110	(b)(7)(C)

	<u>^</u>				}	SUSPENSE DATE (YYY	YMMDD)
COMMANDER'S REPOR	r of dis	CIPLINARY OR	ADMINIST	RATIVE ACT	ION		
For use of this form, see AR 190-	45; the pro	ponent agency is O	ffice of the	Provost Marshal	General	20050415	
			ACT STATE				
AUTHORITY: Title 10 US	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 Your social security number is used as an additional/alternate means of identification to facilitate filing and re					/		
					f identificat	ion to facilitate filing and	retrieval.
	of your soc	ial security number	is voluntary.		3. FROM		
1. THRU CDR		2. TO CDR			Special A	gent in Charge	
3rd Battalion,, 21st INF REG		C Co, 3rd BN, 2		G	37th MP	ĎET (CID)(-) mondback, Iraq	
FOB Patriot, Iraq	HI	FOB Patriot, Ira	q				
4. USACRC CONTROL NUMBER 0142-04-CID389-80688	5H	5. MP REPORT N				ISTALLATION IDENTIFIE	
The first Lieutenant Colonel in the chain 15s, court-martial orders, reprimands, et Form 4833 for all USACIDC investigation	c) for all US/	ACIDC Investigations.		ngade commander			
Company, troop, and battery level comm	nanders are r	esponsible and account	table for comp	leting DA Form 483	33 with support	orting documentation in all ca DA 4833 disposition reports a	ses are required
investigated by MPI, civilian detectives e to meet installation, command, HQDA, I in law enforcement and other activities,	OD, and fee	leral statutory reporting	requirements	The data is used	to identify cr	ime trends, establish commar st address issues of soldier ar	d programs id family
in law enforcement and other activities, member indiscipline. In court-martial cases, a conviction of ar	and to ensur	e that resources are me	aue available t	5 Support command			
convicted at court-martial in the remarks	section.						
Block 5. Provost Marshals must enter the Block 6. This block is used to enter rep	ort number fr	om a civilian law enfor	cement agenc	v police report. Oth	i. her informatio	on on the civilian law enforcer	nent
agency (e.g. civilian law enforcement ag	ency addres	s) may be entered in th	e remarks sec	tion.			
7. NAME OF SUBJECT (Last, First (b)(6), (b)(7)(C)		8. GRADE E-5	9. 66	5), (b)(7)(C)		E OF BIBTH (VVVVMMD) (b(6), (b)(7)(C)	
11a. OFFENSE(s)		TE OF OFFENSE(s) <i>YYYMMDD)</i>		ION TAKEN	11d. I	NO ACTION TAKEN, E	<plain:< td=""></plain:<>
MURDER		20041111	YES X				
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 ACTION TAKEN (check all that Subject was advised that altho correction, or expungement ma a. NON-ADVERSE PERSONN REFERRED TO (Check F = FAMILY ADVOCAC 	ugh no acti y be submi EL ACTION <u>k appropria</u> CY	tted IAW AR 190-4 REFERRAL:	5 (MP Repo	be retained in Ar nts) or AR 195-2 FERRED (YYYY	2 (СШ Кер	and that requests for am orts). DATE RESPONDED (YY	
D = DRUG/ALCOHOL A	BUSE		ļ				<u> </u>
S = SPECIAL REFERRA							
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DISCHARGE PURSUANT					TH	Discharge Date 10	4.EB05
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c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)							
SUMMARIZED COMPANY GRADE		GENERAL	OFFICER IMP	OSED			
d. JUDICIAL (If subject was	d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)						
		GENERAL (COURT-MAR	TIAL			
SPECIAL COURT-MAR				ATE CRIMINAL O			Page 1 of 2
DA FORM 4833, JUN 2004		DA FORM 4	833, Dec 19	998, IS OBSOLE	ΓE		APD V1.00

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ACLU-RDI 5481 p.1 10-L-0126 ACLU DD II CID ROI 3245000001

13. JUDICIAL FINDINGS GUILTY DISMISSED	
NOT GUILTY OTHER <i>(For example, gu</i>	Ity of a lesser included offense. Explain in Remarks.)
14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION	
a. REPRIMAND b. ADMONITION (1) ORAL (2) IN WRITIN	G
c. DETENTION d. FORFEITURE e. FINED \$ /	MONTHS
f. REDUCED FROM E-6 TO E-1 g. EXTRA DUTY FOR	DAYS h. RESTRICTED FOR DAYS
i. CORRECTIONAL CUSTODY FOR DAYS j. CONFINE	DYEARSMONTHS
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I. OTHER (For example, suspension of driving privileges. Explain in Rem	arks.)
15. REMARKS	
(b)(6), (b)(7)(C)	, NCOIC BRIBADE
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Page 2 of 2 APD V1.00

ACLU-RDI 5481 p.2 10-L-0126 ACLU DD II CID ROI 324600002



DEPARTMENT OF THE ARMY UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND 3rd MILITARY POLICE GROUP 37th MILITARY POLICE DETACHMENT (CID) (-) MOSUL, IRAQ APO AE 09334

REPLY TO ATTENTION OF

CIRC-ABJ (195-2)

01 MAR 05

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION – FINAL (C) – 0142-04-CID389-80688-5H1A/9J

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 11 NOV 2004/1400 – 11 NOV 2004/1600; GRID 38S LF 395 195, MOSUL, IRAQ

DATE/TIME REPORTED: 18 NOV 2004, 1100

INVESTIGATED BY: SA SA (b)(6), (b)(7)(C), (b)(7)(F) (b)(6), (b)(7)(C), (b)(7)(F) SA (b)(6), (b)(7)(C), (b)(7)(F)	011
$SA^{(b)(6), (b)(7)(C), (b)(7)(F)}$, (b)(7)(F)SA (b)(6), (b)(7)(C), (b)(7)(F)
SUBJECT: 1 (b)(6), (b)(7)(C)	SGT; ^{(b)(6), (b)(7)(C)}
M; WHITE;	C COMPANY, 3 rd BATTALION, 21st INFANTRY

REGIMENT; FOB PATRIOT, MOSUL, IRAQ (FT LEWIS, WA); CT; [MURDER]

VICTIM: 1. UNKNOWN; M; WHITE; XZ; [NFI] [MURDER].

INVESTIGATIVE SUMMARY:

"This is an Operation Iraqi Freedom investigation."

This investigation was initiated upon receipt of a 15-6 investigation, which indicated $SGT^{(b)(6), (b)(7)(C)}_{ired}$ ired his weapon at an unknown wounded enemy combatant.

Investigation established probable cause to believe SGT (b)(6), (b)(7)(C) committed the offense of Murder when he shot an Iraqi detainee in the head after he had no means to resist.

STATUTES:

FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE

ACLU-RDI 5481 p.3 10-L-0126 ACLU DD II CID ROI 3247 000003

CIRC-ABJ

SUBJECT: CID REPORT OF INVESTIGATION – FINAL (C) – 0142-04-CID389-80688-5H1A/9J

Article 118, UCMJ: Murder

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigative Report (AIR) of SA notification; interviews of SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (c)(6), (c)(7)(C)(c)(6), (c)(7

2. Army Regulation 15-6 Investigation Report, 14 Nov 04, pertaining to the shooting.

3. Rights Waiver Certificate and Sworn Statement of SGT (b)(6), (b)(7)(C) 19 Nov 04, detailing his actions.

4. Rough Scene Sketch, 19 Nov 04, prepared by SGT

5. Sworn Statement of $CPT_{(C)}^{(b)(6), (b)(7)}$ 22 Nov 04, detailing his knowledge of the incident.

6. Sworn Statement of $1 \text{SG}^{(0)(6), (0)(7)(C)}$ 22 Nov 04, detailing his knowledge of the incident.

7. Sworn Statement of PFC $^{(b)(6), (b)(7)}_{(C)}$ 22 Nov 04, detailing his knowledge of the incident.

8. Sworn Statement of PFC 22 Nov 04, detailing his knowledge of the incident.

9. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Nov 04, detailing his knowledge of the incident.

10. Sworn Statement of $1LT_{(b)(7)(C)}^{(0)(0)}$ 22 Nov 04, detailing his knowledge of the incident.

11. Sworn Statement of SFC (b)(6), (b)(7)(C) 22 Nov 04, detailing his knowledge of the incident.

12. Sworn Statement of SGT 22 Nov 04, detailing his knowledge of the incident.

13. Sworn Statement of SGT^{(b)(6), (b)(7)(C)} 22 Nov 04, detailing his knowledge of the incident.

2 -FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE

ACLU-RDI 5481 p.4 10-L-0126 ACLU DD II CID ROI 3248000004

CIRC-ABJ

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SUBJECT: CID REPORT OF INVESTIGATION – FINAL (C) – 0142-04-CID389-80688-5H1A/9J

14. Non-Waiver Certificate of SGT^{(b)(6), (b)(7)(C)} 26 Nov 04, wherein he requested legal counsel.

15. AIR of SA (b)(6), (b)(7)(C) 21 Feb 05, detailing law enforcement records checks.

NOT ATTACHED:

None.

The originals of Exhibits 1 and 15 were forwarded with the USACRC copy of this report. The original of Exhibit 2 is retained in the files of C CO, 3rd Battalion, 21st Infantry Regiment, 25th INF DIV, FOB Patriot, Mosul, Iraq. The originals of Exhibits 3 through 14 are retained in the files of this office pending adjudication.

STATUS: This is a Final (C) Report. This investigation is being terminated IAW CIDR 195-1, paragraph 4-17 (a) (4), in that the supported staff judge advocate is of the opinion that sufficient admissible evidence is available to prosecute the subject for the offense(s), that additional investigation would produce only cumulative and unneeded evidence, and that the identification of additional subjects or offenses is unlikely. Commander's Report of Disciplinary Action Taken (DA Form 4833) is pending.

Leads remaining: Full identification of the victim.

Report Prepared By: (b)(6), (b)(7)(C), (b)(7)(F) Report Approved By:

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

Special Agent in Charge

DISTRIBUTION:

- 1 Director, U.S. Army Crime Records Center, USACIDC, Attn: CICR-CR, 6010 6th Street, Fort Belvoir, VA 22060-5506 (Original)
- 1 THRU: Commander, 11th MP Battalion (CID) (FWD), Attn: Operations Officer, (CID)(FWD), Baghdad, Iraq
 - THRU: Commander, 3d MP Group, USACIDC (ATTN: CIRC-OP) 4699 N 1st ST, Forest Park, GA, 30297-5119
- TO: Commander, HQ USACIDC, CIOP-COP-CO, Fort Belvoir, VA 22060
- 1- OAFME, AFIP, Rockville, MD
- 1- Staff Judge Advocate, 1st Brigade (SBCT), Attn: MAJ
- 1 Chief of Staff, TFF (email only)

3 -FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE

ACLU-RDI 5481 p.5 10-L-0126 ACLU DD II CID ROI 3249000005

CIRC-ABJ

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SUBJECT: CID REPORT OF INVESTIGATION – FINAL (C) – 0142-04-CID389-80688-5H1A/9J

1 – Staff Judge Advocate, TFF (email only)

1 – Provost Marshal's Office, TFF (email only)

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1 - File

ACLU-RDI 5481 p.6 10-L-0126 ACLU DD II CID ROI 325000006

AGENT'S INVESTIGATION REPORT	ROI NUMBER

CID Regulation 195-1

0142-04-CID389-80688

PAGE 1 OF 3 PAGES

DETAILS: BASIS FOR INVESTIGATION: About 1100, 18 Brigade Operational Law Team, 1 st Brigade (SBC identified as SGT (b)(6), (b)(7)(C) Mosul, Iraq (Fort Lewis, WA), fired his weapon a provided this office with a copy of the completed	T), 25 th ID (Light), FOB Patriot – Mosul, Iraq, that a soldier 3 rd Platoon, C CO, 3-21 Infantry, FOB Patriot - t an unknown, wounded enemy combatant. MAJ ^{(b)(6), (b)(7)(C)}
Stryker Combat Vehicle (SCV) and engaged energy shot an unidentified male combatant in the abdom rifle, flex-cuffed, and given first aid by members of his unit attempted to carry the combatant to the combatant was dead, the order was given to leave toward the combatant but both rounds struck the a move or react in any way which led SGT (0)(6). (b)(7)	his unit was conducting a movement to contact operation in all arms fire. SGT $^{(b)(6), (b)(7)(C)}$ quad dismounted their my combatants. During the engagement, SGT $^{(b)(6), (b)(7)(C)}$ and members inal area. The combatant was then disarmed of his AK-47 of SGT $^{(b)(6), (b)(7)(C)}$ squad. SGT $^{(b)(6), (b)(7)(C)}$ and members SCV, but due to the incoming fire and the belief the the combatant. SGT $^{(b)(6), (b)(7)(C)}$ stated he fired two rounds ground near the combatant's head. The combatant did not $^{(C)}$ to believe the combatant was dead. SGT $^{(b)(6), (b)(7)(C)}$ the unit and live
About 1911, 22 Nov 04, SA $(b)(6), (b)(7)(C)$ interviewed 3-21 Infantry, who provided a sworn statement re he had fired twice at the wounded enemy combatt believed he had missed both shots taken at the worn ot tell him he had "double-tapped" the wounded	ed CPT $^{(b)(6), (b)(7)(C)}$ Commander, C CO, lating SGT $^{(b)(6), (b)(7)(C)}$ reported to him after the mission that ant. According to CPT $^{(b)(6), (b)(7)}_{(7)(C)}$ SGT $^{(b)(6), (b)(7)(C)}$ old him he bunded combatant. CPT $^{(b)(6), (b)}_{(7)(C)}$ stated SGT $^{(b)(6), (b)(7)(C)}_{(6), (b)(7)(C)}$ did combatant. (See Sworn Statement)
About 1920, 22 Nov 04, SA $(b)(6), (b)(7)(C)$ (b)(6), (b)(7)(C) First Sergeant, C CO, 3-21 Infantry, who provides the incident and SGT $(b)(6), (b)(7)(C)$ ifter the incident and and and and and and and and and	this office, interviewed 1 SG rovided a sworn statement relating he spoke to SGT told him he shot the wounded combatant. SGT $^{(b)(6), (b)(7)(C)}$ he incident and CP1 $^{(b)(6), (b)(7)}_{(C)}$ hen related to 1 SG he wounded combatant. (See Sworn Statement)
CO, 3-21 Infantry, who provided a sworn statemet combatant to the vehicles but that he was too hear	office, interviewed PFC $(b)(6), (b)(7)(C)$ C ent relating he assisted in attempting to evacuate the wounded vy to move. PFC $(b)(6), (b)(7)$ vas then told by SGT $(b)(6), (b)(7)(C)$ e heard two shots fired that he recognized as coming from an (b)(7)(C) fire his rifle at the wounded combatant but assumed 'slow, painful death". (See Sworn Statement)
TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION 75 th MP DET CID (-), USACIDC
SA ^{(b)(6), (b)(7)(C), (b)(7)(F)}	LSA Diamondback - Mosul, Iraq APO AE 09334
SIGNATU(b)(6), (b)(7)(C)	DATE EXHIBIT

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ACLU

10-L-0126 ACLU DD II CID ROI 325100007

AGENT'S INVESTIGATION REPORT	ROI NUMBER 0142-04-CID389-80688			
CID Regulation 195-1	0142-04-CID389-80088			
	PAGE 2 OF 3 PAGES			
DETAILS:				
About 1950, 22 Nov 04, SA $(b)(6), (b)(7)(C)$ this office, inter	viewed PFC ^{(b)(6), (b)(7)(C)}			
(6)(6), (6)(7)(C) C CO, 3-21 Infantry, who provided a sworn statem	ent relating that prior to shooting the enemy			
(b)(6), (b)(7)(C) C CO, 3-21 Infantry, who provided a sworn statem combatant in the stomach, SGT $(b)(6), (b)(7)(C)$ was yelling at an end (b)(6), (b)(7)(C) eard SGT $(b)(6), (b)(7)(C)$ yell out, "You're so lucky	emy combatant. At one point PEC " It was a flow this that $S(CT^{(b)}(6), (b)(7)(C))$ that			
the enemy combatant in the stomach. (See Sworn Statement)	". It was after this that SGT			
About 2002, 22 Nov 04, SA ^{(b)(6), (b)(7)(C)} his office, in	terviewed SPC CO, 3-			
About 2002, 22 Nov 04, SA 2010 a sworn statement relating he administ 21 Infantry, who provided a sworn statement relating he administ a field dressing on his wound. SP($^{(b)(6), (b)(7)(C)}$ tated that after p	ered aid to the wounded combatant by placing			
21 Infantry, who provided a sworn statement relating he administ a field dressing on his wound. SP($(0,0,0)$) tated that after provided be felt that he was either dead or would be dead within a top to tot him to get back to the vehicles. SP($(0,0,0)$) tot him to get back to the vehicles. SP($(0,0,0)$) tot him to get back to the vehicles. SP($(0,0,0)$)	utting the wounded combatant down on the $(0,0)$			
(0,0,0) $(0,0,0)$ $(0,0,0)$ $(0,0,0)$ $(0,0,0)$ $(0,0,0)$ $(0,0,0)$ $(0,0,0)$ $(0,0,0)$	then heard SGT $^{(b)(6), (b)(7)(C)}$ re his weapon			
twice but did not actually see him fire his weapon. SP(related he then looked back at the wounded			
combatant and observed that he had head wounds and blood runn	ing from his head. (See Sworn Statement)			
About 2011, 22 Nov 04, SA $(b)(6), (b)(7)(C)$ this office, interval	viewed 1LT			
Platoon Leader, 3 rd Platoon, C CO, 3-21 Infantry, who provided a	a sworn statement relating the wounded			
combatant was initially talking and was moving. 1LT taken the table taken				
the dead combatant. (See Sworn Statement)	stated he then gave the order to reave			
	(b)(6), (b)(7)(C)			
About 2013, 22 Nov 04, SA $(b)(6), (b)(7)(C)$ this office, interview of the second se	rviewed SFC			
(0,0) Platoon Sergeant, 3 rd Platoon, C CO, 3-21 Infantry, who pr (b)(6), (b)(7)(C) has a provided him after they left the younded compare	ovided a sworn statement relating SGT			
(b)(6), (b)(7)(C) approached him after they left the wounded combata the head and that he had been flex-cuffed. SFC told S	int and fold him he had shot the combatant in $(O(0), O(7)C)$ they would discuss it when			
they got back to base since they were in the middle of a mission	$SF(^{(b)(6), (b)(7)(C)}$ elated after the mission was			
they got back to have since they were in the middle of a mission. over SGT C CO, 3-21 Infan	try, told him he witnessed SGT			
fire two shots at the wounded combatant. (See Sworn Statement)				
(b)(6), (b)(7)(C)				
About 2015, 22 Nov 04, SA $(b)(6), (b)(7)(C)$ this office, in $(b)(6), (b)(7)(C)$	iterviewed SGT ^{(b)(6), (b)(7)(C)}			
wounded combatant when they were told to leave the dead body. feet away when SGT $(0,0,0)$ fired his weapon the first time.	SGT $^{(b)(6), (b)(7)(C)}$ stated he was about 10-15			
feet away when $SGT_{(0,0)}^{(0,0)}$ fired his weapon the first time.	$SGT^{(b)(6), (b)(7)(C)}$ stated he turned around and			
saw SG1 CAR and a standing about 2-3 feet from the wounded	combatant and was pulling back his charging			
handle $SGT^{(b)(6)}$, $^{(b)(7)(C)}$ elated he kept walking toward the vehicle $^{(b)(6)}$	cles and then heard another shot fired by SGT			
See Sworn Statement)				
About 2040, 22 Nov 04, SA (b)(6), (b)(7)(C) interviewed SG (b)(6), (b)(7)(C) who provided a sworn statement relating				
he was watching the detainees being evacuated through the Remote Control Weapons System (RWS) which is a				
TYPED AGENT'S NAME AND SEQUENCE NUMBER ORGANIZAT	TION			
	DET CID (-), USACIDC			
SA LSA Diamondback - Mosul, Iraq APO AE 09334 SIGNATURE DATE EXHIBIT				
22 No				

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ACLU-RDI 5481 p.8 10-L-0126 ACLU DD II CID ROI 325200008

AGENT'S INVESTIGATION REPOR	T ROI NUMBER 0142 04 CID280 80688
CID Regulation 195-1	0142-04-CID389-80688
	PAGE 3 OF 3 PAGES
DETAILS:	
video monitoring system utilized in the Stryker vehicle. SG (6) , (b)	T stated he witnessed SGT
(6), (b)(7)(C) fire his rifle at the wounded combatant and saw stated he witnessed SGT fire his ri	fle at the combatant a second time but did not see
the body flinch. SGT ^{(6)(6), (6)(7)(C)} stated his vehicle was ab	out 30-40 meters from SGT ^{(b)(6), (b)(7)(C)} location
but described the RWS system as operating like a pair of bin	oculars where the image on the screen is zoomed
closer than the actual distance. (See Sworn Statement)	
About 1130, 23 Nov 04, $SA_{(C)}^{(b)(6), (b)(7)}$ and $SA_{(C)}^{(b)(6), (b)(7)(C)}$	$\frac{1}{100}$ who provided a legal
opine relating there was probable cause to believe SGT	b)(7)(C) committed the offense of murder when he
fired two shots at the wounded combatant's head.	
AGENT'S COMMENT: The Special Agent in Charge (SAC	C), 75 th MP Detachment (CID), Mosul Airfield.
AGENT'S COMMENT: The Special Agent in Charge (SAC Iraq, listed SGT (10(6), (0)(7)(C) as the subject of Attempted Mu	
being recovered and it being unknown if the combatant was	dead or alive at the time SGT $^{(6)(6),(6)(7)(C)}$ shot hir
About 1355, 26 Nov 04, SA	$^{(C)}$ of his legal rights which he invoked
requesting legal counsel. (See Rights Non-Waiver Certificate	e) ///LAST ENTRY///
	NIZATION MP DET CID (-), USACIDC
	Diamondback - Mosul, Iraq APO AE 09334
SIGNATURE (b)(6), (b)(7)(C)	EXHIBIT
	5 Nov 04
CID - FOR OFFICIAL US	EONLY
CLU-REFERENCE DIST INTE -0126 ACI II I	DD II CID ROI 3253 00009

Exhibit 2

Page(s) <u>10 thru 68</u> referred to:

Office of the Judge Advocate General FOIA Public Liaison Attention: DAJA-AL 1777 North Kent 10th Floor Rosslyn, VA 22209

ACLU-RDI 5481 p.1010-L-0126 ACLU DD II CID ROI 3254



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DEPARTMENT OF THE ARMY HEADQUARTERS 1ST BRIGADE, 25TH INFANTRY DIVISION (SBCT) MOSUL, IRAQ APO AE 09334

AFZH-BA

REPLY TO ATTENTION OF:

14 November 2004

2

Exhibit

MEMORANDUM FOR Commander, 1st Brigade (SBCT), 25th Infantry Division (Light) Mosul Iraq APO AE 09345

SUBJECT: Investigation Pursuant To Army Regulation 15-6 Regarding 11 November 2004 November Shooting During Combat Operations In Mosul Iraq

(b)(6) engaged an Anti Iraqi Force 1. CONCLUSION. During combat operations. (AIF) with his personal weapon, wounded the AIF in the stomach. (b)(6) squad then cleared the objective, bound the wounded AIF with flexcuffs, and treated the stomach wound - at this point the AIF's status became one of a detainee. The detainee was alive at the time that his stomach wound was treated. Numerous statements testify to this fact (see exhibits C - K). At (b)(6) fired the two shots at the detaince, some point after initial treatment but before the detainee lost consciousness or died of wounds. Numerous statements attest to the severity of injury, the declining health of the detainee, the "unresponsive" reaction of the body during the attempt to evacuate (see exhibit F), and the "deadweight" of the detainee during the final evacuation attempt (see exhibit G). Due to the fact that the detainee was now flex-cuffed, wounded, and non-responsive, it is my assessment that the detainee no longer posed a threat to (b)(6) statement that both shots missed the detainee cannot the unit or the mission. be verified, as eyewitnesses to the shooting could not judge the strike of the rounds from their vantage points. Furthermore, due to the lack of reaction by the detainee to the shots (note the current medical condition of the detainee at this time is most likely expectant or deceased), the evewitnesses were again unable to gauge the strike of the rounds. Given the fact that as the evacuation occurred, both direct and indirect fire continued to threaten the lives of the unit, I find no fault in the tactical decision to leave the wounded detainee on the objective. However, the decision to shoot the detainee prior to departing (regardless of the medical status of the detainee) was not the correct decision to make.

2. SUMMARY. On the afternoon of 11 November, 2004 Third Platoon, Charlie Company, 3-21 IN Regiment participated in a battalion movement to contact in the Palestine Area, vicinity LF 393197. 1st Squad, 3rd Platoon made contact with the enemy and dismounted their Stykers in (b)(6) or 1st order to maneuver against identified AIF forces. (the squad) led his squad (now augmented by a team from 2^{na} Squad, 3rd Platoon) through a series of (b)(6) huildings and encountered a male AIF, clad in dark clothing, and reaching for a AK-47. (b)(6) hot the AIF in the stomach. In the process of clearing the objective, tlexcutted the wounded AIF and applied a field dressing to the stomach wound. At this time, (b)(6) loted that the AIF had what appeared to be a pre-existing leg md (b)(6) wound. At the time of initial triage for the stomach wound, the AIF was alive. and

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ACLU-RDI 5481 p.1110-L-0126 ACLU DD II CID ROI 3255

SUBJECT: Investigation Pursuant To Army Regulation 15-6 Regarding 11 November 2004 November Shooting During Combat Operations In Mosul Iraq

one other soldier dragged the detainee around the corner. The remaining elements of 1st Squad completed clearing the objective, and detained two additional AIF. After the non-injured (b)(6) detainees were loaded into a Stryker for evacuation, and 5 other soldiers attempted to drag the non-responsive wounded detainee to the Stryker. As the soldiers attempted to move the wounded detainee to the Stryker, direct and indirect fire continued to target the believed that the detainee was dead, and upon hearing a statement over (b)(6) squad. the radio to "leave the dead guy and mount up" (see exhibit C), he ordered his men to drop the (b)(6) went back to the detainee, who detainee and embark upon the waiting Strykers. was still flexcuffed, and proceeded to fire two shots in the direction of the head of the nonresponsive body from a distance of 2 meters.

3. KEY INDIVIDUALS. See Exhibit B titled "Key Individuals"

4. FINDINGS.

a. OPERATIONS OVERIEW. During the afternoon of 11 November 2004, elements of 3d Platoon, Charlie Company, 3-21 Infantry, while conducting combat operations in the Palestine/Al Sommer neighborhoods of Mosul, engaged reported AIF (see exhibit A - SIR). The company mission was to "Conduct Movement to Contact in vic AL Somer/AL Palestine neighborhood 11 1400 NOV 04 IOT attrit AIF operating within AO Gimlet (see exhibit X, BN OPORD). The exact location of the contact cannot be determined, though the approximate grid provided by (b)(6) (b)(6) (b)(6) rovided a rough sketch of the objective area (see is LF 393197.

exhibit T).

(b)(6) ordered b. INITIAL INCOUNTER. Upon becoming "decisively engaged", the his platoon to dismount in order to maneuver against the enemy (see exhibit O, (b)(6)

(b)(6) led his squad across the objective in the face of small arms and mortar fire. observed a wounded AIF attempting to reach for a nearby AK-47, and he shot (b)(6) the AIF in the stomach. This wounded AIF also had a magazine of 7.62 mm ammunition (see (b)(6) commented that the wounded AIF enemy was wearing exhibit H, YEPEZ). The "dark clothing" (see exhibit O). The wounded AIF had not fired his weapon during this dismounted assault, but had sustained a leg injury from a recent engagement. The wounded AIF (b)(6) (b)(6) continued to clear the objective, was conscious (see exhibit C-K). mđ and detained another AIF soldier possessing an AK-47 rifle and a magazine of 7.62mm ammunition. The team from second squad, third platoon also detained an unarmed suspected AIF member while clearing the objective area. US forces sustained no casualties.

c. SUBSEQUENT MOVE

(b)(6) (b)(6) and (1) Initial Physical Contact with wounded detainee. (b)(6) flex-cuffed the conscious approached the wounded AIF, and removed the weapon. AIF, checked for an exit wound (which he did not find) then applied a field dressing to the (b)(6) (b)(6) (b)(6) tragged the body to cover, and mđ stomach wound (b)(6) ad gone through Compa noticed that the AIF was bleeding from his back.

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ACLU-RDI 5481 p.1210-L-0126 ACLU DD II CID ROI 3256

2

Exhibit

2

SUBJECT: Investigation Pursuant To Army Regulation 15-6 Regarding 11 November 2004 November Shooting During Combat Operations In Mosul Iraq

Lifesaver Training (CLS) and assessed that the AIF was either "dead or beyond help by the time :ame back ... " (see exhibit C,G). The platoon medic was with the PSG, and was (b)(6) not present at the evacuation. After the two other detainees had been loaded onto the Stryker,

(b)(6) Alpha Team, 1st Squad, and the team from 2nd Squad attempted to carry the body to the waiting Stryker, but direct fire and indirect fire continued to threaten the squad.

(2) Medical evaluation of the detainee. There was no medical evaluation of the detainee, (b)(6) who applied the field dressing to the wound. Those except by a combat lifesaver that observed the wounded detainee stated that by the time the evacuation was halted, the (b)(6)detainee's condition was as follows: "not moving or making any noise" (see exhibit C (b)(6) "unresponsive" (see exhibit F, Stokely), "either dead or beyond help" (see exhibit G, "would have died anyways due to the blood loss and the terrible conditions of his wounds" (see (b)(6) exhibit H_{1} (b)(6) and "not moving or making a sound" (see exhibit J_{1}

(3) Aborted evacuation of detainee. Various members of the platoon commented that the presence of direct and indirect fire was the primary reason that the evacuation of the wounded stated that the platoon "started taking mortar rounds" during $(b)(6)^{(6)}$ recalled the mortar (are which (b)(6)(b)(6) detainee was halted. recalled the mortare ($\frac{1}{(b)}$ (b) whibit K). the evacuation (see exhibit G). had a mortar round land "almost on top of him" (see exhibit L). stated that the (b)(6) platoon was "being mortared, and taking fire" (see exhibit I). The personally observed accurate mortar and direct fire targeting his 3^{1-} platoon (see exhibit N). No US casualties were incurred during this engagement. The decision to leave the detainee at the (b)(6) scene was based on the assessment of the and the guidance of the chain of command. As noted above, most of the soldiers believed the wounded detainee was either dead, or expectant. The order of events and situational awareness of the chain of command led to the (b)(6) order to leave the detainee based on a report that the detainee was dead. The

reard via FM that one of the EPWs was KIA... and gave guidance to $^{(b)(6)}$ to (b)(6) (b)(6) leave the body in place" (see exhibit M). The heard reports that the squad was carrying a "dead guy" and ordered the "dead man to be left, and mount up" (see exhibit O).

(b)(6) reported hearing the comment "leave the dead guy and mount up", and was ordered over his 148 MBTR radio to "leave him if he was dead" (see exhibit C). Each member of the chain of command issued the cease evacuation order based on the report that the detainee was already dead, although there was no medical assessment of this fact. Because of the incoming fire, a more thorough medical assessment of the detainee was not conducted. The Styker Vehicles were all at or near maximum capacity, and were in a vulnerable position (ramps down) with respect to the incoming mortar fire. Although it was technically possible to load the wounded detainee into one of the Styker vehicles, any attempt to do so would have further endangered the lives of the squad members attempting such an evacuation given the continuing direct and indirect fires (see exhibit W).

(4) Two shots fired at detainee. After directing his squad to mount up on the Stryker (b)(6)(b)(6) using an M4 Vehicles, returned to the wounded detainee. with M68 and PEO2A shot the prone, flex-cuffed, wounded detainee from a distance of 2 meters with two single round bursts, with approximately 2-5 seconds interval between shots.

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2

Exhibit

3

ACLU-RDI 5481 p.1310-L-0126 ACLU DD II CID ROI 3257

- 04-CID389-80688 SUBJECT: Investigation Pursuant To Army Regulation 15-6 Regarding 11 November 2004 November Shooting During Combat Operations In Mosul Iraq

(b)(6)

(b)(6) was qualified expert with his assigned weapon.) stated that he did not use his sights when taking these shots, and that the he paused between shots long enough to verify that the first shot did not impact at his intended aim point, he then "shot again at the head without looking through my sights. The second time after I shot and missed, I looked at him, it appeared he was dead, was not moving or making any noise was face down and was dead" (see (b)(6) exhibit D). recall of the conversation he had with (b)(6) revealed that nay have felt that the detaince posed a threat if he was faking his death. own statements do not include this "faking his death" justification to the two (b)(6) shots (see exhibit M). stated reasoning in his initial statement was that he "didn't want to take a chance of the insurgent living to fight another day, and I thought he was

already dead, so I shot my weapon at his head, attempting to make sure he was dead ... " (see (b)(6) exhibit C). justification for the 2 shots were refined in a later statement, whereby he claims his actions were in accordance with the published commanders intent. Quoting the battalion OPORD, he stated that "the task was to 'conduct movement to conduct' and my purpose was 'to kill or capture AIF personnel'..." "the only way to fulfill the commanders intent, was to ensure the he was dead" (see exhibit E). It is my assessment that this recent justification was provided merely in an attempt to validate an action that he knew was wrong. This assessment is based on the fact that the (b)(6) stated that his platoon missed the CO OPORD brief and did not have time to issue a platoon OPORD. Even if (b)(6)

(b)(6) had been attempting to adhere to the commander's intent, his reference to the commanders intent does not excuse his actions, as these orders refer to combat operations against enemy combatants, and do not equally apply to detainees. Additionally, I believe (b)(6)

nost recent statement reflects the additional time he had to contemplate his actions, and to research additional justifications for those actions. Furthermore, his most recent justification conflicts with his first statement where he "thought it was the right decision, but later on in the mission, I realized it was not the right decision and I told my platoon sergeant" (b)(6)(see exhibit C). Based upon the conflicting statements, it is not longer clear if feels that his actions were wrong, of if he feels that his actions were justified.

(b)(6) (5) Witnesses to the two shots. As noted above, stated that both of his (b)(6) (b)(6) shots missed the intended target (b)(6) witnessed (b)(6) in the head. came up took aim and told me to leave." (b)(6)heard the shots (b)(6) as he was moving towards the Stryker (see exhibit G). witnesses the shooting from the screen of his Remote Weapons Station (RWS) and stated that (b)(6) fired two shots into the detainee then went to his vehicle ... ' but was unsure if "he was alive or not" (b)(6) (see exhibit O). also witnesses the shooting, but did not know if the detainee was already dead (see exhibit K). (b)(6)(b)(b)" recall of the conversation he had with (b)(6) (b)(6) ncluded the comment that 'was not positive that his rounds impacted the EPW due to the lack of reaction to the body" (see exhibit M). It is my accommon that the (b)(6) second shot did impact the intended target. Given the stated intent of his proficiency with his weapon, and his proven ability to accurately engage the enemy only moments earlier, it is likely that the second round impacted the detainee. However, because of the lack of certainty of the witnesses, and absence of the detainees remains, it is not possible to ascertain with certainty the strike of the two rounds.

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2

Exhibit

4

ACLU-RDI 5481 p.1410-L-0126 ACLU DD II CID ROI 3258

SUBJECT: Investigation Pursuant To Army Regulation 15-6 Regarding 11 November 2004 November Shooting During Combat Operations In Mosul Iraq

(b)(6) stated that he reported the incident to his d. INCIDENT REPORTING. (b)(6) who told him that "we would talk about it later, seeing as a mission was (b)(6) stayed back from a follow-on mission to relay the incident to the underway". (b)(6) (b)(6) (b)(6)(b)(6) the recalled that informed him of his actions, and his response was that they would sort it out at the FOB. At the FOB (b)(6) and informed him that he saw (b)(6) and informed him that he saw FOB. pproached shot the detainee twice in the head (see exhibit P). Upon hearing this statement (b)(6) (b)(6) (b)(6) (b)(6) to speak with relayed the incident to who then arranged for 3-21 IN BN reported the initial incident through command channels on the night of the 11th of November.

e. DETAINEE OPERATIONS. As already noted, the wounded detainee was treated, and it was the squad's initial intent to evacuate the detainee from the objective. Two other detainees were successfully evacuated. The battalion SOP does address detainee operations, and a subsequent memorandum for record specifically addressing detainee operations based upon lessons learned was published on 18 OCT 04 (see exhibits U,V).

f. ROE/LOAC. Prior to departing Ft. Lewis, all company commanders signed a memorandum $(b)(\overline{6})$ that all CFLCC training requirements for ROE and LOAC were conducted personally conducted this training for his platoon (see exhibit W). (b)(6) had been with the unit for two and one half years, participating in all of the brigades pre-deployment (b)(6) deployed with the 101st training events. Prior to arriving at Fort Lewis, Airborne (Air Assault) to Kosovo (see exhibit E).

(b)(6) stated that this was the first major g. UNIT COMBAT EXPERIENCE. The combat experience for the platoon. Prior to conducting this operation, the platoon had been manning checkpoints on Bridge Two. The platoon averaged 3-4 hours sleep over the last 36 hours. Due to the immediacy of the mission, the platoon had very little time to conduct their troop leading procedures.

5. RECOMMENDATIONS. I recommend that

(b)(6)

I also recommend that the proper treatment of detainces is reviewed by all members of the brigade, reviewing not only published SOPs and ROE - but also using tactical vignettes similar to this one where the tactical situation is unclear, the time to make the decision is limited, and the full fog and friction of war are present.

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(b)(6)

Exhibit

2

5

SUBJECT: Investigation Pursuant To Army Regulation 15-6 Regarding 11 November 2004 November Shooting During Combat Operations In Mosul Iraq

6. The POC concerning this report is DVNT $^{(b)(6)}$ DVNT

(b)(6)

(b)(6)

urmy.smil.mil

6

2

Exhibit

Distrubution Commander, 3-21 Infantry Battalion, APO AE 09345

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ACLU-RDI 5481 p.1610-L-0126 ACLU DD II CID ROI 3260



DEPARTMENT OF THE ARMY

HEADQUARTERS, 1ST BRIGADE, 25TH INFANTRY DIVISION (LIGHT) FORT LEWIS, WASHINGTON 98493-5000

AFZH

7

November 14, 2004

D

SUBJECT: DISCUSSION WITH

(b)(6)

	1. On 12 November, I conducted a follow discussion with the (b)(6)
	(b)(6) and (b)(6) involved in the (b)(6) $(5-6)$
	investigation. The following issues were discussed:
	a. Load Plan for the vehicles on the OBJ were as follows:
7	i. C-31 (PL vehicle) consisted of 2 detainees, PL, RTO, and 5 soldiers for a
~	total of 9. (9 is the doctrinal maximum capacity for the Styker Vehicle,
	Infantry Carrier Variant.)
	ii. C-34 (PSG Vehicle) was on site, but not on the Objective Area. The
	Platoon Medic was with this vehicle.
	iii. C-32 had 8 personnel; additionally this vehicle was in the approximate
	area of a mortar strike during evacuation.
	iv. C-33 had 9 personnel.
7	b. The ^{(b)(6)} had arrived to the platoon in June, and had
.1	participated in all subsequent platoon training. (b)(6) stated that he
	personally conducted the CFLCC training to the platoon on the treatment of
	detainees. and ROE.
	c. The ^{(b)(6)} stated that in the last 36 hours that platoon average
	3-4 hours sleep. $^{(b)(6)}$ described the tactical situation, and provided a sketch
	of the objective area. He stated that his was the first significant combat
	experience for the platoon.
	d. The ^{(b)(6)} stated that due to the immediacy of the tactical
7	situation, he was unable to issue a Company OPORD to the entire company, but
	a squad leader from 3 rd Platoon was present at the company OPORD.
	e. Both ${}^{(b)(6)}$ and ${}^{(b)(6)}$ relieved that it was unlikely that the body was still at
	on the Objective, and if it were it would take a significant amount of combat
	power to attempt to retrieve the body. f ${}^{(b)(6)}$ stated that ${}^{(b)(6)}$ is an outstanding ${}^{(b)(6)}$ and
	ne would never had anticipated $(b)(6)$ to make such a decision.
	2. POC concerning this memorandum is (b)(6)
7	(b)(6) army.smil.mil
	artry.ston.tom
	(b)(6)

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Exhibit

2

912 - SERIOUS INCIDENT REPORT (BLUE 12)

1. Purpose. To provide information relating to a Serious Incident within the Gimlet AO

2. Communication Instructions. BN/TF commanders will notify SBCT commander on the SBCT Command net. This report is sent by MCS or FBCB2 (free text) followed by a hardcopy to the SBCT MAIN.

3. FORMAT.

.

FROM: CDR, C CO 3 – 21 INF TO: CDR, 3 – 21 INF SUBJECT: Serious Incident Report

- a. Category: CATEGORY 3, FIRING INCIDENT
- b. Type of Incident: SHOOTING OF ENEMY EPW
- c. DTG: 311300OCT04 (WX / WY AREA)
- d. Location: LF 395 195
- e. Other Information: NONE
- f. Personnel Involved:

(1) Subject#1: Name: Rank or Grade: Social Security Number: UNK Race: CAUCASION Sex: MALE Age: N/A (b)(6) Position: Security Clearance: Y or N: UNK Unit; Station of Assignment Duty Status

C CO 3-21 INF, 1 / 25 SBCT APO AE 09345 ACTIVE

g.

Summary of Incident: The following was reported to (b)(6) by (b)(6)(b)(6) AND IS A SUMMARY OF THE EVENTS AS EXPLAINED TO

a. During a movement to contact vic the Palestine / Al Sommer neighborhood @ 13 1400-1500 NOV 04 elements of 3rd Platoon, Charlie Company, 3-21 IN became decisively engaged with AIF. They maintained contact with the enemy and (b)(6) angaged, and neutralized, an AIF personnel moving for his AK 47. At this location, his squad also detained 2 EPWs. Upon arriving at the AIF personnel that

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Exhibit

ACLU-RDI 5481 p.1810-L-0126 ACLU DD II CID ROI 3262

~2-04-CID389-80688

(b)(6) receive mortar fire at their position to include a direct hit to one of their Strykers. nade the decision to leave the EPW in place, based on the fact that he felt (b)(6) the EPW was dead. The flex cuffs were not removed (unkown if this was intentional (b)(6) fired two rounds at the EPW. At the time. (b)(6)fired two rounds at the EPW. At the time, ${}^{(b)(6)}$ (b)(6) **haste) and** felt that the EPW could potential pose a threat to his element as they , if he was faking death. (b)(6) lid not see any reaction from lid not see any reaction from the withdrew, if he was faking death. EPW and is not positive that his rounds impacted the EPW due to lack of effects on approximately 11 2200 NOV 04 (b)(6) (b)(6) approached the body. and presented the facts, as he remembers them of this incident.

(b)(6)

(b)(6)

h. Commander Reporting: i. Point of Contact: LF 395195

j. Downgrading Instructions: N/A

k. Report Originated By:

3-21 INF

I. Report Released By: N/A

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Exhibit 2

ACLU-RDI 5481 p.1910-L-0126 ACLU DD II CID ROI 3263

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POSITION NAME RANK	POSITION NAME RANK		POSITION NAME RANK Description Description

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2

Exhibit

ACLU-RDI 5481 p.2010-L-0126 ACLU DD II CID ROI 3264

•	· · ·			-CID389-80688
		SWORN STATEMENT	-	
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		RIVACY ACT STATEMENT		
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ISCLOSURE:	Disclosure of your social security	number is voluntary.	3. TIME	4. FILE NUMBER
LOCATION		2. DATE (YYYYMMDD) 2004/11/12	012741.	
OB Patriots, Mosul, (b)(6)	NAME, MIDDLE NAME	6. SSN	(b)(6)	7. GRADE/STATUS Active Duty
ORGANIZATION OR 2/3-21 IN, FOB Patri	ADDRESS ots, Mosul, Iraq	k		
	(b)(6)			
· _		, WANT TO MAKE T	IE FOLLOWING STA	TEMENT UNDER OATH:
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building "	where he was (b)(6)		his wou	and to the
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ACLU-RDI 5481 p.2110-L-0126 ACLU DD II CID ROI 3265

Exhibit 2

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM (b)(6) OPISTO DATED_ prover STATEMENT OF TAKEN AT 9. STATEMENT (Continued) where impacting in the open area we have I waved more soldiers back to help area we had rownds cross. the insurgent, who was very large, back to the carry shat a worning shat next to him to try Stryker I nove, but he still wouldn't. Бy this gest him 40 5 soldiers were 4 or there time there were still having trouble him but they CALLY the wet open areq. Rounds were through maring him shat in our direction, and I still heard still being montan rounds impacting, and heard over the radio our vehicles got with wi that one with a menter. 05 that the datainer was Saw MOVING OF making say "he's dead." I then heard it come of the soldiers say "he's the radio (148 MBITR) that we needed to leave him if he dead get back on the Stryker $\omega \pi S$ and immediately. I specifically remember Learing "leave the nount up! tead guy and I felt pressured to make quick decision, and told my soldiers to Stryker. I thought that the insurge could after my soldiers tropped him, back to the insurgentbecause after my wees dead 10 back, he not more make a norse, did went had already assumed that he was montally and I My thinking was I did not want wounded. ю charce of the insurgent living 40 figh thought he was already dead and I 50 L day, at has head, attempting 4-0 make shot my weapon and realized that \mathcal{I} was Lead, Missed, I swe he shet again, and missed again, because I wasn't 100 King my sights, only being about 2m through away I looked at had missed a second time, Sleing a second, and decided he was dead, and Nim 100 did shoat not ggan. So, I twred around and my vehicle, at this time nan 40 T was the INITIALS OF PERSON MAKING CTATEMENT PAGE 2 OF 3 PAGES PAGE 2, DA FORM 2823, DEC 1998 USAPA V1.00

Exhibit

ACLU-RDI 5481 p.2210-L-0126 ACLU DD II CID ROI 3266

(b)(G)		
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9. STATEMENT (Continued) ONY	sents on the way to the S	myker,
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INITIALS OF PERSON MAKING STATIST	PAGE 2 OF	PAGES
PAGE 3, DA FORM 2823, DEC 1998	PAGE 3 OF	USAPA V1.00

2

Exhibit ACLU-RDI 5481 p.2310-L-0126 ACLU DD II CID ROI 3267

Exhibit

ON 13 NOVEMBER 2004 (b)(6) INFORMED ME VIA EMAIL THA] (b)(6) DESIRED TO ADD TO HIS STATEMENT. UPON CHECKING WITH (b)(6) I REPLIED THAT I COULD ACCEPT HIS STATEMENT VIA EMAIL. ADDITIONALLY, I REQURESTED THAT HE ANSWER ADDITIONAL QUESTIONS FROM ME.

ON 13 NOVEMBER, 2004 AT 2259HRS, I RECEIVED THE FOLLOWING DOCUMENT VIA EMAIL. WHICH ANSWERED THE QUESTIONS THAT I POSED. NOTE THAT ^{(b)(6)} FELT THAT IN ANSWERING MY QUESTIONS, HE HAD NO ADDITIONAL INFORMATION TO PROVIDE.

(b)(6)

I will write down your questions the same way you wrote them, and answer them from there. I think that by answering your follow-up questions, I will have said everything I wanted to add to my statement.

How long had you been with the unit? Since May of 2002, about 2 & ½ yrs exactly.

What type of EPW/detainee had you gone through? I'm pretty sure you are talking about training, and the answer is, I was deployed to Kosovo for six months with the 101st, and prior to that deployment, I had received training on STX lanes, and since being with this unit, I have done every training exercise, including JRTC, and NTC. In the "box rotation" at JRTC, specifically, I had handled OPFOR EPWs.

What was the time lapse between your two shots? 2-5 seconds, just long enough to see that my round didn't hit what I was shooting at.

If it was your intention to make sure that the detainee was dead, why didn't you continue firing until ensuring that the detainee was in fact dead? Due to the heavy fire and mortar rounds we were taking, and my position being in an open field, I didn't have time to check for a pulse, but my second look at the detainee ensured me that he was in fact dead, and I sprinted back to my Stryker. It is important for me to point out that I knew the Commanders intent, and my task and purpose. The task was "to conduct movement to contact", and my purpose was "to kill or capture AIF personnel". Once the situation had developed to the point where we couldn't recover the captured AIF individual without sustaining heavy US casualties, I had to make the decision to leave the body. With that, the only way to fulfill the commanders' intent, was to ensure he was dead. I am 100% confident in my abilities as a combat leader, and my entire squad made it out without any sort of injury.

(b)(6)

FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE

ACLU-RDI 5481 p.2410-L-0126 ACLU DD II CID ROI 3268

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ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT IDA FORM 2823/ SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED	me during questioning, will be appointed for m 4. If I am now willing to a speak privately with a 5. COMMENTS (Contine Section B. Walver I understand my rights as s having a lawyer present wi (b) (6) 5. ORGANIZATION OR 2a. NAME (Type or Pri b. ORGANIZATION OR Section C. Non-waiver 1. I do not want to giv	I understand that this the before any questioni discuss the offense(s) lawyer before answeri us on reverse side) tated above. I am now th me. WITNESSES <i>(if avail</i> inst) ADDRESS AND PHON inst) ADDRESS AND PHON	i lawyer can be one that I arran ing begins. under investigation, with or wit ing further, even if I sign the wa willing to discuss the offense(lable) IE	lawyer before, during, and ge for at my own expense, i hout a lav (b)(6) has aiver belov (b)(6) s) under investigation and m c) contacture of (b)(6) 6. ORGANIZATION HHC/3-21 IN	(b)(6) (b)(6) (b)(6) (c)(c)(c) (c)(c)(c) (c)(c)(c) (c)(c)(c)(c) (c)(c)(c)(c) (c)(c)(c)(c)(c)(c)(c) (c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(and want one. a lawyer guestions at any time, or ting to a lawyer first and witho
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	ARNING PROCEDURE
	ARNING
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1. WARNING - Inform the suspect/accused of:	can be a civilian you arrange for at no expense to the Government or a military
a. Your official position.	lawyer detailed for you at no expense to you, or both."
b. Nature of offense(s).	- or -
c. The fact that he/she is a suspect/accused.	(For civilians not subject to the UCMJ) You have the right to talk privately to a
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:	lawyer before, during, and after questioning and to have a lawyer present with
"Before I ask you any questions, you must understand your rights." a. "You do not have to answer my questions or say anything."	you during questioning. This lawyer can be one you arrange for st your own expense, or if you cannot afford a lawyer and want one, a lawyer will be
 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 	appointed for you before any questioning begins."
criminal trial."	 d. "If you are now willing to discuss the offense(s) under investigation,
c. (For personnel subject to the UCMJ) "You have the right to talk	with or without a lawyer present, you have a right to stop answering
privately to a lawyer before, during, and after questioning and to	questions at any time, or speak privately with a lawyer before
have a lawyer present with you during questioning. This lawyer	answering further, even if you sign a waiver certificate."
	Make certain the suspect/accused fully understands his/her rights.
THE	VAIVER
	1
"Do you understand your rights?"	"Do you want a lawyar at this time?"
(If the suspect/accused says "no," determine what is not understood, and if	(If the suspect/accused says "yes," stop the questioning until he/she has a
necessary repeat the appropriate rights advisement. If the suspect/accused says	lawyer. If the suspect/accused says "no," ask him/her the following question.)
"yes," ask the following question.)	
These years expressed a location of a balance and the second states 79	*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
"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	present with you?" (If the suspect/accused says "no," stop the interview and
was recent (i.e., fewer than 30 days ago), obtain legal advice whether to	have him/her read and sign the non-weiver section of the waiver certificate on
continue the interrogation. If the suspect/accused says "no," or if the prior	the other side of this form. If the suspect/accused says "yes," have him/her read
request was not recent, ask him/her the following question.)	and sign the waiver section of the weiver certificate on the other side of this
	form.)
SPECIAL IN	STRUCTIONS
WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the	2. If the suspect/accused was questioned as such either without being advised
suspect/accused orally waives his/her rights but refuses to sign the waiver	of his/her rights or some question exists as to the propriety of the first
certificate, you may proceed with the questioning. Make notations on the	statement, the accused must be so advised. The office of the serving Staff
waiver certificate to the effect that he/she has stated that he/she understands	Judge Advocate should be contacted for assistance in drafting the proper
his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.	rights advisal.
myssigauch, and reices to sign the warder certificate.	NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised
IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases	accordingly should be noted in the comment section on the waiver
the waiver certificate must be completed as soon as possible. Every effort	certificate and initialed by the suspect/accused.
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	WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR
street interrogation, completion may be temporarily postponed. Notes should be	HER RIGHTS DURING THE INTERROGATION PROCESS: If during the
kept on the circumstances.	interrogation, the suspect displays indecision about requesting counsel (for
	example, "Maybe I should get a lawyer."), further questioning must cease
PRIOR INCRIMINATING STATEMENTS:	immediately. At that point, you may question the suspect/accused only
 If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that 	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
such statements do not obligate him/her to answer further questions.	example, do not make such comments as "If you didn't do anything wrong, you
Cont statements of the congression to another decisions.	shouldn't need an attorney.")
COMMENTS (Continued)	
REVERSE OF DA FORM 3881	USAPA VZ

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Exhibit ACLU-RDI 5481 p.2610-L-0126 ACLU DD II CID ROI 3270

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	N C	SWORN STAT	EMENT	- (-CID389-80688	
	For use of this form, s			gency is ODCSOPS		
•		PRIVACY ACT ST		••		
	0 USC Section 301; Title					
PRINCIPAL PURPOSE: To pro	vide commanders and law ocial security number is u	enforcement offic	als with mea Valtemate m	ans by which information early of identification	to facilitate filing and	retrieval.
	sure of your social security					
1. LOCATION		2. DATE (YY	YYMMDD)	3. TIME 03	4. FILE NUMBER	
FOB Patriots, Mosul, Iraq		2004/			7 GRADESTATUS	
(b)(6)	WIDDLE NAME	0. 55			7. GPARESTATUS (b)(6)Active 1	Duty
8. ORGANIZATION OR ADDRE		····			-	
C/3-21 IN, FOB Patriots, Ma	osui, iraq b)(6)					
9. ⁽		, WANT	TO MAKE TH		EMENT UNDER OATH	1:
6) ,						
as the ATE member of (b)(med7 (6)	·				
hid the ΔIE member fire $(b)(6)$	e his weapor (b)(6)					
bid you initially shoot the $(b)(6)$	ne AIF? (b)(6)			-	2)	
Vho else in your squad	or platoon fired and how	many times	nitial Eng	(b)((o) (b)(6)	
st weather only i		ው ጥሳት		(b)(6)	- y - 4	
There was a work	or platoon fired and how one from I have d severity of any initial to US soldiers? (b)(6) b) b) b) b) b) b) b) b) b) b	I to here for	the int	history (1 rolled)	Fach the lis have ,	ather making
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• Exhibit 2 ACLU-RDI 5481 p.2710-L-0126 ACLU DD II CID ROI 3271

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FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE Exhibit ACLU-RDI 5481 p.2810-L-0126 ACLU DD II CID ROI 3272 Exhibit 2

(b)(6) 0332 hrs. 0-42-04-CI 038980688 TAKEN AT STATEMENT OF cincumstances the time under the 44 9. STATEMENT (Continued) wes fire thought 1 and \mathbf{n} AK-47 mission, but later on in the Pight Lecision and I and talk about told right T MY (b)(6) Secile mont we was underway. Nhen our platoon was arotl tasked Patriot, falking with my stayed back (b)(6) (b)(6) 155107. 64 and m y (b)(6) the situation. (b)(6) tell the -Nothing Follows -AFFIDAVIT (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 IN (b)(6) Subscribed and sworn to before me, a person authorized by law to WITHFORE. (b)(6) administer oaths, this _____ day of (Signature of Person Administering Oath) ORGANIZATION OR ADDRESS (Typed Name of Person Administering Oath) (Authority To Administer Oaths) ORGANIZATION OR ADDRESS INITIALS OF PERSON MAKING STATEMENT PAGE 5 OF 5 PAGES USAPA V1.00 PAGE 3, DA FORM 2823, DEC 1998

Exhibit ACLU-RDI 5481 p.2910-L-0126 ACLU DD II CID ROI 3273 2

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. **DISCLOSURE:** Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER 1000 20<u>04 11</u> LACT MALE TIDOT MAL 5. GRADE/STATUS (b)(6) (b)(6) (b)(6) 8. UNGANIZATION ON AUDRESS 12 9. (b)(6) I. __ NT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: While (b)(6) exitine a building took some small arms He returned fire along with the other soldiers with him as Tean exited we help police up one wounded soldier (AIF). T not assess him but he looked pretty bad I believe shot in his legs and the abdament chest area. While was being done on him paliced up another that was not wounded but very uncoopertive. We Searched cuff and moved Hin back to Where recieving Mostar fire on vehicle. We ms and sparatick smallorms That There was trouble getting So I went the wounded back help he was 40 Un responsive to and The distance and Fire we where recieving My Knowledge mf. to leave him as we moved back to heard Two gun shots. No questions where asked was the decision for The saftey of our soldiers richt The AILF soldiess end Suffering (b)(6) ¥. he wash (b)(6) 10. EXHIBIT 11. INITIA AKING STATEMENT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT C, DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00

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ACLU-RDI 5481 p.3010-L-0126 ACLU DD II CID ROI 3274



FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE Exhibit ACLU-RDI 5481 p.31**10-L-0126 ACLU DD II CID ROI 3275**

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STATEMEN! (Continued)	
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(b)(6)	AFFIDAVIT
١,	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
I, WHICH BEGINS ON PAGE 1, AND ENDS BY ME. THE STATEMENT IS TRUE. I H	ON PAGE, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT ON PAGE, I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE
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I, WHICH BEGINS ON PAGE 1, AND ENDS BY ME. THE STATEMENT IS TRUE. I H. CONTAINING THE STATEMENT. 1 HAVE THREAT OF PUNISHMENT, AND WITHO	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of 1000 Methods
I, WHICH BEGINS ON PAGE 1, AND ENDS BY ME. THE STATEMENT IS TRUE. I H. CONTAINING THE STATEMENT. 1 HAVE THREAT OF PUNISHMENT, AND WITHO	SUBSCRIBED and Sworn to before me, a person authorized by law to administer oaths, this 12 day of
I, WHICH BEGINS ON PAGE 1, AND ENDS BY ME. THE STATEMENT IS TRUE. I H. CONTAINING THE STATEMENT. 1 HAVE THREAT OF PUNISHMENT, AND WITHO	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of 1000 Methods
I, WHICH BEGINS ON PAGE 1, AND ENDS BY ME. THE STATEMENT IS TRUE. I H. CONTAINING THE STATEMENT. HAVE THREAT OF PUNISHMENT, AND WITHO WITNESSES: (b)(6)	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of 1000 methods and 10000 methods are an analytic and 10000 methods and 10000 methods are analytic and 10000 methods and 100000 methods are analytic and 1000000 methods are analytic and 10000000 methods are analytic and $1000000000000000000000000000000000000$
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I, WHICH BEGINS ON PAGE 1, AND ENDS BY ME. THE STATEMENT IS TRUE. I H. CONTAINING THE STATEMENT. HAVE THREAT OF PUNISHMENT, AND WITHO WITNESSES: (b)(6)	CON PAGE, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT MADE ON PAGE I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE HAVE INITIALED THE BOTTOM OF EACH PAGE E MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT DUT COERCION, UNLAWFUL IN
I, WHICH BEGINS ON PAGE 1, AND ENDS BY ME. THE STATEMENT IS TRUE. I H. CONTAINING THE STATEMENT. I HAVE THREAT OF PUNISHMENT, AND WITHO WITNESSES: (b)(6)	

ACLU-RDI 5481 p.3210-L-0126 ACLU DD II CID ROI 3276

0117389-80088 SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 4. FILE NUMBER 2. DATE (YYYYMMDD) 3. TIME 000 204 11 12 (b)(6) 5. LAST NAME. FIRST NAME. MIDDLE NAME (b)(6) 6 SSN (b)(6) 1 ctive 8. ORGANIZATION OR ADDRESS CCO I-ZITHE 9. (b)(6) L., , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On 11 Nov 04 151 5 QD, 3rd PLT began Operations to clear out eveny for cer : a built up area. As my team (b)(6) , and My self , Were clearing the area we began receiving fire. We. (b)(6) fire and continued mission. After entering one building notice a nan a cross the streat. The mean was injured. (b)(6) went out to cheak him. At the same the time the (b)(6) man reached for an A.K. shot him in the chest. and my self went out and secured him. I flex-cuffed him and began drassing the wound. I put a field dressing on the chest wound and checked for an exit wound. I didn't see one myself and five others tried to get him on his feet. He refused to help in any way. We began carrying him. We had gotten him half way to the vehical when. I noticed his back bleeding. We set him down and he was "dead wieght". We started taking shall arns and mortar fire, so me picked him up and storted carrying again. We then got the call to move out "time now". told us to drop him and get to the vehicel. I believe the man was either dead or beyond help by the time (b)(6) Carre back and shot him in the head. came up took ain and D. EXHIBIT 11. INITIA' (b)(6) EDSON MAKING STATEMENT PAGE 1 OF _2 10. EXHIBIT PAGES TAKEN AT ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00 DA FORM 2823, DEC 1998

ACLU-RDI 5481 p.3310-L-0126 ACLU DD II CID ROI 3277

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Exhibit

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM. (b)(6) TAKEN AT Patriots DATED 2004 11 12 STATEMENT OF 9. STATEMENT (Continued) I have been through CLS. The man had bert alot of blood by the time We left I didn't have time to put another bandage on him and without it he would have "bled out". We couldn't take him with us and we couldn't just leave him. -Nothing follows (b)(6) INITIAL C OF PERCON MAKING STATEMENT PAGE 2 OF 3 PAGES PAGE 2, DA FORM 2823, DEC 1998 USAPA V1.00

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Exhibit

ACLU-RDI 5481 p.3410-L-0126 ACLU DD II CID ROI 3278

(b)(6)	TAKEN AT Patrists DATED 2004 H 12
STATEMENT (Continued)	
	(b)(6)
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1	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 MAD ALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE
CONTAINING THE STATEMENT. I HAVE MADE TH	HIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
THREAT OF PUNISHMENT, AND WITHOUT COERC	CION, UNLAWFUL INFLUENCE. OR UNLAWFUL INDUCEMENT. (b)(6)
	(Signature of Person Making Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law
(b)(6)	administer oaths, this 12th day of Nev . 200
	at (b)(6)
Unganization on address	(b)(6)
	(b)(6)
	(b)(6)
ORGANIZATION OR ADDRESS	
	(b)(6)



2.

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 2: PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which informa ROUTINE USES: Your social security number is used as an additional/alternate means of identification	tion may be accurately			
Disclosure: Disclosure of your social security number is voluntary. 1. LOCATION Fob Patriots 2. DATE (YYYYMMDD) 3. TIME 2.004 12 1001	4. FILE NUMBER			
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(6) (b)(6) (b)(6)	7. CPADE/CTATIIC (b)(6)			
8. ORGANIZATION OR ADDRESS	<u> </u>			
$\frac{C}{(b)(6)}$				
, WANT TO MAKE THE FOLLOWING STA	TEMENT UNDER OATH:			
After we cleared a building and prepared to cross to the next one we caught an AIF insurger	my we seconds			
him and pulled him inside a building, where we individual to find nothing else but his AK-47 and of 7.62 mm ammo with him. when we searched that he had 2 bullet wounds, one was in the	him we found			
the other one was in his region much providing the effect this individual, so we starked providing the was	him First and, in Fighting us			
the whole time while we treated wind, show I no interit of letting us help him, we detained anothe	er Individual that			
and ammo, as if they were together toing their for and ammo, as if they were together toing their for on the U.S. Forces. This guy was a little bit more we received orders over the vartic to mount up our	cooperative. 13			
grabbed both individuals to take them to the stri				
was opposing to us taking him, and putting the little resistance his				
bad health could apport him, the other individual although putting				
realistance was a little but more cooperative after	trying to carry			
him in various ocasiones to the vehicle, we had a 15 reed with this guy, and there was 4 guys car point (b)(6) the tendorship guy, and there was 4 guys car	rying him, at this			
point saw that this guy wasn't going to make it	alive anywhere			
10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF PAGES			
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STA MUST BE BE INDICATED.				

DA FORM 2823, DEC 1998

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DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

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Exhibit

FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE

ACLU-RDI 5481 p.3610-L-0126 ACLU DD II CID ROI 3280
USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINE PAGE OF THIS FORM (b)(6) TAKEN AT FOB Patnot DATED 12, NON 2004 STATEMENT OF ^{(b)(6)} I 9. STATEMENT (Continued) we next with him so the left (b)(6) individual to mount in the (b)(6) vehicle as (b)(6) I I heard gonahots behind have as I raised the ramp, I got out the arryward hatch and exited the once, It was clearly at that moment that I knew what had happened, (10)(6) killed him so that way he wouldn't suffer a slow and torturing death, because the individual would of died anyway due to blood 1-55 and the ferrible conditions of his worners, I didn't see the the person who (b)(6) shot the individual nor did I acknowledge the person who made the decision, all I know is that I was directed to mount up the vehicle by my ______ (b)(6) and I did so, I didn't and I did so, I didn't back to see who stayed behind, becaused I INT'ed to the stryker and I automatically racked the ramp, at my arrival to the 3-1 vehicle? (b)(6) INITIALS OF PERSON MAKING STATEMENT (b)(6) PAGE 2 OF 3 PAGES USAPA V1.00 PAGE 2, DA FORM 2823, DEC 1998

FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE Exhibit ACLU-RDI 5481 p.3710-L-0126 ACLU DD II CID ROI 3281

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2-04-CID389-80688 (b)(6) TAKEN AT FOB Patrie DATED V2, NON 2004 STATEMENT OF 9. STATEMENT (Continued) evaluate / help treat the wounds in (b)(6) Dil any way? (b)(6) FIRST AND I got the pield dressing prom (b)(6) pouch, but I wasn't the individual who put the Field dressing, but I saw the wound on his shomach, but not the one on his leg, just a let of blood on his lower extremities. (b)(6) AFFIDAVIT (b)(6) , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNIAWFUL INDUCEMENT. (Signature of reasonymenting Statement) (b)(6) Subscribed and sworn to before me, a person authorized by law to WITNESSE VL day of NOV ,2004 administer oaths, this (b)(6) anom. Patrists nce (b)(6) ORGANIZATION OR ADDRESS (b)(6) (b)(6) (Authority To Administer Uatris) ORGANIZATION OR ADDRESS INITIALS OF PERSON MAKING STATEMENT page 3 OF PAGES USAPA VI.00 PAGE 3, DA FORM 2823, DEC 1998



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ACLU-RDI 5481 p.3810-L-0126 ACLU DD II CID ROI 3282

			STATEMENT	annow in ODCSOPS	
	For use of this	s form, see AR 19	0-45; the proponent a	gency is COCSOFS	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES:)1; Title 5 USC Se and law enforcem ber is used as an	ent officials with mea additional/alternate me	ins by which inform	22, 1943 <i>(SSN).</i> ation may be accurately n to facilitate filing and retric
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		40	6 SSN	<u> </u>	7 (b)(6)
(D))(0)		(b)(6))	
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See 3-2	I~ f		· ····································		
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The detain legi on heavy of to knue D: Didy D: No Nothin 10. EXHIBIT ADDITIONAL PAGES	Abdominal, and the mere him and I did Not as else to	ancre e + sqd had we trie c in the ne ret rh-c p add. 11. INI ADING "STATEME	I de la general looked 1; d dragging open 50 vred back +He detnine TIALS OF PERSON MA	torel and Ke he was g him bu me. we k to the c OD LE WAS AKING STATEMENT AT DATED	taking fire, s shot in the the was to re total just e vehicles, of finexcated?



Exhibit

ACLU-RDI 5481 p.3910-L-0126 ACLU DD II CID ROI 3283

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PAGE 2, DA FORM 2823, DEC 1998

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USAPA V1.00

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FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE



04-CID389-80688 SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. **DISCLOSURE:** Disclosure of your social security number is voluntary. 2. DATE (YYYYMMDD) 1. LOCATION 3. TIME 4. FILE NUMBER Folladrives, maniform mu4/11/12 0314 6. SS GRADE/STATUS 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: were cleaning of Yell "den't meve" then a shot was a house. I heard fired. When I moved to the location I saw a man lying on the ground. There was a AK47 lying next to him. I saw he had leg wound and a wound to his stamach. I went over and removed the weapon. The man was shill alive at that time. and anothe soldier whe I can't remember whe it was at the time pulled this man append the corner into cover. continued to clear the area. and I with culled us to take the detainies to the Styker I escented one man then came buck to help the others more the wounded man. After getting six personal trying to carry this guy I heard on the radic to leave him, drop the body and set to the Stryker. I droped the body teled the soldiers to set to the Stryker, moving away I heard a gun shet, turned aound to see playing around with is weapon, he let the bott go feward and then I turned around again heading to the Stryker, at that time I heard a second Shet. I did not torn to see what was 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00

Exhibit

ACLU-RDI 5481 p.4210-L-0126 ACLU DD II CID ROI 3286

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM. 031440 POWNE DATED TAKEN AT STATEMENT OF 9. STATEMENT (Continued) detainie. Internet philitical see shot the Q: Did you believe the detaine was alive when you left him (the detaine) and leaded into fredtyper? f: He was not moving or making a sound when I was moving him. INITIALS OF PERSON MAKING STATEMENT PAGE OF PAGES USAPA V1.00 PAGE 2, DA FORM 2823, DEC 1998

Exhibit ACLU-RDI 5481 p.4310-L-0126 ACLU DD II CID ROI 3287

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FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE



	For use of this form,	SWORN STATEMENT , see AR 190-45; the proponent a	gency is ODCSOPS	
NUTHORITY: RINCIPAL PURPOSE: NOUTINE USES:	To provide commanders and la	PRIVACY ACT STATEMENT le 5 USC Section 2951; E.O. 939 we enforcement officials with mea used as an additional/alternate m rity number is voluntary.	ans by which informati	on may be accurately
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FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE Exhibit ACLU-RDI 5481 p.45**10-L-0126 ACLU DD II CID ROI 3289**

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ACLU-RDI 5481 p.4610-L-0126 ACLU DD II CID ROI 3290

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ACLU-RDI 5481 p.4710-L-0126 ACLU DD II CID ROI 3291

-04-CID389-80688 SWORN STATEMENT For use of this form, see AR 190-45; the propenent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately PRINCIPAL PURPOSE: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. **ROUTINE USES:** Disclosure of your social security number is voluntary. **DISCLOSURE:** 2. DATE (YYYYMMDD) 4. FILE NUMBER 3. TIME 1. LOCATION 20091112 0253 FOB PATRIOT IRAQ 7. GRADE/STATUS 8. ORGANIZATION OR ADDRESS TAI INF FOB PATRIOT MOSUL ILOQ 9. , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: approximitely 2500 23:30 hrs on 2004/11/1, I was Aformed by In that conversation the had "Double TAPPEd" a wounded AIF insursent. I informed the needed to set this addression to the thatwe ASAPI END OF STATEMENT Faller IG STATEMENT 11. INITIAL 10. EXHIBIT PAGE 1 OF PAGES DATED TAKEN AT ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. USAPA V1.00 DA FORM 2823, JUL 72, IS OBSOLETE DA FORM 2823, DEC 1998

ACLU-RDI 5481 p.4810-L-0126 ACLU DD II CID ROI 3292

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THREAT OF PUNISHMENT, AND WITHOUT COERCION	I, UNLAWFUL INFI		r.
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<u></u>	For use of th		N STATECENT 90-45; the propenent		4-CID389-80688
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES:	Title 10 USC Section 3 To provide commander Your social security nu Disclosure of your soci	101; Title 5 USC S is and law enforce imber is used as an	ment officials with me additional/alternate n	ans by which inform	22, 1943 <i>(SSN)</i> . ation may be accurately In to facilitate filing and retrieval.
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١,					ATEMENT UNDER OATH:
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FOR OFFICIAL-USE ONLY-LAW-ENFORCEMENT SENSITIVE ----- Exhibit 2



2 IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM. USE THIS PAGE IF NEEDED. 0 33 oby ____ DATED 2 N 4304 TAKEN AT STATEMENT OF 9. STATEMENT (Continued) received guidance to bour the EPU; who was reported KIA, in place. The flex coffe were not removed Cunknown if this was intentional fires two rounds at the EPU. At the or due to haster and fell that the EPW could potentially pose a threat time, as they with drew, it he was taking death. Upon firing, did not see any leaction from the EPU and is not positive that his rounds impacted the EPW due to buch of effects on the body. That provided Concludes the explanation of the incident that , observed the Ak-47, RPH, and mortur fine against Bri Platoon, charlie Company, 5-21 IN, Additionally, Upon hearing vier FM Hunt one of the EPWs was KIA, I gave quidance to to leave the body in place. I gave this orter based on the accorate montor fire on 3rd Platons position. Rounds impacted in direct vicinity of the 3rd Platoon dismounted elements & Styless and one round impacted directly on top of the C32 Stryker. I did not want my men to nove an eveny KIA owler these conditions and exposed to that fire. I wonted them to move torwards more known and suspected eveny positions and every from where the enemy northers had a fix on the 3rd Platoon element. -Nothing Pellows INITIALS OF PERSON MAKING STATEMENT PAGE Q OF 3 PAGES USAPA V1.00 PAGE 2, DA FORM 2823, DEC 1998

Exhibit

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ACLU-RDI 5481 p.5210-L-0126 ACLU DD II CID ROI 3296

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	organization of the son Making Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law
	administer eather this day of
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ORGANIZATION OR ADDRESS	at(Signature of Person Administering Oath)
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Exhibit 2

ACLU-RDI 5481 p.5310-L-0126 ACLU DD II CID ROI 3297

S For use of this form, see		STATEMENT 45; the proponent ac		-CID389-80688
PR AUTHORITY: Title 10 USC Section 301; Title 5 U PRINCIPAL PURPOSE: To provide commanders and law el ROUTINE USES: Your social security number is used DISCLOSURE: Disclosure of your social security n	USC Sec nforceme d as an a	nt officials with mean dditional/alternate me	ns by which informat	tion may be accurately to facilitate filing and retrieval.
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FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE Exhibit ACLU-RDI 5481 p.55**10-L-0126 ACLU DD II CID ROI 3299**

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ORGANIZATION OR ADDRESS	at
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ORGANIZATION OR ADDRESS	(Typed Name of Person Administering Oath)

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FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE

Exhibit ACLU-RDI 5481 p.5710-L-0126 ACLU DD II CID ROI 3301

12-04-CID389-80688 SWORN STATEMENT For use of this form, see AR 190-45; the propenent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately PRINCIPAL PURPOSE: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. ROUTINE USES: DISCLOSURE: Disclosure of your social security number is voluntary. 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER 1. LOCATION 1315 Iraq 2004 NOV 10 LAST NAME, FIRST NAME, MIDDLE NAME GRADE/STATUS 6. SSN 8. ORGANIZATION OR ADDRESS CCO 3/21 INF fob patriot WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: when in route to obj pakinstine we Took fire we push through i wastold To TURN Around And fight so we Turned Around And faught the fight when we were gaining superiority in the fight we had dismount on the ground with Detainee's, we started Taking mortar rounds and was ordered to redcon 1 status At that Time I some mental what I assume to be his Sador Ton Take one Detriner To vehicle the next Detrine they were carrying They said if ANY Detainiet was Dead To leave him. the sad put him down he was in flex cuffs the sad was last to leave he fired two shots into the Detained then went to his vehicle and this was seen through my BWS system so Im finish : Doyon the believe techetuing was a line when shothim once he was flex coffed ? yes To flex cuff o: Not sure if he was plice or Not 10. EXHIBIT RSON MAKING STATEMENT PAGES PAGE 1 OF DATED ADDITIONAL PAGES MUST CONTAIN THE HEADING "ST/ TAKEN AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. USAPA V1.00 DA FORM 2823, JUL 72, IS OBSOLETE DA FORM 2823, DEC 1998

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ACLU-RDI 5481 p.6010-L-0126 ACLU DD II CID ROI 3304

42-04-CID389-80688 SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVACY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately PRINCIPAL PURPOSE: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. **ROUTINE USES:** Disclosure of your social security number is voluntary. DISCLOSURE: 4. FILE NUMBER 3. TIME 0314 2. DATE (YYYYMMDD) 1. LOCATION B (" his, mul, Ing 20041111 COADE/STATUS LAST NAME, FIRST NAME, MIDDLE NAME 8. ORGANIZATION OR ADDRESS 1.00 3-2/inf 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: was tasked out by Second Squad to Me help First squad Clear Some bouses. We linked up with first Squad, and me the whole time we were recieving mortar fire and few small arms fire. As we were running from one building to onother, the eveny opened up on us, but I could not tell were he was at well, we got to this house, then a we cleared it. Once again, we recieved mortar fire, so I stayed inside the house and so was everyone else. Then haved the Yelling on top of his voice saying "Your So Luck, your So Lucky!" I started creeping out to see, then I Saw him fire his weapon, I looked over and there was this guy, still alive with an AK, laging on the ground. We went to check him out. He and went Inside the house That this guy was Coming from to clear it; we found another, he didn't have a weapon but me date in the found another have not forming in 1.1but we chetained him just to be befe he's not fooling US. We took him autoined him just to be superior Saw that first sound h took him ourside, the then I have not that is shot. When we detained another guy, besite the one that is shot we were told to bring the man the detained another guy, beside the one viniches. He and the work toke to bring the the detained to the inictor, and as the same time toke the detained that we found to the inictor by attace of the rost of us. The other of detained was being taken to victor by attace of the rost of us. The database the The detainee that I and 11. INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT PAGE 1 OF PAGES DATED ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT AKEN AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. USAPA V1.00 DA FORM 2823, JUL 72, IS OBSOLETE DA FORM 2823, DEC 1998

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ACLU-RDI 5481 p.6110-L-0126 ACLU DD II CID ROI 3305

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM. 0320 1211.004 TAKEN AT ... DATED STATEMENT OF 9. STATEMENT (Continued) with the other detained that was not shot. I went back to help the rest of the guys take the wounded detained to the C-34 victor. Again, we were being mortared and "Go, Go, Go to the Vilucles!" Evenyone chopped they (the detainee and we all started running, then about 20 I was about 20 meter away then I heard 2 shots, I didn't look back or anything I just kept nunning. I Stayback, as we all ran away. Saw s hout the detrike? Q: O'dyon Lac A: Yegos was the detained thex cutfed when you drag sed him? 5. 4: Yes Did you believe the detained was still althe? \odot : B: I dont know, he washt moving. Q: was the detrine flex (uffed when Jhut him often you dryssed him toward the stryler? A: Ves nothing Fallows INITIALS OF PERSON MAKING STATEMENT PAGE OF PAGES USAPA V1.00 PAGE 2, DA FORM 2823, DEC 1998



ACLU-RDI 5481 p.6210-L-0126 ACLU DD II CID ROI 3306

~ 0142-04-010389-80488

DEPARTMENT OF THE ARMY HEADQUARTERS, 3rd BATTALION, 21st INFANTRY REGIMENT 1* BRIGADE 25 INFANTRY DIVISION (SBCT) FORT LEWIS, WASHINGTON 98433

AFZH-BAE-I

18 October 2004

MEMORANDUM FOR RECORD

SUBJECT: Detaince SOP

- 1. Detainee handling SOP applies to all 3-21 IN BN personal processing detainees at the battalion level.
- Detainees will be processed as follows:
 - a. Detainee secured by processing team. Captured equipment will be secured and inventoried in a timely manner. Processing team must ensure all paperwork is secured from transporting unit.
 - Detainee should be blindfolded and flex-cuffed before transport to detention facility. Processing team will immediately blind fold any individual who is not. Processing team will also flex-cuff individuals after search. (Paragraph 3)
 - c. Detainces will be searched upon arrival. All loose clothing, jewelry, watches, money, etc. will be secured and iabeled. (See Paragraph 4)
 - d. After the search is completed, medical personnel, with the help of an interpreter, will perform a medical screening of all detainees. Only qualified medical personnel can give medication or make assessments of detainees.
 - e. Detainees will be moved to the holding center. If possible segregate the detainees into different sections of the holding area, keeping individuals that might talk to each other separated (came from same OBJ).
 - f. Detainces will be provided 1 MRE, and 1 bottle of water initially after arrival.
 - g. Detainees will be kept flex-cuffed until interrogation. Blindfold may be kept on if necessary to prevent revealing a source or another detained associate.
 - h. Receipt of the detainee will be updated on the 24-hour log (DA 1594) and the Detainee Tracking Sheet (BN Staff Folders).
 - Detaince's name will be compared to 3-21 IN Compiled Black List.

3. Searches

- a. Searches should be conducted with no less then two personal present. One soldier to search the other in a security over-watch position. Search team should bring gloves, plastic bags (or something comparable), a black permanent marker and a camera.
- b. Strip detainee down to one layer of clothing if possible. Remove all jewelry, watches, money, documents, etc from the detainee. All personal possessions will be inventoried and labeled to that individual. (Name, Detainee #1, Blue Shirt-Grey Hair, etc.)
- c. Searching should be thorough and systematic. Search the detainee from head to toe.
- d. Thoroughly pat down the detainee. Critical areas to search are collars, underarms, the beltline, groin area, and socks and shoes.
- e. Lift up any overlapping clothing. Remove belt, and check inside the belt line. Pull waistband away from body to clear their waistline. It is important to search the inside of their thighs.
- f. Search socks and shoes. Pants are frequently tucked into socks making it easy to hide possessions around ankles.
- g. Take shoes off and check for objects inside shoes.
- h. Search detainee's jackets and overcoats. Jackets may have holes cut in them allowing the detainee to hide items between the outer shell and the lining.
- i. Detainces are allowed to have over-garments in the detention area after they have been searched.
- j. Search team must use the proper amount of force to control the situation. Personal should use the least amount of force necessary to ensure detainees are following all commands. The Geneva Convention and

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DEPARTMENT OF THE ARMY

HEADQUARTERS, 3rd BATTALION, 21st INFANTRY REGIMENT

1[#]BRIGADE 25 INFANTRY DIVISION (SBCT)

FORT LEWIS, WASHINGTON 98433

the Rules of Land Warfare are applicable. Mistreatment of detainces is not tolerated. The senior soldier in the search team is responsible for the treatment of detainces.

Inventory

- a. Personal property that accompanies each soldier should be collected and written down on an inventory sheet (DA 4137). The inventory sheet will be left with the property to identify the owner.
- b. Confiscated material (weapons, explosives, money, etc.) will be laid out and inventoried. This material will be recorded on a separate inventory sheet. Material will be photographed. Photographs will be labeled with detainees name and DTG that he was received.
- c. Photographs will be saved in BN Staff Folder/EPW Detainee Folder/Detainees on the battalion web server.
- d. Pictures will be printed out and sent with detainee to BDE EPW Collection Point.

5. Interrogation

- a. Interrogation is the decisive point of detainee operations. Detainees will be more cooperative if kept in an unbalanced state. Keeping the detainee blindfolded and flex-cuffed contributes to the detainee's level of discomfort and general disorientation.
- b. Interrogation room should be a sterile environment. There should be a minimum amount of personal in the room at any time. This will keep the detainee focused on the questions being asked. Excess personal or objects in the room will cause the detainee to be distracted. It is recommended to have three personal in the room. One interrogator, one linguist, and one note taker.
- c. Preparing questions before the interrogation will keep the conversation focused on the pertinent information. Eye contact should be maintained with the detaince when asking questions, even if working through a translator.
- d. Digital photographs will be taken of the detainee before the interrogation during the in processing procedure. Photographs will be labeled with the DTG the detainee was received and the detainee's name.
- e. The senior soldier at the interrogation will determine whether or not to blindfold and flex-cuff the detaince after the interrogation.
- 6. Detainee Packet

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The following items will be included in each detainee packet:

- a. Detainces photograph
- b. 2 x Separate Sworn Statements (DA 2823) filled out by capturing unit.
- c. Coalition Provisional Authority Forces Apprehension Form
- d. 2 x Inventory Sheets (DA 4137). One each for personal belongings and captured equipment.
- e. Captured equipment photographs.
- f. Any other incriminating evidence. (Results from interrogation, statements by ICDC, other prisoners)
- 7. Limitations on Detainment
 - a. Detainees will be detained according to CJTF-7 ROE (MAR03) and 3-21 IN Detention Criteria.
 - Detainces will be held at 3-21 IN until one of the following COA are met
 - i. Detainee is of no other intelligence value to the battalion.
 - It is determined the detainee has not taken part in any crimes against Coalition Forces or Iraqi Civilians.
 - c. Detainces that are not released will be sent to the BDE EPW Collection Point at FOB Diamondback. (MAF).
 - d. The Battalion Commander is the final approving authority on detaince actions.
- 8. Transportation to BDE EPW Collection Point.
 - a. S2 shift prior to transportation will ensure all paperwork complete and correct.

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DEPARTMENT OF THE ARMY

HEADQUARTERS, 3rd BATTALION, 21st INFANTRY REGIMENT

1" BRIGADE 25 INFANTRY DIVISION (SBCT)

FORT LEWIS, WASHINGTON 98433

- Any weapons/ammunition that were confiscated shall not be turned into BDE Detention Facility. All items Ъ. can be signed over to HHC, ultimately to end up at the CAHA (Confiscated Ammunition Handling Area) on FOB Marez.
- c. Make coordination through the S-3 Battle Captain for detainee (s) to be transported to MAF.
- Bring all packets to front desk. d.
- Tell the clerk the number of prisoners you have, their personal possessions, and whether or not you are e. turning in seized equipment.
- POC for this document is SSG Zilliox (3-21 IN BN S2 Section). f,

Para. I -- Flex-cutts should be fastened around detainer's bands with at least two flagers width between cutts and bands. Hands secured in front, this allows detainee to easily use the latrice without assistance.

Para. 2 - All belongings will be placed in a plastic bag with detainees name on it. After all the detainees have been theroughly searched and pictures have been taken, all possessions should be taken to TOC to be annotated on the DA 4137 form.

> **RAE CHO** CPT, MI 3-21 IN BN S-2

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3-21 IN TACSOP

SECTION 2: Intelligence

-42-04-CID389-80688

10 SEP 2004

6. HANDLING CAPTURED OR DETAINED PERSONNEL, DOCUMENTS, AND EQUIPMENT

Upon apprehension, the maneuver unit will conduct Site Exploitation in conjunction with the THT. Unit photographs all evidence on the scene. Detainees will then be handled in the following manner unless otherwise instructed by the chain of command:

A. Detainees will be processed using the 5 S's: Search, Segregate, Silence, Safeguard, and Speed. Engineer tape will be used as a blindfold

a. Medics will immediately screen all detainees. All injuries will be documented. 1 copy will go with the detainee; the other will be turned into the S2.

b. Detainees will be marked according to the following table.

Category	Description	Marking
Crows	Hostile and/or known enemy, or on Black list	550 cord necklace with EPW capture tag (part A) (Orange 3 written on the front) (yellow or orange Chemlite at night
Parrots	Non-Hostile but suspected enemy, on gray list	550 cord necklace with EPW capture tag (part A) (Orange 3 written on the front) (green Chemlite at night
Canaries	Non-Hostile, no suspected criminal involvement, or on white list	550 cord necklace with EPW capture tag (part A) (Orange 3 written on the front) (blue Chemilite at night

c. As soon as possible the capturing unit will call up a Green 6 report (FM and FBCB2) and initiate the following:

a) EPW capture tag (DA 5976)

- b) Evidence/property custody document (if anything was found with/on Detainee) (DA 4137)
- Apprenension form
- Sworn Statement of individual who captured detainee (DA 2823) d)
- Photograph of the individual **e**}
- Summary Interrogation Report (done by the THT if they feel one is needed) f)
- g) OPSUM: a brief description of the mission that the detainee was captured on (only for planned operations),

B. After receiving Green 6 report a S2 representative will give instructions regarding where to take the Detainee. Usually it will be either to the BN TOC, or the Brigade Detainee holding facility. At the same time the S2 will provide a detainee number, which should be annotated on block 2 of the EPW capture tag, and the appropriate blocks of the Apprehension form and Evidence/Property custody

C. The unit will then escort the detainees to the appropriate location, ensuring that the individual who apprehended each detainee accompanies them.

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D. When a detainee is brought to the Battalion Holding Area the THT will work with the maneuver unit to compile all evidence and make a recommendation whether to bring the detainee higher or release him. The BC, XO, or S3 will make the final decision on the disposition of the detainee.

7. OPERATIONAL SECURITY

A. GENERAL: These procedures will be followed and enforced to prevent enemy forces from capturing or obtaining classified information.

1) Units will follow these guidelines when handling and storing classified information in the field, to include access to operational FBCB2 screens.

a) Grant access only to those with proper clearance and a valid "need to know"

b) Ensure all classified material is clearly and property marked

c) Ensure all classified material is stored in an appropriate container (ie field safe).

d) Classified materials should be destroyed ASAP after it is no longer of operational use (ie. destroy/erase overlay for a particular operation once is completed.) If you destroy classified information in the field, burn it or physically destroy (ie. Drive over computer hard drive)

e) Conduct a sweep of your unit area before and after you leave to make sure nothing of value was inadvertently left behind (especially crucial after night movements and you have erased traces of your presence.) In the event enemy forces are about to overrun the CP, the following emergency destruction procedures will be taken:

1) Prioritize material to be destroyed (ie most sensitive/damaging information/equipment first, COMSEC second, etc)

2) Destroy most critical/sensitive material first (ie. OPORD, Annexes, Appendixes, WARNO, FRAGO, INTSUMs, Overlays, etc.) Shredding ar burning documents is the recommended method.

Equipment to be zeroized:

RT-1523E – ASIP Radio RT-1702 – EPLRS Radio NTDR – Near Term Digital Radio AN/CYZ-10 – ANCD

4) Equipment for physical destruction by smashing and/or using thermite grenades:

ASAS-H -- Harddrive ASAS-L -- Harddrive MCS-H -- Harddrive MCS-L -- Harddrive AFATDS -- Harddrive LSD -- Harddrive MDL -- Harddrive

5) Equipment for software destruction (zeroing) or physical destruction by smashing and/or using thermite grenades:

TIMS - Harddrive

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Page 2 - 6

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		<u></u>	DATA REQUIRED	BY THE PRIVACY ACT		····
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	To provide comr Your Social Secu	manders a urity Num	ode, Section 3012 and law enforceme	g) nt officials with means dditional/alternate mea	•	may be accurately identified. acilitate filing and retrieval.
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ACLU-RDI 5481 p.7010-L-0126 ACLU DD 4 OID ROI 3314000069

SWORN STATEMENT

File Number: 0142-04-CID389-\$06%Location: Mosul Airfield, Iraq Date: 19 Nov 04 Statement of: SSN (066, 6)(7)(C)

Grade/Status: E-5/AD

Org/Address: Charlie CO, 3-21st Infantry, FOB Patriot – Mosul, Iraq (Fort Lewis, WA)

want to make the following statement under oath: I am making this

statement freely.

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

I have been assigned with Charlie CO, 3-21st Infantry for about two and a half years and have been deployed in Iraq since October 2004. I am currently serving as the 1st Squad Leader in 3rd Platoon. On 11 Nov 04, our company was assigned the task of moving to contact within the city of Mosul, Iraq. The purpose was to kill or capture AIF personnel. My platoon was second in the order of movement and my vehicle was the lead within our platoon. We were traveling west when I saw 1st Platoon go through an intersection and they came under small arms and RPG fire. My platoon went through the intersection and came under small arms fire. My platoon followed the lead platoon away from the intersection moving south and then was told over the radio to turn around and engage the enemy. My platoon broke away from the lead platoon, turned around, and headed back toward the intersection. Once we got back to the intersection we realized most of the small arms fire was coming from an area west of our location. The area was semi-open with sporadic houses throughout. We turned west into that area and tried to maneuver the vehicles but the ground was too soft. I saw several locations around or inside houses where individuals were shooting at us so I dismounted my squad to the right of the vehicle. We moved around a building to get cover from the small arms fire. I sent one team to the next building over for cover and I took the other team and moved to the next building. We were moving in a generally north direction from one building to the next. From that point I saw several locations where people were shooting at us from the west. I pinpointed one individual and moved my squad into the building south of his location. We started to clear the building and the platoon leader called over the radio asking if I wanted reinforcements. I told him to send me another team and they showed up about a minute later. We continued moving through the building trying to get to the next building over. Once I got to the southwest corner of the building I saw an AIF individual sitting at the northwest corner of the building south of our location. I shot once at the individual, saw that I hit him in the stomach, and saw him sit back and roll on his side. I ran toward the individual and saw his eyes rolling back in his head. I thought he was dead because he made no responses but I started dragging him toward the entrance of the building around the corner anyway. I called the rest of the squad over and had them enter the building At this time the wounded individual began making groaning noises. I had SPC lex-cuff his hands behind him and had him place a field dressing on his stomach

wound. One team retrieved one other AIF person from within the building and one team captured an AIF person outside the building so we now had three AIF detainees. I went outside to attempt to bring the Stryker vehicle closer but realized the ground was too soft so I turned him away. We began receiving indirect mortar fire on our location and the command came over the radio to mount up and leave the dead AIF person. The wounded AIF was still groaning at this

INITIALS Page 1 of 3 FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE EXHIBIT Z ACLU-RDI 5481 p.71**10-L-0126 ACLU DD II CID ROI 3315**000070

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

DATED: 19 Nov 04 CASE #: 0142-04-CID389- 80688

point so we started trying to move him to the vehicle. We couldn't get him to stand up so I shot a warning shot into the ground to try and get him to stand up. At this point we were still receiving heavy small arms fire in addition to the indirect mortar fire so I was attempting to get the detainee to move so I could get my men out of danger. I sent several members of the team out with the two uninjured detainees to the vehicle. Myself and two others were attempting to move the injured detainee. We couldn't get him far, so I signaled for the other team to come back to help. He was not responsive at this point and someone said that he was dead. I don't remember who said that he was dead but the command kept coming over the radio to leave the dead detainee. Everyone was shouting at this point, we couldn't move him any further because of his weight and the soft ground. We were still taking heavy fire. The final command came over the radio to leave the detainee because the enemy fire was too intense. We were basically sitting ducks out in the open trying to get this unresponsive detainee who was thought to be dead back to the vehicle. I told the remainder of the team to get back to the vehicles. The detainee was laying on the ground about ten to twenty meters east of the building. I was standing between one to two meters away from the detainee and realized I did not want to take the chance of leaving a live AIF person behind. I thought the man was dead at this point but it flashed through my mind that we should not leave a live enemy behind. I took quick aim at the man's head and fired a round and saw it hit the ground at the side of his head. The man made no movements and did not respond to the sound of the weapon being fired. I think that the weapon jammed and so I had to pull back the charging handle to get another round in the chamber. I fired again at his head and saw that I missed again. He did not move or respond again so I was confident that he was dead. I then sprinted back to my vehicle. We drove back out on the road and moved south to a different neighborhood. We dismounted and began moving from building to building. It was during this time that I approached my platoon sergeant, $SFC^{(0,0),(0)}$ and told him there was a detainee that was left behind. I can't remember specifically what I told him but I basically told him I shot the detainee and he said we can't talk about it right now but will get it sorted out back at the base. I don't remember saying anything about missing the shots at this point. Once I got back to base we were tasked for a follow-on mission but I told my platoon hat I needed to talk to the company commander about it. Once I spoke with leader_1LT CPT(7)(c) L told him that I had fired at the detainee but had missed both shots.

A: SGT^{(b)(6), (b)(7)(C)}

Q: Describe the detainee that you wounded.

A: He was a Middle-eastern male, black medium-length hair, mustache, dark eyes, dark skin, wearing dark pants and dark button-up shirt. He was about 6'2" or 6'3" and probably weighed about 250 pounds. He had one AK-47 rifle with him with one magazine in the weapon.

Q: Can you provide a definitive reason for shooting at the detainee when he was cuffed?

A: When the option of recovering him back to the vehicle had dissipated, tactically it made sense to ensure he was dead. I made a split-second decision and at the time it seemed like the right decision.

Q: What was your intent when you fired the two shots at the detainee?

A: My intent was to ensure he was dead.



ACLU-RDI 5481 p.7210-L-0126 ACLU DD II CID ROI 3316000071
STATEMENT OF:



Q: What would have been your reaction if the detainee had responded to either of the shots fired at him.

A: It's impossible to duplicate the situation so it is impossible for me to say what I would have done.

Q: Describe the flex-cuffs that were placed on the injured detainee.

A: The bands are yellow and the hasp portion is black. They are made of plastic. They are pretty standard in the infantry line companies

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

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

I, 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.



Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19th day of November 2004 at Mosul Airfield, Iraq.



(b)(6), (b)(7)(C) Page 7 of 3

EXHIBIT ン

ACLU-RDI 5481 p.7310-L-0126 ACLU DD II CID ROI 3317000072



SWORN STATEMENT

File Number: 0142-04-CID389-80688 Location: Mosul Airfield, Iraq

Date: 22 Nov 04 Statement of: (b)(6), (b)(7)(C)

Time: 1911 W/s

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

Grade/Status: O-3/AD SSN: Org/Address: Charlie CO, 3-21st Infantry, FOB Patriot – Mosul, Iraq (Fort Lewis, WA)

(b)(6), (b)(7)(C) want to make the following statement under oath: I am making this Ι,

statement freely.

On 11 Nov 04, my 3rd and 1st Platoon elements were involved in a movement to contact mission in Mosul, Iraq. I was initially with 1st Platoon but after one squad was hit with RPG's and became combat ineffective I moved to 3rd Platoon's location. Once I got there 3rd Platoon had dismounted and was maneuvering on the enemy. We were receiving heavy small arms fire and then I received the report over the radio that 3rd Platoon had two enemy detainees secured and one enemy KIA. Almost simultaneously with this we began receiving very accurate indirect mortar fire on our location and I wanted to maneuver on the small arms fire that we were receiving from the southwest. At some point Lreceived word that they were attempting to evacuate the enemy KIA and I instructed 1LT to leave the enemy KIA in place. Obviously he either received my command or was thinking the same thing because they left the enemy KIA in place. Upon returning from the Combat Support Hospital at approximately 2200, 11 Nov 04, I received a call from SGT on the hand-held radio that he needed to speak to me directly. I linked up with him in front of the company headquarters and he described the events that had unfolded. SGT^{(b)(6), (b)(7)(C)} stated that he had engaged an enemy combatant who was going for his AK-47 rifle and shot him in the upper abdominal/lower chest area. Upon arriving at the location of the combatant they immediately flex-cuffed him and rendered buddy-aid to him. Almost simultaneously to that they secured two enemy detainees in the vicinity of the same structure as the enemy WIA. They evacuated the two detainees to the Stryker vehicles. As they attempted to evacuate the enemy WIA he became unresponsive and they believed he was KIA. provided buddy-aid to the enemy WIA and was qualified as a Combat Life-SPC Saver, however, the wounded KIA was not declared dead by the platoon medic. At this point they reported him as being KIA and received instructions to leave him. SGT (6)(6), (6)(7)(C) that they were vulnerable while remounting the Stryker vehicles if the combatant was pretending to be dead and engaged the element as they exfilled. The AIF Forces have faked death on several contacts with the 3-21 IN Battalion Task Force. SGT said that because of that he took one shot at the enemy KIA and missed and then took another shot and believed that b)(6), (b)(7)(C) he missed the second shot as well. SGT hen said he remounted the vehicle and left

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

A: CPT ^{(b)(6)}, (b)(7)(C)

(b)(6), (b)(7)(C) was telling you about the events did he mention "double-Q: At any point while SGT tapping" the enemy WIA?

A: No.

(b)(6), (b)(7)(C)sure that he missed both shots that he fired at the enemy WIA? O: Was SGT

Page 1 of 2 **INITIALS**

EXHIBIT S

ACLU-RDI 5481 p.7510-L-0126 ACLU DD II CID ROI 3319000074

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

CASE #: 0142-04-CID389-80688

- A: He believed that he missed both shots.
- Q: Do you have anything to add to this statement?
- A: No. ///END OF STATEMENT/// ((b)(6), (b)(7)(C)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22^{nd} day of Network (2004 et Meaul Airfield, Iron).

<u></u>			
(Sigi			

Special Agent (Typed Name of Person Administering Oath)

_____Article 136, UCMJ_____ (Authority to Administer Oath)

INITIALS

Page of 2

EXHIBIT SECONDY-LAW ENFORCEMENT SENSITIVE

ACLU-RDI 5481 p.7610-L-0126 ACLU DD II CID ROI 3320000075

		1142-04-CCA 389- 80688
· · · · · · · · · · · · · · · · · · ·	SWORN STATEMENT	
For use of	this form, see AR 190-45; the proponent agency i	IS ODCSOPS
PRINCIPAL PURPOSE: To provide commanders and law enfor ROUTINE USES: Your social security number is used as	PRIVACY ACT STATEMENT Section 2951; E.O. 9397 dated November 22, 19 cement officials with means by which information an additional/alternate means of identification to	may be accurately identified. facilitate filing and retrieval.
DISCLDSURE: Disclosure of your social security num	ber is voluntary. (b)(6), (b)(7) 2. DATE (YYYYMMDD)	7)(C) LE NUMBER
1. LOCATION CID Office, Mosul Airfieild, Mosul, Iraq	2004/11/22	1920 LE NUMBER
E LAST MAAAF FIDST MAAAF MIDDLE MAAAF (b)(6), (b)(7)(C)	6. SSN (b)(6), (b	7. GRADE/STATUS E-9/AD
8. ORGANIZATION OR ADDRESS C Co, 3-21 Infantry, FOB Patriot, Mosul, Iraq	(Ft Lewis, WA)	
)(6), (b)(7)(C)	, WANT TO MAKE THE FOLLOW	WING STATEMENT UNDER DATH:
see them. I heard over the radio we had a wour over the radio that the wounded enemy was dear Later that night the Commander, CPT(b (6 , b) attempting to evacuate. When it was explained told CPT (b (6 , b (7)) A: 1SG(b (6 , b (7)) A: 1SG(b (6), b (7)) (C) Q: So you did not witness any of SGT A: No. Q: When CPT (b (6), b (7)) (C) told him he "double to Q: What do you mean when you say double tap A: To fire 2 shots at a person or target. Q: Was it you impression the words "double to A: My impression was those were SGT (b (6), b (7)) (C) Did you discuss this incident with SCT(b (6), b) (C) (C) When he admitted the "did it", what did he A: He basically said he shot a wounded AIF, an higher.	aded enemy, who was being evac 1. That was the last thing. I heard old me SGT $(b(6), (b)(7)(C))$ tated he that the enemy was nex cuffed ar 8n Commander. (C) actions during this incident' nt, what exactly did he tell you? apped" the detainee. (C) words. (D) (C) t all? (D) vas advised of his rights and g 1 he did it. tell you? nd once he said that, I ended the or cally said he shot the guy, and I d	I over the radio and we continued the mission. e "double tapped" the enemy that his squad was hd possibly alive when SGT $(0, 0, 0)$ shot, I pords or CPT $(7)(C)$ words? gave his statement for the 15-6 I asked him conversation as I knew we need to brief this to lid not discuss it any further with him.
10. EXHIBIT	1 (b)(6), (b)(7)(C)	G STATEMENT PAGE 1 OF 2 PAGES
ADDITIDNAL PAGES MUST CDNTAIN THE HEADING "STATEMENT DF	-	DATED
THE BDTTDM DF EACH ADDITIDNAL PAGE MUST BEAR THE INITIALS	DF THE PERSDN MAKING THE STATEMENT, AND) PAGE NUMBER MUST BE BE INDICATED.
DA FORM 2823, DEC 1998	DA FORM 2823, JUL 72, IS OBSOLET	E USAPA V1.00

ACLU-RDI 5481 p.7710-L-0126 AGHUL DE ALCID ROI 3321 000076

For use of this form, see AR 190-45:	WORN STATEMENT <u>The proponent agency of the Deputy Chief of Staff fo</u>	or Personnel.
LOCATION MAF CID Office, Mosul, IZ	$\begin{array}{c} \text{DATE} \\ \text{22 Nov 04} \end{array} \xrightarrow{\text{TIME}} \begin{array}{c} \text{TIME} \\ 1940_{(7)(C)} \end{array}$	FILE NUMBER 0142-04-CID389-8
b)(6), (b)(7)(C)	$\frac{1}{1} = \frac{1}{1} = \frac{1}$	GRADE/STATUS
OD CAN'IZ ATION OD ADDDDGG		E-3
ORGANIZATION OR ADDRESS C Company, 3/21 Infantry Regime	ent. FOB Patriot. APO AE (09345
C. Company. 3/21 Infantry Regime	want to make the following statement under o	ath:
I secured the weapon and remove the second male Iraqi back to male Iraqi and the other member them SCT (00,000) asked for a IT (0,000) ave SPC (00,000) his dra dressing, but I later saw a dra small arms fire, but we cannot started to receive mortar fire decision is made that we'll more the increased fire. I pulled radio operator moved back towar squad took another prisoner to the second male Iraqi, the guy and took him to a Stryker vehic I are left with the wounded Ira and move him to the vehicle. We heavy. We could not move him a soldiers. Four other soldiers security for them while four so tried to carry him. The moved they put him down. I heard son	ink we were the As-Salum imes while we were in our d and began to maneuver to s. After we initially dist d toward the next house. ing, I saw several enemy is ll arms and we were return nd we moved forward to end und our new area, I heard Put down the weapon." So g, which was a small doord e building, I saw a male is ed to have been shot in th 0 round magazine on the given ured the first room, and oint, I told SGT () ()	(sic) neighborh Stryker vehicl o fix and destr mounted we sear As we were forces. The en hing fire. The gage them. As SGT (D(G), (D)(7)(C) GT (D(G), (D)(7)(C) GT (D)(G), (D)(7)(C) GT (D)(G), (D)(7)(C) GT (D)(G), (D)(7)(C) and I move that I had seen street from whe cond individu and I move e first wounded to got back to the wounded Iraq D(G), (D)(7)(C) applied are still recei he fire. We th tose to us. The hicle because o h leader and hi diers from 2 nd soldiers gabber for the guy ause he was too he would for some o h and pulled d raqi up and e most, and the hot going to be
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STA ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PER	SON MAKING THE STATEMENT AND BE INITIAL	ED AS "PAGE_OFPAG
WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF REVERSE OF ANOTHER COPY OF THIS FORM.		
KEVERSE OF ANOTHER COFT OF THIS FORM.		
DA FORM 2823 (AUTOMATED)]	FRIAL HAF OUL	·····

0142-04-010389-80688 able to carry the wounded guy, so SGT^{(b)(6), (b)(7)(C)} gave the order for everyone to leave the guy and mount us. As I ran to the Stryker, we were still receiving fire. As I entered the Stryker I heard two shots that I recognized as M4 rounds. There was someone doing personnel accountability and as that was going on, I saw SGT (b)(6), (b)(7)(C) ump into the vehicle. Q: SA (b)(6), (b)(7)(C) A: PFC Q: Was the wounded Iraq handcuffed? A: I don't know about when they moved him, but I saw him flexed cuff when we first captured him. fire on the wounded Iraqi? Q: Did you see SGT A: No. Q: Was the wounded Iraqi armed initially, and was he searched for 2nd weapons? A: Yes. He had the AK with 30 rounds. I saw someone removed the magazine and lift the receive cover as though he was going to remove the weapon's bolt. We always search for 2nd weapons, but I did not see it done. Q: Did you see the wounded Iraqi resisting US forces? A: Yes. When we initially capture him he tried to bat the hands away of the guy who was trying to secure him. Once they went to move him at the end, he was just lying there. He was really big. Probably 6 feet tall and 260 lbs with a big gut, so he was hard move. Q: Did you say in an early statement that you thought SGImight have shot the guy to prevent him from dying a "slow, painful death"? A: Yes, because that's what I thought at the time. I thought he might have shot him to be merciful to the guy. Q: At the time you heard the shots fired, do you know whether the wounded Iraqi was alive or dead? A: I have no way of knowing. I was already back the Stryker vehicle. Q: Did SGT (b)(6), (b)(7)(C) ever talk to you about this incident? A: No. Q: Do you have anything else to add, change or delete in this statement? Α: (b)(6), (b)(7)(C) _ HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE_2_... I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. (b)(6), (b)(7)(C) WITNESSES: SUBSC LAW TO ADMINISTER OATHS, THIS 22 DAY OF NOU O4 **1** AT (b)(6), (b)(7)(C) - . ORGANIZATION OR ADDRESS (Signature of Person Administering Oath) ORGANIZATION OR ADDRESS (b)(6), (b)(7)(C) (Name of Person Administering Oath) APTICLE 136 D (4) JCMJ (Authority to Administer Oath) (b)(6), (b)(7)(C)NT INITIALS OF PERSON MAI PAGES 2 OF 2 PAGES DA Form 2823 (AUTOMATED)

ACLU-RDI 5481 p.7910-L-0726 ACEU DD IFCID ROI 3323000078

EXH7

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). To provide commanders and law enforcement officials with means by which information may be accurately identified. PRINCIPAL PURPOSE: **ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary (b)(6), (b)(7)(C) 1. LOCATION 2. DATE (YYYYMMDD) 4. FILE NUMBER Airfield Mosui 2001112a 950 Trud 0142-04-010389-80688 5. LAST NAME FIDST N. ⁶(b)(6), (b)(7)(C) 7. GRAOE/STATUS NMI E-Z AN 8. ORGANIZATION OR ADORESS 3/21 Inforth \mathcal{C} COMDan 9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 11th 2004. November We (cco 3-21 inf) were in a fire fight aus around noon time Know the Toward the end of the fire fight, fire fight rd Platoon, 82nd Sauad) were tasked out Certain house that we iucet ieving from the first house ran to was Still under onstruction. Starfe a little too close to us, I starsed and warted for further +notructions 1 Peacle Squad larder, was or, and had his weapon at the The (tag Could nof ee was aying all kinds of things So hucky." He then Shot his lour repet See who he shot # I saw that He Shot an en enus in the 11. INITIALS OF PER PAGE 1 OF PAGES ADDITIDNAL PAGES MUST CDNTAIN THE HEADING "STATEMENT DF TAKEN AT DATED THE BOTTOM OF EACH AODITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, ANO PAGE NUMBER MUST BE BE INDICATED. ACLU-RD15489 p.8010-000079 USAPA V1.00

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~!42-04-C10389-80688 MAL PAGE OF THIS FORM. USE THIS PAGE IF NEEDED. THIS PAGE IS NOT NEEDED, PLEASE PROCEED (b)(6), (b)(7)(C)TAKENAT MOSUL Arfreil, Jrag DATED 22 NOVOU STATEMENT OF 9. STATEMENT (Continued) stomach. I was tasked out to clear the house next door, we detained one personel, no weapon, when I came out there was another eveny that first square huspatetained and flex-Cuffeel. The enemy who was shot in the Stomach was flex Cuffeel too and blind folded. We had to exort all of them to the Stryker Curse we were ready to get out of there. I took one detained to the Stryker and Came back to help move the enemy who were shot in the Stomach. He was too heavy, so get more guis to help, but it didn't make any difference. All the we while, we were still recieving mortar fire. Sat. b)(6), (b)(7)(C) then came to us and yelled, Go to your Vilicles, Go, Go I dropped the detainer and strated running toward the stryker. Then I heard two Gun shots, I didn't look back to see what happened I kept numing. (b)(6), (b)(7)(C)Q. When you were behind sor , are you you're so lucky"? he said Sure A. Yes (b)(6), (b)(7)(C)You initially saw son shout the detainer the first time, but did Not see him second time while leaving, correct Shost INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)PAGE of S PAGES USAPA V1.00 PAGE 2. DA FORM 2823, DEC 1998 ACLU-RDI 5481 p.8110-L-01267 **ROI 3325**000080 **ΔΩ.ΩΟ.ΙΓΟΙΝ**

EXH 8

	142-04-010389-80688
(b)(6), (b)(7)(C) TATEMENT OF	TAKEN AT MOSUL Arfield, Stag DATED 22 NUL OU
STATEMENT (Continued)	(
A: Yes	
Q. Did SGT (6)(6), (6)(7)(C)	say or mention anything about
the incident after	you left the scene?
A, NO.	
Q. Did anyone tall A. NO.	ic about?
	other information was want
to add to this	other information you want statement?
A. NO. III END OF ST	
(b)(6), (b)(7)(C)	AFFIDAVIT
WHICH BEGINS ON PAGE 1, AND ENOS ON PAGE <u>2</u> By me, the statement is this i have initialed all corrections	, HAVE READ OR HAVE HAO READ TO ME THIS STATEMENT
WHICH BEGINS ON PAGE 1, AND ENOS ON PAGE <u>2</u> By Me, the statement is true, have initialed all corrections	. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT
WHICH BEGINS ON PAGE 1, AND ENOS ON PAGE <u>2</u> By me, the statement is true, i have initialed all corrections	, HAVE READ OR HAVE HAO READ TO ME THIS STATEMENT
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WHICH BEGINS ON PAGE 1, AND ENOS ON PAGE <u>2</u> By Me. The statement is true. I have initialed all corrections statement freely without hope of benefit or reward, without	, HAVE READ OR HAVE HAO READ TO ME THIS STATEMENT I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE S AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INOUCEMENT. (b)(6), (b)(7)(C)
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WHICH BEGINS ON PAGE 1, AND ENOS ON PAGE <u>3</u> By Me. The statement is true. I have initialed all corrections statement freely without hope of benefit or reward, without witnesses:	, HAVE READ OR HAVE HAO READ TO ME THIS STATEMENT
WHICH BEGINS ON PAGE 1, AND ENOS ON PAGE <u>3</u> By Me. The statement is true. I have initialed all corrections statement freely without hope of benefit or reward, without witnesses:	, HAVE READ OR HAVE HAO READ TO ME THIS STATEMENT
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PAGE 3, DA FORM 2823, DEC 1998 ACLU-RDI 5481 p.82**10-L-0126 ACLU DD IL CID, ROL 3326**000081 ex H 8

0142.04-010389-80688 **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. **ROUTIME 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 2. DATE (YYYYMMDD) 3. TIME FILE NUMBER (b)(6), (b)(7) (b)(6), (b) moun ARKIE 20041122 28020 (7)(C) (b)(6), (b)(7)(C) 7. GRADE/STATUS (b)(6), (b)(7)(C) E-4/Activo . URGANIZATIUN UN ADDRESS Cco 3-21 IN 9. (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Uncing ø d Move e ani n/ 10 (b)(6), (b)(7)(C) Tth hand Over rallim the ressing on DLA T I.gured ck +40 (b)(6), (b)(7)(C) gt eople Cargina Were We set him Down und nnt como d to. Exhibit 11(b)(6), (b)(7)(C) DN MAKING STATEMENT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF AKEN AT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00 ACLU-RDI 5481 p.83**10-L-0126ACLU DD H-CID-ROI 3327**000082

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MOTTIVE

0142-04-010389-80688 FILE NUMBER: (b)(6), (b)(7) (b)(6), (b)(7)(C) IEN AT Mosul Air fieldated 2004 1122 INUED STATEMENT OF his also noticed that I was covered in blood. His over had gone limp and quiet 4e11 if Were he could at hing, but in my opinion he was already dead minutes. After wards we got back on the Stryker. S a + (b)(6), (b)(7)(C) Me or talk about micsion . didn't continued +ell anything bi next portion of the Missia (b)(6), (b)(7)(C) THE MAN WHO GRABED FOR WEADON AN ENEN OF MEADON DED HE GRAD TWHAT KIND AK-47. enomy combistiont. The yeapon was an THE CONBETANTS on th <u>0</u>, <u>6</u>, <u>6</u>, <u>6</u>, <u>6</u>, <u>6</u>, (b)(7)(WERE TRYING SO GET THE Q. WHEN YOU ANDAG FEET WAS HE MONSCIOLS COMBATANT HEA and talking YOU CHECK THE COMEDIANT FOR JETAL SIGNS WHEN LIMPY PULET. beginning to receive mortar fire Which prevent me Well from giving him further aid. YOWHERE WERE YOU TAKENG THE COMBATANT TO were taking him to the Stryker, but we ware unable to get him due to the incoming moster fire. He was left in the field. WHAT HADDONE NER up to me, or I was With the ma Stever, AS I two to the then followed the many head in We left missian continued e the combatan n See vре saw Sal as point Weadon at the heard two shots; but I didn't see them because I was turned When I looked back the man had head wounds and blood running from his head

INITIALS OF PERSON MAKING STATEMENT: (0)(6), (0)(7)(C) PAGE _____ OF ____ PAGE ____ OF ____ PAGES ACLU-RDI 5481 p.84**10-L-0126-7-C-DD-H-CID-ROI 3328**000083

	0142-04-010389-86658
(b)(6), (b)(7)(C)	FILE NUMBER (b)(6), (b)(7)(C)
STATEMENT OF TAKEN AT MOSLIA.	field DATED 200411 22 USINTINUED
D: WHAT HED SET (b)(6), (b)(7)(C)	FRER HE SHOT.
We came back to the Stry Ler and we	laft.
" DO VOU HOUS ANNTHING FISE TO	ADD TO THES STATEMEN
- NOVILLEND OF GRATEMENT //	/
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(b)(6), (b)(7)(C)	
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TIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)	PAGE <u>3</u> OF <u>4</u> PAGES

атемеnt Of	KEN AT MOSLI A 11 field DATED 2004 11 22
STATEMENT (Continued)	
	(b)(6), (b)(7)(C)
/	
(b)(6), (b)(7)(C)	AFFIDAVIT
I,	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
I,	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 」, I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE TIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS TOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.
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I,	. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE TIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS HOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. ()(の), (b)(7)(C) Person Making Statement) Subscribed and sworn to before rne, a person authorized by law to
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I,	
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ACLU-RDI 5481 p.8610-L-01 26 ACLU DD II CID ROL 3330 00085 ex H 9

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	For u		NORN STATEMENT AR 190-45; the proponent	agency is ODCSOPS	-		
AUTHORITY: PRINCIPAL PURPOSE: Routine Uses: Disclosure:	Title 10 USC Section 301; Title To provide commanders and law Your social security number is us Disclosure of your social security	PR 5 USC Section 295 enforcement officia sed as an additional	WACY ACT STATEMENT 1; E.O. 9397 dated Novemb als with means by which info alternate means of identific:	er 22, 1943 <i>(SSN)</i> . ormation may be acco	urately identified		
1. LOCATION 754 mp (D)(G), (D)(7)(C)	Net (CID)		. DATE (YYYYMMOO) ZOOY 11 ZZ	3. TIME Zo) I. FILE NUMBER	
(0)(0), (0)(7)(C)			(b)(6), (b)(7)(C)			7. GRADE/STATUS	······································
8. ORGANIZATION OR ADDR C. 321 In						L	
9. (b)(6), (b)(7)(C) (b)(6), (b)			, WANT TO MAKE THE	FOLLOWING STATE	MENT UNDER O	ATH:	
Q. Can	you explai	in in	detail	how t	hec	letain	ee
	stion was		```				
-	ainee was trea						(6), (b)(7)(C)
	the dressing.				(b)(6),	(b)(7)(C)	
treated.	U						
Q. What	was the	deta	inee's c)hy sice	al C	ond ; tio	nat
	time?		F	J		······································	
A. He was	: wounded. H	e way	laying on t	he groun	d on	his ston	nach.
He had .	moaned.						
Q. How	loud did	he	moan?		· · · · · · · · · · · · · · · · · · ·		
A- Loud er	rough for me t	o hear.	l was go	proximat	ei 3-	5 feet	how him.
Q. Did	1. 1		Show a			Signs	of
life?				J	<u> </u>		
A. There we	hs Some genera	1 more.	ment of th	he body	(arms	1 legs).	
Q. where	· ·	~ 90	<i>C</i> .	the			
10. EXHIBIT			11. INITIALS OF ACROSH		τ [AGE 1 OF	PAGES
	INTAIN THE HEADING "STATEMENT		TAKEI		OATEO		
	TONAL PAGE MUST BEAR THE INITI,	ALS OF THE PERSO	N MAKING THE STATEMEN	IT, ANO PAGE NUMB	ER MUST BE BE	INOICATEO.	
DA FORM 2823, DEC 19 ACLU-RDI 548	998 31 p.87 1 0-L-0 7		FORM 2823, JUL 72, IS OB	SOLETE		3331000	USAPA V1.00
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USE THIS PAGE IF NEEDED. ... THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO TINAL PAGE OF THIS FORM. (b)(6), (b)(7)(C)75th MP Det DATED 22 OCT 04 TAKEN AT STATEMENT OF 9. STATEMENT (Continued) was treated? A. I remained in the abandon building for a moment to check on another detainer. Once he was brought out of the back room we began to exfil. Q. How much time elapsed after you left the detainer until you heard he was dead? A. Approximately 1.2 minutes. (b)(6), (b)(7)(C) Q. Did you talk to about the incident? A. No. larrived to Sgt location later in the evening after SFL (0(0, 0)(7)(C) had already talked to him. I found them at the end of their conversation. SFC (0(6), (0)(7)(C) said something to the effect of "He said what happened " Q. Can you provide further details about the inop radio? A- My hand held MBITR had melfunctioned sometime prior to our dismount. Once I realized it I used my loom. Once I got back in the vehicle I unplogged my headset from my handheld, gave it to my RTO, then plugged my headset into the vehicle adapter. Once I plugged in monitored traffic about a dead prisoner. I ordered him left and troops to mount. (b)(6), (b)(7)(C) INITIALS OF PERSON MAKING STATEMENT PAGE Z DF 4 PAGES ΠΣΔΡΑ V1 ΠΓ PAGE 2, DA FDRM 2823, DEC 1998 **DD II CID ROI 3332**00087 ACLU-RDI 5481 p.88**1 0 - L - O 126 ACL/H** 6xH 10

0142-04-C11289-80688 USE THIS PAGE IF NEEDED. HIS PAGE IS NOT NEEDED, PLEASE PROCEED **NAL PAGE OF THIS FORM** (b)(6), (b)(7)(C) 75th mp Act DATED 22 Oct 04 TAKEN AT STATEMENT OF 9. STATEMENT (Continued) Q-were there any small aims fire after you Left the detainee? A. I don't remember any. Q. Did you hear any gun fire after you Left the detainee. A- No. Q when you mentioned in your first statement (b)(6), (b)(7)(C) was forthcoming about his shat actions, what did you mean by that! A. He had said he fired at the detained as he later stated in his statement to CPT (b)(6), (b)(7)(C) Q. Do you have any knowedge that intended to inflict injury to the detainee while he was detained? A. No. Approx 2030 hrs 11 Nov 04 SFC (0.6), (0)(7)(C) informed n (b)(6), (b)(7)(C) had shot a soldier had come forward and said Sat detrince. Q. Do you wish to add anything to your statement? (b)(6), (b)(7)(C) A. The soldier who came forward reportedly said Sat had INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) OF PAGE PAGES USAPA V1.00 PAGE 2, DA FORM 2823, DEC 1998 7D.ROI 3333000088 ACLU-RDI 5481 p.89**1 0-L-0**7

exH10

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(b)(6), (b)(7)(C) TA	AKEN AT _	75-94MD					
STATEMENT (Continued)							
shot the detained in the head.					<u></u>		
2 Do you know who	the	Soldier	was	5	that	rep	0170
this information?			<u></u>	<u></u>			
f. No.							
9. Do you wish to ad	12 0	myth:	<u>ng e</u>	150)		
x. No.			-				
111- End of (5)(6),	47, 4C (b)(7)(C)	ment				/	//
					. <u> </u>		
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(b)(6), (b)(7)(C)		E REAO OR HAVE HAO					
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BY ME. THE STATEMENT IS TRUE. THAVE INITIALED ALL CONTRECTIONS AND THE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT	I UF PUNISHIG)(6), (b)(7)(C)		NFUL IN	LUENCE, UN UN		UULINLIUI
			(Signature of I	Person M	aking Statement)		
WITNESSES:	:	Subscribed and sworn	_				_
		ninister oaths, this 7 (NOJ (A)	······································	2000
		(0)(0), (0)(7)(C)					
ORGANIZATION OR AOORESS		(b)(6), (b)	-	Person Al	dministering Oath,	,	
		Ar + 13	56 U	(m.	Administering Can J inister Oaths)	<i>117</i>	
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ORGANIZATION OR ADORESS INITIALS OF PERSON MAKING STATEMENT			(Authont)	PA	Ч	. (]	PAGES

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0142-04-010389-80688
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 <i>(SSN)</i> .
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.
1 LOCATION
1. LOCATION 2. DATE (YYYYMMDD) (b)(6), (b)(7) TIME 200 42222 (C) TIME 2013 (C) TIME 2013 (C)
(b)(6), (b)(7)(C) 7. GRADE/STATUS 8. ORGANIZATION DR ADDRESS 2. ORGANIZATION DR ADDRESS
CCO, 3/21ST INF, 1ST BDE, 25TH INF DIV, FORT LEWIS, WA
9. (b)(6), (b)(7)(C) b)(6), (b)(7)
Denile ON 11 November acound 1030 Am MY plateous Received word to go to Red Con I And
then to move to bridge one to assist AN ING unit that had come under fire. The plateon
Assisted with the ING till Around 1230 pm. At that time we got the word to move
to the palistim distance to conduct A movement to contact the Battalion had planed
for that same day, my platoon did not Receive the operater for the mission because
We where pulling A 14 hours TCP AN bridge IT. IN Route to the Philistine
Distant we took constant from both sides of the Road we drove thru it and
Sent word up. we where talk to go back thank find the even? As we closed
with the ENEMY First Section dismonsted, I was still mounted And Have
No IDEA of what the ground Looked like on How far from the Staykes
the building was. I Received A CALL from CALCO And CALCO
move the platoon South. I Related this to ILT (C) who was with first
Section I was told ther where tering to had detaining. At that time
we started Receiving indirect mother fire the third or fourth Round
Hit C32 Crewter MASS ON top. I WAS told AGAIN to move the PIT 10. EXHIBIT (D)(G), (D)(7)(C) MAKING STATEMENT
PAGE 1 OF 7 PAGES
ADDITIDNAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED
THE BDTTDM DF EACH ADDITIDNAL PAGE MUST BEAR THE INITIALS DF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.
DA FORM 2823, DEC 1998 ACLU-RDI 5481 p.91 10-L-0126/ACLU DD 110 CTD ROI 3335 000090 USAPA VI.00
ACCONDICATION CONTRACTOR CONTRACT

42-04-CIN389-80488 USE THIS PAGE IF NEEDED. THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO THIS PAGE OF THIS FORM. MOSUL AIRFIELD (b)(6), (b)(7)(C)TRAQ SFL DATED 22 NOV 2004 STATEMENT DF TAKEN AT 9. STATEMENT (Continued) (b)(6), (b)(7)1(7 (C) because of the more T CHIIN WAS thew (b)(6), (b)(7)(C) If we had to Remove bΥ 54 IAF Ashe (b)(6), (b)(7) (C) b)(6), (b)(7)(C) ASK And was ANSWAR Memb (b)(6), (b)(7)(C) And proved Cpt SAID to Leave the dead we hoaded two det A'INILES ARound 15 minutes After we Left the first Location South SEG the Street Looking for A HUT House. bounding North down AS. We one of the detaining Sql ha had shot In the head the detainie being Hexed cuffed And Something About (7)(C) Not told him the SURE which back. Like will deal with it when we get At NO OKAY what EVER trying to hid this. I guess we got time back to the Fob , EVERY ONE WAS decomprossions And Some time AROUND 1720 I WAS <u>Ss</u> (b)(6), (b)(7)(C) of the NCO'S when I was done to Kinc ASKd (b)(6), (b)(7)(C) to talked -lold he saw 561 Shot Me detaiwie INFORMED 1LT (C) twice 12 T -140 (b)(6), (b)(7)(C) from the mission we At me Fredy Səl to areute 61 here 1425 1830. ON MY WAY out FASKel 5gt About the A ROUNE thought the first Round Missed. He waver SAId **∦**@¹ Shots He たい Reason for the shooting other then the soldiors CARMING GAVE a (b)(6), (b)(7) Said to He was dead (b)(6), (b)(7)(C) INITIALS OF PERSON MAKING STATEMENT 4 2 PAGE OF PAGES USAPA V1.00 PAGE 2, DA FDRM 2823, DEC 1998 ACLU-RDI 5481 p.921 0-L-047 **DI 3336**000091

EXH 11

	0142-04-010389-80688
USE THIS PAGE IF NEEDED.	NAL PAGE OF THIS FORM.
(D)(G), (D)(7)(C) MOSUL AIKFI STATEMENT OF SFC TAKEN AT IKAS	DATED 22 NOV 2004
. STATEMENT (Continued)	· · · · · · · · · · · · · · · · · · ·
$X \le A^{(b)(6), (b)(7)(C)}$	
1: SFC (b)(6), (b)(7)(C)	
): WHAT EXACTLY DID (D)(G), (D)(7)(C) YOU TELL HIM ABOUT TH	re incident as the
WIT WAS MOVING DOWN THE STREET DISMOUNTE	<u>کې ؟</u>
C. SGT (D)(G), (D)(7)(C) toll me he had shot A detain in in the	is head And Something
About Alex culls, I'm Not sure what he said because	it was in the middle of
the fight And I was Looking for A targol house.	
); WHAT IS A HVT HOUSE?	
(b)(6), (b)(7)(C) HUT 15 A High = VAlue - larget	
): WHAT EXACTLY DID (0)(0), (0)(7)(C) TELL YOU FBOUT	THE INCIDENT?
t. SGt (b)(6), (b)(7)(C) to a me as he was scanning with the	e StryKer Remote
Weapon Station Covering 1st Sections with draw	whe SAW SET (b)(6), (b)(7)(C)
hot A detains what Looked Like twice in the head	
U: WAS (D)(0), (D)(7)(C) IN YOUR STRYKER?	
t: NO	
) WAS (0(0), (0)(7)(C) IN A STRUCER THAT WAS AHEAD O	AR DISTING VIN 7
DIGI,	DE DETINO FOU.
) CAN YOU APPROXIMATE THE DISTANCE BETWEEN Y	OUR STRUGER AND
(6), (b)(7)(C) STRYKER?	
I. NO because we closed All HAtches du to the mort.	Ars Hitting All AREXED US
NITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 3 OF 4 PAGES

				- 010389 - 8	
(b)(6), (b)(7)(C)		MOSUL AI	C)		
TEMENT OF SFC	TAKEN AT	JICHQ	OATEO Z	2 NOV 200	4
TATEMENT (Continued)					
OTHER THAN TELLING IST C	(b)(6), (b))(6), (b)(7)(C)	(b)(6), (b)(7)(C	HAD T	οιο
OTHER THIN TOTAL IN	۩(b)(6), (b)(7)(C)				
ou did vou do or short A	NYTHING TO A	HANONE Ers	<u></u>		
NO I don't thing I month	iouse 1+ to Al	u Towe.			
Do you which to ADD ANYTI	HING ELSE TO	your stan	EMENT?		
μο					
THE SAND SYNOPSIS WAS WE	OTTON 24 YA	Ac You Re	MAMBS	RED THE	•
THE SHOT SYNOTSIS WES WE					
LIDENT?					
Yes.					<u>, , , , , , , , , , , , , , , , , , , </u>
AU OURSTIONS WERE AND	SINERED BY Y	OU AND BY	YOUR H	MUD?	
HU DUCSTONS DEM THE					
Yes III AND OF STATEME				1911 - Parting - State of State of State	
Yes III AND OF STATEME				<u>1,</u>	
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PAGE 3, DA FORM 2823, DEC 1998 ACLU-RDI 5481 p.94**10-L-0126/ACL/UCDD HC1D, ROL 3338**000093

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Weypen, BGT (0)(0), Cover. I afterny bit he sous muc o, (b)(7)(C) I ying on a caugh We detained hi loctation in the	nother bui	iking Do met	ters away. I	- went over to
Weypen, Bl- Cover. I afferny by the forces much (0,00000000000000000000000000000000000	w an Ai	K.47 lying	next to him.	I removed the
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lying on a causi we detained hi location in the	ne move h.	in inside	At that poin	t Myself, 561
we detained his location in the)(7)(C)	cleared the	building, w	e feind ei man
location in the	nt in the	building. H.	e didn't reg	
location in the	m. We mi	cred cir d	etainy to Si	(b)(6), (b)(7)(C)
	building.	he had alr	ready flex a	fled and blind
to me the worr		, and they	had anothe	r prisoner
Aleterned also 4	nded man	condered	us to more	the process
D. EXHIBIT	<u>nded man</u> DGT (b)(6), (b)(7)(C)		ON MAKING STATEMENT	PAGE 1 UF PAGES
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HE BOTTOM OF EACH ADDITIONAL PAGE MUST	<u>577</u> (6)(6), (6)(7)(C)	·	NKEN AT DATED	<u>_</u>
CLU-RDI 5481 p.95 1 ((b)(6), (b)(7)(C)	74	• • • •	BE INDICATED.

0142-04-01389-8068 THIS PAGE IS NOT NEEDED, PLEASE PROCF FINAL PAGE OF THIS FORM. USE THIS PAGE IF NEEL (b)(6), (b)(7)(C) TAKEN AT MOSUL PIRFIELD DATED 2004 11 22 STATEMENT OF (b)(6), (b)(7)(C) Drisenr that Strukers hel ne. the +89. STATEMENT (Continue Ther ĽĎ ne olin 7 ere Came ww toc Q1 0) nciv ma 0Q; Crt 6 mek 5 him CNV hen hoi Ð 1 ker b)(6), (b)(7)(C) еIс 2 Clarp bool markeirz aner (DIG), (DIC) heurc C wers CMCN Sund Gn CID Carte Ĉ r V 9 ani 10.6 (b)(6), (b)(7)(C) ani ke r (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) OF THIS INCIDENT THE REMEMBER DATE NOV WAS ETAINEE'S INTURY Q.' GUNSH07 Ą. 1771 SAW THE ノアミナ WOUND 7 HE ANA/H UAS. SHIRT. COVERED HIS THE DETAINE WAS ŊĒ URY ハアメナ -10% UAIS THE COVERED FIELD SiNG ΈĘ 415 KANN AROUNS AA/S 70 200 CONTACT WITH HIM 204 THINK HE 7411 LA 57 r a NEAD iN4S 411VE0P KNOW DONT. A1. (b)(6), (b)(7)(C) AWAY FROM SG. VERF 01 HOU 404 WEAPON FIREA H15-(b)(6), (b)(7)(C) (b)(6), (b)(7)(C) INITIALS OF PERSON MAKING STATEMENT PAGE Z OF PAties USAPA V1.00 PAGE 2, DA FORM 2823, DEC 1998 ACLU-RDI 5481 p.9610-L-0126 ACLU DD H-CID ROI 3340 000095 exH 12

6142-64-6,5389-80688 THIS PAGE IS NOT NEEDED, PLEASE PROCF FINAL PAGE OF THIS FORM. USE THIS PAGE IF NEEL (b)(6), (b)(7)(C) MOSYL AIRFIELDATED ZOOY 1/22 TAKEN AT STATEMENT OF 9. STATEMENT (Continued) A: ABOUT 10-15 FEET. Q: WHEN YOU THRNED AROUND AFTER HEARING THE FIRST SHOT DID YOU SEE ANY ADDITIONAL IN TURIES ON THE DEPINEE? A: DO Q WOULD YOU HAVE NOTICED IF THERE WERE ANY ADDITIONAL INJURIES? A: I DONT KNOW (b)(6), (b)(7)(C) Q: WHERE WAS THE MUZZLE OF 567 JEADUN POINTED WHEN HE WAS RE-COCKING IT? A: IT WAS POINTED AT THE GROUND. Q: DO YOU KNOW IF ANY OF THE SHOTS FIRED RY (b)(6), (b)(7)(C) THE DETRINFE 51.7 A: NO (b)(6), (b)(7)(C)ABOGT THIS Q: DID YOG TALK TO SGT INCIDENT AFTER IT MAPPENED? A: NO. HE WAS TAKEN OUT OF MY PLATOON AFTER THIS HAPPENES (b)(6), (b)(7)(C)Q: HOW FAR AWAY FROM THE DETAINED WAS SGT STANDING WHEN YOU SAW MING RE-COCKING HIS WEAPON? A: 23 FEET, HE WAS RIGHT OVER HIM. (b)(6), (b)(7)(C) Q' DID YOU TURN AROUND AND LOOK IN SET DIRECTION AFTER HEARING THE SECOND SHOT? A! NO Q: IS THERE ANY THING ELSE YOU WOULD LIKE TO ADD TO THIS STATEMENT? (b)(6), (b)(7)(C)A: NO III END OF STATEMENT / (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)INITIALS OF PERSON MAKING STATEMENT PAGE 5 OF 9 USAPA VI DO PAGE 2, DA FORM 2823, DEC 1998 ACLU-RDI 5481 p.9710-L-0126 ACEO DD II CID ROI 3341 000096

EXH 12

0142-04-610389-80688 2004 2

)(6), (b)(7)(C)	JUSUL AIRFIELD	<u>م</u>	
STATEMENT OF	TAKEN AT	DATED	E NUMBER: CONTINUED:
STATEMENT (Continued)	TANENAT	DATED	OOMINOLD.
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		······································	
/			
(b)(6), (b)(7)(C)	AFFID		
I, WHICH BEGINS ON PAGE 1 AND END		, HAVE READ OR HAV	E HAD READ TO ME THIS STATEMENT THE ENTIRE STATEMENT MADE BY ME.
THE STATEMENT IS TRUE. I HAVE IN	ITIALED ALL CORRECTIONS AND I	HAVE INITIALED THE BOT	TOM OF EACH PAGE CONTAINING THE
STATEMENT. I HAVE MADE THIS STA AND WITHOUT COERCION, UNLAWFU			D, WITHOUT THREAT OF PUNISHMENT,
			•••••
WITNESSES:			ement)
WITHESSES.		Subscribed and swor	n to before me, a person authorized by law
		to administer oaths, this 22 at <u>」インS 4L AIRF</u>)。	day of ~04 , 20 <u>04</u>
		(b)(6), (b)(7)(C)	
ORGANIZATION OR ADDRESS		(0)(0), (0)(7)(C)	
		(Signatul	e of Person Administering Oath)
		(b)(6), (b)(7)(C)	
ORGANIZATION OR ADDRESS			me of Person Administering Oath)
		ART. 136	4CMJ
		(Aut	hority To Administer Oaths)
INITIALS OF PERSON MAKING STAT	TEMENT		(b)(6), (b)(7)
			PAGE <u>4</u> OF <u>4</u> FAOLS

ACLU-RDI 5481 p.9810-L-0126 ACLU DD II CID ROI 3342000097

SWORN STATEMENT

File Number: 0142-04-CID389-80688 Location: Mosul Airfield, Iraq Date: 22 Nov 04 Statement of: (b)(6), (b)(7)(C) SSN: (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) Time: よっ名の Grade/Status: E-5/AD
Org/Address: Charlie CO, 3-21 st Infantry, FOB Patriot –	
want to make the following statem statement freely. On 11 Nov 04, I was on a battalion movement to contact n receiving small arms fire so two squads including SGT $^{(0)}$ (C) Stryker vehicles and began moving through the buildings. Remote Control Weapons System (RWS) which is essenti- firing upon the building where the small arms fire was con- rounds began landing in our vicinity. The command came get back to the vehicles with the two enemy detainees. I su- vehicles with one detainee. These two soldiers then ran ba and brought him to the vehicles. At this point I saw SGT attempting to carry the wounded detainee to the vehicle wi was dead, to leave him. They put him on the ground and i the other five soldiers the order to move back to the vehicl saw SGT $^{(0)}$ (O) (O) then fired at the body a second time but I did I bio, 60(7)(C) then fired at the body a second time but I did I bio, 60(7)(C) then fired at the body a second time but I did I bio, 60(7)(C) then fired at the body a second time but I did I bio, 60(7)(C) then told me he had to report the incident to the Q: SA($^{(0)}$, (0)(7)(C) A: SGT $^{(0)}$ (6)(7)(C) A: No. Q: Approximately how far away were you in the vehicle of fire at the detainee? A: About 30 to 40 meters. Q: How much does the RWS magnify the image you are A: The image on screen is zoomed in closer than the actu- pair of binoculars. Q: Are you certain the person you saw fire at the detainee A: Yes. Q: Did you see the round strike the body or just see the bod A: I only saw the body flinch.	nission in Mosul, Iraq. We began equad dismounted the I was viewing the events through the ally a video monitor. They began ming from and then indirect mortar e over the radio for the two squads to aw two soldiers running out to the ack and retrieved the other detainee 0(0, 0)(7)(2) and five other soldiers hen it came over the radio that if he t appeared as if SGT gave les because they all left. At this point I ground and fire his weapon at the 0(0, 0)(7)(2) fired at him. SGT not see the body flinch this time. SGT ehicles. We then moved out and ed to my platoon sergeant, SFC t I saw and I told him that I was. SFC e chain of command. (C) pull back the charging handle on when you witnessed SGT $(0)(6), (0)(7)(C)$ viewing on the screen? al distance just like looking through a e was SGT $(0)(6), (0)(7)(C)$
(b)(6), (b)(7) INITIALS	Page 1 of 2
	EXHIBIT

ACLU-RDI 5481 p.9910-L-0126 ACLU DD II CID ROI 3343000098

STATEMENT OF: (b)(6), (b)(7)(C)	DATED: 22 Nov 04	CASE #: 0142-04-CID389-80688

Q: Do you have anything to add to (b(o), (b)(7)(c) at? A: No. ///END OF STATEMENT/

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

.		
stat	eme	ent)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of November 2004 at Mosul Airfield. Iraq.

15	ath)
(5	airy

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

(Typed Name of Person Administering Oath)

Article 136, UCMJ (Authority to Administer Oath)

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

INITIAL

Page **2** of 2

YCIAL USE ONEY-LAW ENFORCEMENT SENSITIVE

EXHIBIT 13

ACLU-RDI 5481 p.1040-L-0126 ACLU DD II CID ROI 3344000099

ACLU-RDI-5481-0-1010-10-0126 ACLU DD II CID ROI 3345000100

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THE WARNING

:To besucced of: auspect/accused of: ٦,

- Your official position. .б
- (a)sensito to stuteN ٠q
- The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: .2
- "You do not have to answer my questions or say anything." ·в "stider I ask you any questions, you must understand your rights."
- ".lent lenimno Anything you say or do can be used as evidence against you in a ٠q
- have a lawyer present with you during questioning. This lawyer privately to a lawyer before, during, and after questioning and to (For personnel subject to the UCMU) "You have the right to talk .э

Make certain the suspect/accused fully understands his/her rights. ".eteciting further, even if you sign a waiver certificate."

".eniged princitseup yns eroted voy tot betniogds

awyer detailed for you at no expense to you, or both."

"Po you want a lawyer at this time?"

RAVIAW 3HT

"Do you understand your rights?"

necessary repeat the appropriate rights advisement. If the suspect/accused says If the suspect/accused says "no," determine what is not understood, and if

was recent (i.e., fewer than 30 days ago), obtain legal advice whether to "Fave you ever requested a lawyer after being read your rights?"

SPECIAL INSTRUCTIONS

('WJOI

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

sidt to entre valver section of the waiver certificate on the other side of this

have him the read and sign the non-waiver section of the waiver certificate on present with you?" (If the suspect/accused says "no," stop the interview and

At this time, are you willing to discuss the offense(s) under investigation and

lawyer. If the suspect/accused says "no," ask him/her the following question.)

questions at any time, or speak privately with a lawyer before

expense, or if you cannot afford a lawyer and want one, a lawyer will be

you during questioning. This lawyer can be one you arrange for at your own

lawyer before, during, and after questioning and to have a lawyer present with

(For civilians not subject to the UCMJ) You have the right to talk privately to a

- JO -

can be a civilian you attange for at no expense to the Government or a military

with or without a lawyer present, you have a right to stop answering

"If you are now willing to discuss the offense(s) under investigation,

(If the suspect/accused says "yes," stop the questioning until he/she has a

make a statement without talking to a lawyer and without having a lawyer

the other side of this form. If the suspect/aspect/aspect as "yes," set a state of the subscription of the set

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

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

'yes," ask the following question.)

request was not recent, ask him/her the following question.) continue the interrogation. If the suspect/accused says "no," or if the prior (If the suspect/accused says "yes," find out when and where. If the request

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

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

PRIOR INCRIMINATING STATEMENTS:

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

(COMMENTS (Continued)

obligate you to waive your rights today? Do you understand that although you have waived your rights previously and discussed the matter under investigation, that does not



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HI HX8

ACLU-RDI 5481 p.10 20-L-C	126 ACLU DD II	CID ROI 3346000101

	~
VDED A CENT'S NAME AND SEQUENCE NUMBER	LORGANIZATION
YPED AGENT'S NAME AND SEQUENCE NUMBER (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION 37 th MP DET CID (-), USACIDC

	PAGE 1 OF 1 PAGE
DETAILS: About 1100, 21 Feb 05, SA ^{(b)(6), (b)(7)(C)} coordinated with U.S. Arm name check pertaining to SGT ^{(b)(6), (b)(7)(C)} A records check revea SGT ^{(b)(6), (b)(7)(C)} /Last Entry///	ay Crime Records Center in-order to conduct a aled no derogatory information pertaining to

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0142-04-CID389-80688



DÉPARTMENT OF THE ARMY United States Army Criminal Investigation Command 37th Military Police Detachment (CID)(-) 11th Military Police Battalion (CID) LSA Diamondback, Mosul, Iraq APO, AE 09334-6169



CIRC-ABJ

4 May 05

MEMORANDUM FOR: Director, U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060-5585

SUBJECT: Reason for Submission of Originals Exhibits for 0142-04-CID389-80688.

1. The originals of exhibits 3 thru 14 were kept in the files of this office in abeyance until adjudication for Report of Investigation (ROI) 0142-04-CID389-80688. This office has received 4833 action pertaining to this ROI and is subsequently forwarding all originals of exhibits 3 thru 14 to USACRC for final disposition.

2. Point of contact for this report is SA $^{(b)(6), (b)(7)(C)}$ at email: (b)(6), (b)(7)(C) @ us.army.mil or the undersigned.

Thank you in advance for your assistance.

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

Special Agent in Charge

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