2005

With the express consent of the Accused, it is hereby stipulated by and between trial counsel and defense counsel, that the following facts are true, susceptible of proof, and admissible into evidence against the Accused for findings and sentencing on all charged offenses. Furthermore, defense counsel agrees to waive any objection under the Military Rules of Evidence to matters and enclosures contained in this stipulation.

Stipulated Facts

1. The Accused entered active duty in the United States Army on 1 June 2002, and remained continuously on active duty since that date. His MOS is 11A, Infantry Officer. On 23 June 2003, the Accused reported to 1st Battalion, 8th Infantry Regiment, 3rd Brigade, 4th Infantry Division, Fort Carson, Colorado, where he has been assigned since that time.
2. This court-martial is properly convened and has jurisdiction over the Accused and the charged offenses.
3. The Accused was the platoon leader for 1st Platoon, A Company, 1st Battalion, 8th Infantry Regiment, 4th Infantry Division from September 2003 until late January 2004 while deployed in support of Operation Iraqi Freedom. He was subsequently reassigned to be the assistant Brigade S4. As a platoon leader, the accused was responsible for four Bradley Fighting Vehicles (BFVs), their crews, and dismounted infantry teams accompanying each BFV. The Accused was the senior officer in his platoon and responsible for thirty-four soldiers. While deployed, the Accused routinely oversaw combat operations, including: presence patrol missions, raids, checkpoint operations, and operating base security. As platoon leader, the Accused was in charge of all platoon operations and supervised the actions of his soldiers.
4. From August 2003 until early December 2003, the Accused's platoon's primary area of operations was Balad, Iraq. The Accused's platoon was attached to 1-66 Armor Battalion, 4th Infantry Division, on several occasions between September and December 2003. The primary area of operations for 1-66 Armor was Samarra, Iraq. Samarra is approximately 30 miles from Balad in an area approximately 70 miles north of Baghdad, Iraq.

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5. The Accused's platoon took part in Operation Ivy Blizzard, a Division level operation in and around Samarra, Iraq from December 2003 until early January 2004. During the operation, the Accused's platoon conducted presence patrols, raids, and conducted security operations.

6. On 2 January 2004, the Accused's platoon left Samarra and traveled to Balad, Iraq. The Accused's platoon mission was to support efforts to capture insurgents operating in Balad. While planning for this operation, Forward Operating Base Eagle, the 1-8 Infantry Battalion command post located near Balad, received mortar fire, resulting in the death of CPT Eric Paliwoda. CPT Paliwoda commanded B Company, 4th Engineer Battalion, which was the engineer company attached to 1-8 Infantry Battalion. CPT Paliwoda was a popular commander who was friends with CPT (b)(6) the Accused's company commander.

7. After arriving in Balad during the day on 2 January 2004, CPT (b)(6) gave a mission briefing that was attended by unit squad leaders, platoon sergeants, and platoon leaders. The mission was to conduct a raid in order to capture or kill insurgents responsible for the mortar attack that killed CPT Paliwoda. The mission was to raid a number of houses, with LTC (b)(6) in overall command, and CPT (b)(6) responsible for Company A, 1-8 IN. The Accused and his platoon were ultimately responsible for securing and searching twenty-five houses.

9. The Accused attended CPT (b)(6) mission briefing along with 1LT (b)(6) (the platoon leader for 2nd Platoon), SFC (b)(6) and other leaders in the company. CPT (b)(6) briefed that of approximately eighteen names on a target list that was distributed to all personnel in attendance, five individuals "were not to come back alive." These targeted individuals' names were marked with an asterisk next to their names on the target list. After this mission brief, the Accused and LT (b)(6) discussed CPT (b)(6) order to kill certain detainees. Both platoon leaders were concerned about the illegal order and decided to clarify it with CPT (b)(6). During the briefing, they approached CPT (b)(6) to clarify what the order meant. The Accused understood the order to mean that those with an asterisk next to their names on the list were not to come back alive and asked CPT (b)(6) if that was his intent. CPT (b)(6) repeated his statement that these detainees "were not to come back alive." The Accused went back to his platoon sergeant, SFC (b)(6) section leaders, and squad leaders, and briefed the mission order given by CPT (b)(6) including the order that certain detainees were not to come back alive. He also told his platoon that they should not do anything that they felt was not right, and to notify him directly if one of the Iraqis with an asterisk by his name was captured. Later that evening, two of the Iraqis with asterisks by their names on the target list were killed by members of the Accused's platoon.

10. After completing the raids in Balad, Iraq in the early morning hours of 3 January 2004, the Accused and his platoon returned to Samarra, Iraq to complete its ongoing mission there. On 3 January 2004 at about 1930 hrs, the Accused's platoon began a patrol from Forward Operating Base Brassfield-Mora, located outside Samarra. The mission was to conduct a presence patrol in the city of Samarra. During the beginning of the patrol, SFC (b)(6) the Accused's platoon sergeant, announced over the platoon frequency that "Any curfew violators are getting wet tonight." The soldiers of the Accused's Platoon generally knew that this meant curfew violators would be detained and thrown into the Tigris River for violating curfew, which was at 2300 hrs.

SUBJECT: United States v. [REDACTED] - Stimulation of Race

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13. At approximately 2315 hrs on 3 January 2004, two young Iraqi males were detained by the Accused's Platoon. The two men (b)(6) and (b)(6) were traveling back from Baghdad in a white pickup truck filled with plumbing supplies to their home in Samarra. (b)(6) testified that two men were approximately 200 to 500 meters away from their home when they were detained by the Accused and his platoon. At first soldiers in the Accused's platoon simply stopped and searched the detainees for contraband. The Accused then ordered his soldiers to detain (b)(6) and (b)(6). (b)(6) and (b)(6) were bound at the hands with 550 cord, placed in the Accused's BFV, and driven to a nearby bridge over the Tigris River in Samarra.

14. Once at the bridge, the detainees were taken out of the BFV and the 550 cord was removed. SGT (b)(6), the team leader inside the Accused's BFV, and his soldiers escorted (b)(6) and (b)(6) out of the vehicle. SGT (b)(6) walked up to the Accused to receive guidance, and the Accused ordered SGT (b)(6) to throw the detainees into the river. SGT (b)(6), SPC (b)(6), SGT (b)(6), and SPC (b)(6) soldiers in the Accused's platoon, complied with the order, walking (b)(6) and (b)(6) to the water's edge near a pump house located adjacent to the bridge that also served as a dam. The Accused's soldiers then followed the Accused's order and forced the detainees into the Tigris River. The Accused and his platoon then departed the area. The Accused never left his BFV while the Iraqis were thrown into the river. The entire stop took approximately five minutes. At the time the accused ordered his soldiers to throw the detainees jump into the Tigris River the following dangerous conditions existed and were known to exist by the Accused: the current and exact depth of the water were unknown, the water and air temperature were cold; the water contained natural debris; and it was nighttime. In addition, the Accused did not know if either detainee could swim.

15. Approximately two to three days later, the 1-8 Infantry Battalion Operations Officer (S-3) received a report from higher command that some Iraqis claimed they were pushed into the Tigris River and one of the two men was still missing. CPT (b)(6) received this report and was ordered to gather facts about what happened. The Accused told CPT (b)(6) what transpired at the bridge on 3 January 2004. The Accused and CPT (b)(6) then approached LTC (b)(6) the 1-8 Infantry Battalion Commander, and briefed him. After hearing all of the facts, LTC (b)(6) ordered the Accused and CPT (b)(6) not to tell anyone about pushing Iraqis into the river when discussing what happened to the detainees that evening, and to get the soldiers in the Accused's platoon to do the same. LTC (b)(6) also ordered MAJ (b)(6) the Battalion Executive Officer, to take CPT (b)(6) the Accused, and the Accused's platoon to the bridge and assess the situation.

16. MAJ (b)(6), CPT (b)(6) the Accused, and several soldiers from his platoon returned to the bridge around 14 January 2004. The Accused and SFC (b)(6) walked through the entire incident with MAJ (b)(6) and CPT (b)(6) and spent approximately 90 minutes at the scene. As part of the investigation, the Accused jumped into the Tigris River where (b)(6) and (b)(6) were forced in. Initially, the water was over the Accused's head. Once the Accused moved about 1-2 meters towards shore, the Accused could stand in the water. After revisiting the scene and investigating the crimes of 3 January, the officers, including the Accused, talked to the Accused's platoon about the situation. Everyone present agreed to omit any mention of the assaults (i.e., throwing the Iraqis into the river) when questioned about the incident.

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17. After completing the investigation of the event, the Accused and his platoon further discussed and agreed upon a version of events to tell law enforcement officials (i.e., Criminal Investigation Command). All soldiers with relevant knowledge, to include the Accused and SFC (b)(6) agreed to tell CID that the detainees were left on the side of the road when they departed the area and to not mention that (b)(6) and (b)(6) were forced into the Tigris River. The Accused gave CID a false sworn statement on 16 January 2004.

Charge IV: Violation of the UCMJ, Article 128 (Aggravated Assault)

18. The Accused ordered his soldiers to throw (b)(6) an Iraqi detainee, into the Tigris River on 3 January 2004 at approximately 2315. As the platoon leader, the Accused ordered his subordinates to commit this assault on (b)(6). Four of the Accused's soldiers surrounded (b)(6) and pushed him to the edge of the pump house, where they forced him into the river. (b)(6) testified that he was pleading with the soldiers in Arabic not to throw him into the river. After pushing him into the water, the Accused's soldiers walked away.

19. The force and conditions by which (b)(6) was assaulted were likely to produce death or grievous bodily harm. The harm done by his soldiers, at the direction of the Accused, was done with unlawful force and violence.

Charge V: Violation of the UCMJ, Article 134 (Obstructing Justice)

20. Approximately two weeks after the incident, CID questioned the Accused and his platoon about his platoon's actions on 3 January 2004. The Accused wrongfully omitted information to CID about the assaults on (b)(6) and (b)(6). The Accused told CID that there were no orders given about forcing detainees into the water and told CID that the two detainees were standing on the side of the road talking to one another when the Accused's platoon departed the area. The Accused knew that CID was investigating him and his platoon because there were reports that detainees were thrown into the water and one of the detainees was missing. The Accused had reason to believe that there would be criminal proceedings pending based on his actions and the acts of his soldiers, and the level of investigation being pursued by CID. The Accused omitted any information about the detainees being put into the Tigris River in order to impede CID from gathering accurate information and thereby obstructing the due administration of justice. The Accused misrepresented facts to CID in order to prevent the truth from coming to light. The Accused's misrepresentations and deception was prejudicial to good order and discipline, as it was a poor example for his subordinates and was of a nature to bring discredit to the Armed Forces.

Additional Charge II: Violation of the UCMJ, Article 92 (Dereliction of Duty)

21. The Accused received an illegal order from CPT (b)(6) on 2 January 2004 when CPT (b)(6) stated that certain Iraqi detainees were to be killed. After receiving this order, the Accused had a duty to challenge CPT (b)(6) illegal order. The Accused and 1LT (b)(6) did approach CPT (b)(6) to seek clarification of the order. CPT (b)(6) reiterated that the detainees on the target list with an asterisk next to their names "were not to

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SUBJECT: United States v. Jack M. Saville - Subpoena of Papers

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come back alive" because these targets were primarily responsible for the mortar attacks in which CPT Paliwoda was killed. The accused continued to understand this to mean that these detainees were to be killed during the raid. CPT (b)(6) did not rescind the order, but instead reiterated what was to be done with the targets if identified. Once CPT (b)(6) clarified what he meant, the Accused knew that he was obligated to personally disobey the order. The Accused knew it was an illegal order based on his prior Army training in the Law of War, and knew he had a duty to challenge an order to kill Iraqi detainees. Although he told his platoon not to do anything they felt was not right, the Accused knew his subordinate noncommissioned officers heard CPT (b)(6) order and understood the order meant to kill the identified detainees.

22. Instead of executing his duties, the accused willfully failed to challenge CPT (b)(6) order. He failed to challenge the order or tell CPT (b)(6) that his order was illegal and in violation of the Law of War. Rather, the Accused allowed CPT (b)(6) illegal order, to be passed on to the rest of the platoon. Two of the Accused's subordinate noncommissioned officers subsequently shot and killed detainees identified on the list as those that should not come back alive.

Additional Charge III: Violation of the UCMJ, Article 128 (Aggravated Assault)

23. The Accused ordered his soldiers to throw (b)(6) an Iraqi detainee, into the Tigris River on 3 January 2004 at approximately 2315. As the platoon leader, the Accused ordered his subordinates to commit this assault or (b)(6). Four of the Accused's soldiers surrounded (b)(6) and pushed him to the edge of the pump house, where they forced him into the river. (b)(6) also testified (b)(6) was pleading with the soldiers in Arabic not to throw him into the river because he could not swim. After pushing him into the water, the Accused's soldiers walked away.

24. The force and conditions by which (b)(6) was assaulted were likely to produce death or grievous bodily harm. The harm done by his soldiers, at the direction of the Accused, was done with unlawful force and violence.

25. There is no justification or defense for the Accused's actions.

(b) (6)

1LT, US Army
Accused

(b) (6)

CPT, JA
Defense Counsel

(b) (6)

CPT, JA
Trial Counsel

Encl

Sworn Statement dated 16 January 2004

Sworn Statement dated 22 January 2004

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I, 1LT (b)(6) (b)(6) (b)(6) Headquarters and Headquarters Company,
3d Brigade, 4th Infantry Division, Fort Carson, CO 80913, hereby certify that I
am in receipt of a copy of the charge sheet referring my case to a General Court-
Martial on 11 March 2005.

(b)(6)

FOR

1LT, USA

(b)(6)

Date: 11 March 05

FOR 10-FC-0126 ACLU

DDII CID ROI 20769

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