

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

SUSPENSE DATE (YYYYMMDD)

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

20050415

PRIVACY ACT STATEMENT

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

1. THRU CDR 3rd Battalion, 21st INF REG FOB Patriot, Iraq
2. TO CDR C Co, 3rd BN, 21st INF REG FOB Patriot, Iraq
3. FROM Special Agent in Charge 37th MP DET (CID)(-) LSA Diamondback, Iraq
4. USACRC CONTROL NUMBER 0142-04-CID389-80688
5. MP REPORT NUMBER
6. SUB-INSTALLATION IDENTIFIER

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations.
Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.
Block 6. This block is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

7. NAME OF SUBJECT (Last, First, MI) (b)(6), (b)(7)(C)
8. GRADE E-5
9. SSN (b)(6), (b)(7)(C)
10. DATE OF BIRTH (YYYYMMDD) (b)(6), (b)(7)(C)
11a. OFFENSE(s) MURDER
11b. DATE OF OFFENSE(s) (YYYYMMDD) 20041111
11c. ACTION TAKEN YES [X] NO [ ]
11d. IF NO ACTION TAKEN, EXPLAIN:

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

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

b. ADVERSE PERSONNEL ACTION:
REPRIMAND [ ] ORAL [ ] WRITTEN [ ] FILED: [ ] LOCALLY [ ] OMPF [ ]
LETTER OF CONCERN/COUNSELING [ ]
ADVERSE OER/NCOER COMMENT [ ]
RELIEF FOR CAUSE OER/NCOER [ ]
SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE [ ]
DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER) [X]
Regulation Chapter 10 Characterization OTH Discharge Date 10/14/805

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)
SUMMARIZED [ ] FIELD GRADE [ ] GCMCA IMPOSED [ ]
COMPANY GRADE [ ] GENERAL OFFICER IMPOSED [ ]
d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)
SUMMARY COURT MARTIAL [ ] GENERAL COURT-MARTIAL [ ]
SPECIAL COURT-MARTIAL [ ] CIVILIAN OR MAGISTRATE CRIMINAL COURT [ ]

13. JUDICIAL FINDINGS

GUILTY  
 NOT GUILTY

DISMISSED

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

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

- a. REPRIMAND  b. ADMONITION  (1) ORAL  (2) IN WRITING
  - c. DETENTION  d. FORFEITURE  e. FINED \$ \_\_\_\_\_ / \_\_\_\_\_ MONTHS
  - f. REDUCED FROM E-6 TO E-1  g. EXTRA DUTY FOR \_\_\_\_\_ DAYS  h. RESTRICTED FOR \_\_\_\_\_ DAYS
  - i. CORRECTIONAL CUSTODY FOR \_\_\_\_\_ DAYS  j. CONFINED \_\_\_\_\_ YEARS \_\_\_\_\_ MONTHS
  - k. SEPARATION:  PUNITIVE DISCHARGE  OTHER
- Type \_\_\_\_\_ Chapter: 1D Characterization: OTM Effective Date: 10/12/05
- l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

SFC (b)(6), (b)(7)(C) S-1A, NCMC BRIGADE  
LEGAL, FOR COURAGE, IRAQ

16a. REPORTING OFFICER'S NAME AND GRADE OF COMMANDING OFFICER

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

16b. SIGNATURE

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

16c. DATE OF REPORT (YYYYMMDD)

20050503

16d. REPORTING OFFICER'S EMAIL ADDRESS

(b)(6), (b)(7)(C) @ US.AMY.A.I



**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND**  
**3<sup>rd</sup> 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 (b)(6), (b)(7)(C), (b)(7)(F) SA (b)(6), (b)(7)(C), (b)(7)(F)  
SA (b)(6), (b)(7)(C), (b)(7)(F) SA (b)(6), (b)(7)(C), (b)(7)(F) SA (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C), (b)(7)(F) SA (b)(6), (b)(7)(C), (b)(7)(F) SA (b)(6), (b)(7)(C), (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)  
(b)(6), (b)(7)(C) M; WHITE; C COMPANY, 3<sup>rd</sup> 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) fired 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~~

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 (b)(6), (b)(7)(C) 22 Nov 04, detailing initial notification; interviews of SGT (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) SG (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) LT (b)(6), (b)(7)(C) SFC (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) coordination with SJA; and re-interview of SGT (b)(6), (b)(7)(C)
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 (b)(6), (b)(7)(C)
5. Sworn Statement of CPT (b)(6), (b)(7)(C) 22 Nov 04, detailing his knowledge of the incident.
6. Sworn Statement of 1SG (b)(6), (b)(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 (b)(6), (b)(7)(C) 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)(6), (b)(7)(C) 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 (b)(6), (b)(7)(C) 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.

CIRC-ABJ

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, 3<sup>rd</sup> Battalion, 21<sup>st</sup> Infantry Regiment, 25<sup>th</sup> 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 1<sup>st</sup> 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, 1<sup>st</sup> Brigade (SBCT), Attn: MAJ (b)(6), (b)(7)(C) FOB Freedom, Iraq
- 1 – Chief of Staff, TFF (email only)

CIRC-ABJ

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)
- 1 - File

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0142-04-CID389-80688

PAGE 1 OF 3 PAGES

DETAILS:

**BASIS FOR INVESTIGATION:** About 1100, 18 Nov 04, this office was notified by MAJ (b)(6), (b)(7)(C) Brigade Operational Law Team, 1<sup>st</sup> Brigade (SBCT), 25<sup>th</sup> ID (Light), FOB Patriot – Mosul, Iraq, that a soldier identified as SGT (b)(6), (b)(7)(C) 3<sup>rd</sup> Platoon, C CO, 3-21 Infantry, FOB Patriot - Mosul, Iraq (Fort Lewis, WA), fired his weapon at an unknown, wounded enemy combatant. MAJ (b)(6), (b)(7)(C) provided this office with a copy of the completed 15-6 Investigation. (See 15-6)

About 1400, 19 Nov 04, SA (b)(6), (b)(7)(C) advised SGT (b)(6), (b)(7)(C) of his legal rights which he waived. SGT (b)(6), (b)(7)(C) provided a sworn statement relating his unit was conducting a movement to contact operation in Mosul, Iraq when the unit came under heavy small arms fire. SGT (b)(6), (b)(7)(C) squad dismounted their Stryker Combat Vehicle (SCV) and engaged enemy combatants. During the engagement, SGT (b)(6), (b)(7)(C) shot an unidentified male combatant in the abdominal area. The combatant was then disarmed of his AK-47 rifle, flex-cuffed, and given first aid by members of SGT (b)(6), (b)(7)(C) squad. SGT (b)(6), (b)(7)(C) and members of his unit attempted to carry the combatant to the SCV, but due to the incoming fire and the belief the combatant was dead, the order was given to leave the combatant. SGT (b)(6), (b)(7)(C) stated he fired two rounds toward the combatant but both rounds struck the ground near the combatant's head. The combatant did not move or react in any way which led SGT (b)(6), (b)(7)(C) to believe the combatant was dead. SGT (b)(6), (b)(7)(C) stated he did not want to leave a wounded combatant on the battlefield as he might compromise the unit and live to fight another day. (See Rights Waiver Certificate and Sworn Statement)

About 1911, 22 Nov 04, SA (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C) Commander, C CO, 3-21 Infantry, who provided a sworn statement relating SGT (b)(6), (b)(7)(C) reported to him after the mission that he had fired twice at the wounded enemy combatant. According to CPT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) told him he believed he had missed both shots taken at the wounded combatant. CPT (b)(6), (b)(7)(C) stated SGT (b)(6), (b)(7)(C) did not tell him he had "double-tapped" the wounded combatant. (See Sworn Statement)

About 1920, 22 Nov 04, SA (b)(6), (b)(7)(C) this office, interviewed 1SG (b)(6), (b)(7)(C) First Sergeant, C CO, 3-21 Infantry, who provided a sworn statement relating he spoke to SGT (b)(6), (b)(7)(C) after the incident and SGT (b)(6), (b)(7)(C) told him he shot the wounded combatant. SGT (b)(6), (b)(7)(C) had previously spoken to CP (b)(6), (b)(7)(C) regarding the incident and CP (b)(6), (b)(7)(C) then related to 1SG (b)(6), (b)(7)(C) that SGT (b)(6), (b)(7)(C) stated he "double-tapped" the wounded combatant. (See Sworn Statement)

About 1940, 22 Nov 04, SA (b)(6), (b)(7)(C) this office, interviewed PFC (b)(6), (b)(7)(C) C CO, 3-21 Infantry, who provided a sworn statement relating he assisted in attempting to evacuate the wounded combatant to the vehicles but that he was too heavy to move. PFC (b)(6), (b)(7)(C) was then told by SGT (b)(6), (b)(7)(C) to get back to the vehicles. PFC (b)(6), (b)(7)(C) stated he heard two shots fired that he recognized as coming from an M-4 rifle. PFC (b)(6), (b)(7)(C) did not witness SGT (b)(6), (b)(7)(C) fire his rifle at the wounded combatant but assumed that he shot him to prevent him from suffering a "slow, painful death". (See Sworn Statement)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

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

ORGANIZATION

75<sup>th</sup> MP DET CID (-), USACIDC

LSA Diamondback - Mosul, Iraq APO AE 09334

DATE

22 Nov 04

EXHIBIT

1

CID FOR OFFICIAL USE ONLY

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0142-04-CID389-80688

PAGE 2 OF 3 PAGES

DETAILS:

About 1950, 22 Nov 04, SA (b)(6), (b)(7)(C) this office, interviewed PFC (b)(6), (b)(7)(C) C CO, 3-21 Infantry, who provided a sworn statement relating that prior to shooting the enemy combatant in the stomach, SGT (b)(6), (b)(7)(C) was yelling at an enemy combatant. At one point PFC (b)(6), (b)(7)(C) heard SGT (b)(6), (b)(7)(C) yell out, "You're so lucky". It was after this that SGT (b)(6), (b)(7)(C) shot the enemy combatant in the stomach. (See Sworn Statement)

About 2002, 22 Nov 04, SA (b)(6), (b)(7)(C) this office, interviewed SPC (b)(6), (b)(7)(C) C CO, 3-21 Infantry, who provided a sworn statement relating he administered aid to the wounded combatant by placing a field dressing on his wound. SPC (b)(6), (b)(7)(C) stated that after putting the wounded combatant down on the ground he felt that he was either dead or would be dead within a few minutes. SPC (b)(6), (b)(7)(C) stated SGT (b)(6), (b)(7)(C) told him to get back to the vehicles. SPC (b)(6), (b)(7)(C) then heard SGT (b)(6), (b)(7)(C) fire his weapon twice but did not actually see him fire his weapon. SPC (b)(6), (b)(7)(C) related he then looked back at the wounded combatant and observed that he had head wounds and blood running from his head. (See Sworn Statement)

About 2011, 22 Nov 04, SA (b)(6), (b)(7)(C) this office, interviewed 1LT (b)(6), (b)(7)(C) Platoon Leader, 3<sup>rd</sup> Platoon, C CO, 3-21 Infantry, who provided a sworn statement relating the wounded combatant was initially talking and was moving. 1LT (b)(6), (b)(7)(C) stated he returned to the vehicles to fix his radio and then heard over the radio that the wounded combatant was dead. 1LT (b)(6), (b)(7)(C) stated he then gave the order to leave the dead combatant. (See Sworn Statement)

About 2013, 22 Nov 04, SA (b)(6), (b)(7)(C) this office, interviewed SFC (b)(6), (b)(7)(C) Platoon Sergeant, 3<sup>rd</sup> Platoon, C CO, 3-21 Infantry, who provided a sworn statement relating SGT (b)(6), (b)(7)(C) approached him after they left the wounded combatant and told him he had shot the combatant in the head and that he had been flex-cuffed. SFC (b)(6), (b)(7)(C) told SGT (b)(6), (b)(7)(C) they would discuss it when they got back to base since they were in the middle of a mission. SFC (b)(6), (b)(7)(C) related after the mission was over SGT (b)(6), (b)(7)(C) C CO, 3-21 Infantry, told him he witnessed SGT (b)(6), (b)(7)(C) fire two shots at the wounded combatant. (See Sworn Statement)

About 2015, 22 Nov 04, SA (b)(6), (b)(7)(C) this office, interviewed SGT (b)(6), (b)(7)(C) C CO, 3-21 Infantry, who provided a sworn statement relating he was assisting in the evacuation of the wounded combatant when they were told to leave the dead body. SGT (b)(6), (b)(7)(C) stated he was about 10-15 feet away when SGT (b)(6), (b)(7)(C) fired his weapon the first time. SGT (b)(6), (b)(7)(C) stated he turned around and saw SGT (b)(6), (b)(7)(C) standing about 2-3 feet from the wounded combatant and was pulling back his charging handle. SGT (b)(6), (b)(7)(C) related he kept walking toward the vehicles and then heard another shot fired by SGT (b)(6), (b)(7)(C) (See Sworn Statement)

About 2040, 22 Nov 04, SA (b)(6), (b)(7)(C) interviewed SGT (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		ORGANIZATION	
SA (b)(6), (b)(7)(C), (b)(7)(F)		75 <sup>th</sup> MP DET CID (-), USACIDC	
SIGNATURE (b)(6), (b)(7)(C)		DATE	EXHIBIT
		22 Nov 04	

CID [REDACTED] FOR OFFICIAL USE ONLY





## Exhibit 2

Page(s) 10 thru 68 referred to:

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



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

REPLY TO  
ATTENTION OF:

AFZH-BA

14 November 2004

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

1. CONCLUSION. During combat operations, (b)(6) engaged an Anti Iraqi Force (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 some point after initial treatment but before (b)(6) fired the two shots at the detainee, 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 the unit or the mission. (b)(6) statement that both shots missed the detainee cannot 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 eyewitnesses 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. 1<sup>st</sup> Squad, 3<sup>rd</sup> Platoon made contact with the enemy and dismounted their Stickers in order to maneuver against identified AIF forces. (b)(6) (the (b)(6) or 1<sup>st</sup> squad) led his squad (now augmented by a team from 2<sup>nd</sup> Squad, 3<sup>rd</sup> Platoon) through a series of buildings and encountered a male AIF, clad in dark clothing, and reaching for a AK-47. (b)(6) (b)(6) hit the AIF in the stomach. In the process of clearing the objective, (b)(6) flex-cuffed the wounded AIF and applied a field dressing to the stomach wound. At this time, (b)(6) and (b)(6) noted that the AIF had what appeared to be a pre-existing leg wound. At the time of initial triage for the stomach wound, the AIF was alive. (b)(6) and

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

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

### 4. FINDINGS.

a. OPERATIONS OVERVIEW. 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) is LF 393197. (b)(6) provided a rough sketch of the objective area (see exhibit T).

b. INITIAL ENCOUNTER. Upon becoming "decisively engaged", the (b)(6) ordered his platoon to dismount in order to maneuver against the enemy (see exhibit O, (b)(6) led his squad across the objective in the face of small arms and mortar fire. (b)(6) observed a wounded AIF attempting to reach for a nearby AK-47, and he shot the AIF in the stomach. This wounded AIF also had a magazine of 7.62 mm ammunition (see exhibit H, YEPEZ). The (b)(6) commented that the wounded AIF enemy was wearing "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 was conscious (see exhibit C-K). (b)(6) and (b)(6) continued to clear the objective, 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

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

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 (b)(6) came back...” (see exhibit C,G). The platoon medic was with the PSG, and was not present at the evacuation. After the two other detainees had been loaded onto the Stryker, (b)(6) Alpha Team, 1<sup>st</sup> 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, except by a combat lifesaver (b)(6) who applied the field dressing to the wound. Those 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, (b)(6) “would have died anyways due to the blood loss and the terrible conditions of his wounds” (see exhibit H, (b)(6) and “not moving or making a sound” (see exhibit J, (b)(6).

(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 detainee was halted. (b)(6) stated that the platoon “started taking mortar rounds” during the evacuation (see exhibit G). (b)(6) recalled the mortar (see exhibit K). (b)(6) had a mortar round land “almost on top of him” (see exhibit L). (b)(6) stated that the platoon was “being mortared, and taking fire” (see exhibit I). The (b)(6) personally observed accurate mortar and direct fire targeting his 3<sup>rd</sup> platoon (see exhibit N). No US casualties were incurred during this engagement. The decision to leave the detainee at the scene was based on the assessment of the (b)(6) 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 order to leave the detainee based on a report that the detainee was dead. The (b)(6) (b)(6) heard via FM that one of the EPWs was KIA... and gave guidance to (b)(6) to leave the body in place” (see exhibit M). The (b)(6) 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 Stryker 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 Stryker 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 Vehicles, (b)(6) returned to the wounded detainee. (b)(6) using an M4 with M68 and PEQ2A 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. (b)(6)

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

(b)(6) was qualified expert with his assigned weapon.) (b)(6) stated that he did not use his sights when taking these shots, and that 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 exhibit D). (b)(6) recall of the conversation he had with (b)(6) revealed that (b)(6) may have felt that the detainee posed a threat if he was faking his death. (b)(6) own statements do not include this "faking his death" justification to the two shots (see exhibit M). (b)(6) 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 exhibit C). (b)(6) 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) 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) most 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" (see exhibit C). Based upon the conflicting statements, it is not longer clear if (b)(6) feels that his actions were wrong, or if he feels that his actions were justified.

(5) Witnesses to the two shots. As noted above, (b)(6) stated that both of his shots missed the intended target (b)(6) witnessed (b)(6) came back and shot him in the head. (b)(6) came up took aim and told me to leave." (b)(6) heard the shots as he was moving towards the Stryker (see exhibit G). (b)(6) 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" (see exhibit Q). (b)(6) also witnesses the shooting, but did not know if the detainee was already dead (see exhibit K). (b)(6) recall of the conversation he had with (b)(6) included the comment that (b)(6) 'was not positive that his rounds impacted the EPW due to the lack of reaction to the body" (see exhibit M). It is my assessment that the second shot did impact the intended target. Given the stated intent of (b)(6) 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.

d. INCIDENT REPORTING. (b)(6) stated that he reported the incident to his (b)(6) who told him that "we would talk about it later, seeing as a mission was underway". (b)(6) (b)(6) stayed back from a follow-on mission to relay the incident to the (b)(6) the (b)(6) recalled that (b)(6) informed him of his actions, and his response was that they would sort it out at the FOB. At the FOB, (b)(6) approached (b)(6) and informed him that he saw (b)(6) shot the detainee twice in the head (see exhibit P). Upon hearing this statement (b)(6) relayed the incident to (b)(6) who then arranged for (b)(6) to speak with (b)(6) 3-21 IN BN reported the initial incident through command channels on the night of the 11<sup>th</sup> 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 that all CFLCC training requirements for ROE and LOAC were conducted (b)(6) personally conducted this training for his platoon (see exhibit W). (b)(6) (b)(6) had been with the unit for two and one half years, participating in all of the brigades pre-deployment training events. Prior to arriving at Fort Lewis, (b)(6) deployed with the 101<sup>st</sup> Airborne (Air Assault) to Kosovo (see exhibit E).

g. UNIT COMBAT EXPERIENCE. The (b)(6) stated that this was the first major 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)

(b)(6) I also recommend that the proper treatment of detainees 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.

AFZH-BA

2-04-CID389-80688

**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)

(b)(6)

[army.smil.mil](mailto:army.smil.mil)

(b)(6)

**Distrubution**

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





**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 1ST BRIGADE, 25TH INFANTRY DIVISION (LIGHT)  
FORT LEWIS, WASHINGTON 98433-5000

AFZH

November 14, 2004

**MEMORANDUM FOR RECORD**

**SUBJECT: DISCUSSION WITH**

(b)(6)

1. On 12 November, I conducted a follow discussion with the (b)(6) (b)(6) (b)(6) (b)(6) 15-6 investigation. The following issues were discussed:

a. Load Plan for the vehicles on the OBJ were as follows:

- 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.

b. The (b)(6) had arrived to the platoon in June, and had 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 situation, he was unable to issue a Company OPORD to the entire company, but a squad leader from 3<sup>rd</sup> 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 (b)(6) would never had anticipated (b)(6) to make such a decision.

2. POC concerning this memorandum is (b)(6) army.smil.mil

(b)(6)

**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 SBGT 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: [REDACTED]  
 Rank or Grade: [REDACTED]  
 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) AND IS A SUMMARY OF THE EVENTS AS EXPLAINED TO (b)(6)

a. During a movement to contact vic the Palestine / Al Sommer neighborhood @ 13 1400-1500 NOV 04 elements of 3<sup>rd</sup> Platoon, Charlie Company, 3-21 IN became decisively engaged with AIF. They maintained contact with the enemy and maneuvered on them. While assaulting through multiple abandoned buildings, (b)(6) engaged, 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 (b)(6) shot, the squad flex cuffed the EPW and began to apply buddy aid. The order was given for the element to withdraw from the building and continue the attack. At this time, (b)(6) squad attempted to EVAC the EPWs. Two EPWs were moved to the Styrker. Upon initiating evacuation of the wounded EPW, members of (b)(6) squad made the assessment that the EPW had died (the platoon medic did not pronounce the EPW dead). Additionally, 3<sup>rd</sup> Platoon began to

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

- h. Commander Reporting: (b)(6)
- i. Point of Contact: LF 395195
- j. Downgrading Instructions: N/A
- k. Report Originated By: (b)(6) 3-21 INF
- l. Report Released By: N/A

POSITION [REDACTED]  
NAME [REDACTED]  
RANK [REDACTED]

POSITION [REDACTED]  
NAME [REDACTED]  
RANK [REDACTED]

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RANK [REDACTED]

**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 FOB Patriots, Mosul, Iraq	2. DATE (YYYYMMDD) 2004/11/12	3. TIME 0127hrs.	4. FILE NUMBER
5. FACT NAME FIRST NAME, MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS Active Duty	

8. ORGANIZATION OR ADDRESS  
C/3-21 IN, FOB Patriots, Mosul, Iraq

9. (b)(6)

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

On 11 NOVEMBER, 2004, During a heated firefight in Mosul, My squad came in contact with a large number of insurgent forces, shooting AK-47s & RPGs at us and the coalition forces with us. Coming out of a building, I saw an insurgent laying down behind another building. Seeing him moving on the ground, with an AK-47 nearby, I shot him, causing a wound to the stomach. We, my squad, moved over to the building where he was, and we flex-cuffed him and I had treat his wound to the stomach. The insurgent had previously suffered a leg injury, and when I first came up to him, his eyes were rolling back in his head, leading me to believe he was dying. Still under heavy fire, my squad recovered two more detainees, flex-cuffed them, and started moving them toward our Stryker. Initially, I tried to get the stryker to come to us so my soldiers wouldn't have to cross the large open area between the building we were in and the Stryker. I ran over to the Stryker and tried to ground-guide him to our position, but found that the ground was too soft, and I waved the Stryker back. I ran back to the building where the detainees and my squad were, and got the soldiers to start moving the detainees to the Stryker. The detainee with the stomach and leg wound would not get up. At that time, mortar

10. EXHIBIT	11 INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT 0214 DATED 12 Nov 04

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

(b)(6)

STATEMENT OF \_\_\_\_\_

TAKEN AT \_\_\_\_\_

021042

DATED \_\_\_\_\_

January

9. STATEMENT (Continued)

rounds were impacting in the open area we had to cross. I waved more soldiers back to help carry the insurgent, who was very large, back to the Stryker. I shot a warning shot next to him to try to get him to move, but he still wouldn't. By this time there were 4 or 5 soldiers there to help carry him, but they were still having trouble moving him through the wet open area. Rounds were still being shot in our direction, and I still heard mortar rounds impacting, and heard over the radio that one of our vehicles got hit with a mortar. I saw that the detainee was ~~is~~ not moving or making noise any more, and I heard one of the soldiers say "he's dead." I then heard it come over the radio (148 MBTR) that we needed to leave him if he was dead and get back on the Stryker immediately. I specifically remember hearing "leave the dead guy and mount up." I felt pressured to make a quick decision, and told my soldiers to go back to the Stryker. I thought that the insurgent was dead because after my soldiers stopped him and went back, he did not move or make a noise, and I had already assumed that he was mortally wounded. My thinking was I did not 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, and realized that I missed. I shot again, and missed again, because I wasn't looking through my sights, only being about 2m away. After seeing I had missed a second time, I looked at him for a second, and decided he was dead, and did not shoot again. So, I turned around and ran back to my vehicle, at this time I was the

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 3 PAGES

(b)(6)

Oaths 12 Nov 04

2-04-CID389-80688

STATEMENT OF \_\_\_\_\_

TAKEN AT \_\_\_\_\_

DATED \_\_\_\_\_

9. STATEMENT (Continued)

only soldier not mounted up. I shot back at more insurgents on the way to the Stryker, and when I got on top of the Stryker. We continued our mission and linked back up at the company

Nothing Follows

**AFFIDAVIT**

(b)(6)

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.

(b)(6)

WITNESSES:

(b)(6)

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 3 OF 3 PAGES

ON 13 NOVEMBER, 2004, (b)(6) INFORMED ME VIA EMAIL THAT (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 REQUESTED 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 & 1/2 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 101<sup>st</sup>, 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)



**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is ODCSO, 2-04-CID389-80688

**DATA REQUIRED BY THE PRIVACY ACT**

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

1. LOCATION FOB Patriots, Mosul, Iraq	2. DATE 12 Nov 04	3. TIME 0124W.	4. FILE NO.
5. NAME (Last, First, MI) (b)(6)	8. ORGANIZATION OR ADDRESS C/3-21 IN FOB Patriots, Mosul, Iraq		
6. SSN (b)(6)	7. GRADE/STATUS (b)(6) Active Duty		

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

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

Before he/she asked me any questions about the offense(s) however he/she made it clear to me that I have the following rights (b)(6)

- I do not have to answer any question or say anything (b)(6)
- Anything I say or do can be used as evidence against me in a criminal trial
- [For personnel subject to the UCMJ] I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both (b)(6)

- or -

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

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below (b)(6)

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (if available)		SIGNATURE OF INTERVIEWEE (b)(6)	
NAME (Type or Print) (b)(6)			
ORGANIZATION OR ADDRESS AND PHONE C/3-21 IN		(b)(6)	
2a. NAME (Type or Print)		(b)(6)	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR HHC/3-21 IN	

**Section C. Non-waiver**

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

2. SIGNATURE OF INTERVIEWEE

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

## THE WARNING

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

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

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

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

- or -

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

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

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

## THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

## SPECIAL INSTRUCTIONS

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

COMMENTS *(Continued)*

REVERSE OF DA FORM 3881

USAPA V2.01



STATEMENT OF \_\_\_\_\_ (b)(6) TAKEN AT 0203 DATED 12 Nov 04

STATEMENT (Continued)

Where were the medic's positioned during the operation, and what role if any did they have treating or accessing the AIF members wounds? (b)(6)

near.

What type of weapon did you fire at the insurgent? (b)(6)

my

How much experience do you have with the weapon? (b)(6)

very good amount sir.

Have you qualified on your weapon? (b)(6)

yes sir.

When, and what level of marksmanship/proficiency do you possess with your weapon? (b)(6)

It was August 04, and I qualified expert. might have been lost by the son of a bitch. (b)(6)

What optics, scopes, and aiming lights are there on your weapon(s), besides iron sights (b)(6)

M68, PE & DA

What range were you from the AIF member after he was flexed cuffed, and where was your intended impact point? (b)(6)

2 meters away. my intended aim point was his head. (b)(6)

Did anyone else witness you shooting the detainee after he was flex cuffed and sustained initial injuries? (b)(6)

I believe people saw my shoot at him, but nobody was close enough to see that I missed. (b)(6)

After seeing that I missed the first time, I shot again at the head again 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, and his body any noise was face down and was dead. (b)(6)

What other U.S. soldiers were in the vicinity during your exit? (b)(6)

(b)(6)

and that's

(b)(6)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

(b)(6)

0222 hrs. J. Mateo

02-04-CID389-80688 DATED

STATEMENT OF \_\_\_\_\_

9. STATEMENT (Continued) At the time under the circumstances of AK-47 and mortar fire, I thought it was ~~not~~ the right decision, but later on in the mission, I realized it <sup>was</sup> not the right decision and I told my (b)(6) he said we would talk about it later, seeing as a mission was underway. When I got back to the FOB Patriot, our platoon was tasked with another mission. but I stayed back after talking with my (b)(6) and my (b)(6) to tell the (b)(6) the situation.

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 administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6)

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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
5. LAST NAME FIRST NAME SOCIAL SECURITY NUMBER 6. SSN 7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS C Co 3/21 INF

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: (b)(6)
While exiting a building took some small arms
Fire. He returned fire along with the other soldiers with him as
My Team exited we help police up one wounded soldier (AIF).
I did not assess him but he looked pretty bad I believe
he was shot in his legs and the abdomen chest area. While
aid was being done on him (b)(6) and I picked up another
detainee that was not wounded but very uncooperative. We
searched cuff and moved him back to the vehicle. We
where receiving mortar fire on us and sparatick small arms
Fire I saw that there was trouble getting the wounded soldier (AIF)
So I went back to help he was un responsive to my knowledge
and b/c (b)(6) of the distance and fire we where receiving I believe
The vehicle ~~is~~ made the call to leave him as we moved back to
I believe it was the right decision for the safety of our soldiers
and to end the AIF soldiers suffering if he wasn't already dead. (b)(6)

Nothing Follows

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" ... DATED 04/
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

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

STATEMENT OF (b)(6) TAKEN AT Patriots DATED 12 Nov 04

9. STATEMENT (Continued)

(b)(6)

INITIALS OF PERSON MAKING STA

(b)(6)

PAGE 2 OF 3 PAGES

(b)(6)

742-04-CID389-80688

STATEMENT OF \_\_\_\_\_

TAKEN AT

Patriots

DATED

12 Nov 04

9. STATEMENT (Continued)

(b)(6)

(b)(6)

**AFFIDAVIT**

I, \_\_\_\_\_, 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 UNLAWFUL INDUCEMENT.

(b)(6)

WITNESSES:

(b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of November, 2004 at Patriots (b)(6)

ORGANIZATION OR ADDRESS

(b)(6)

ORGANIZATION OR ADDRESS

(b)(6)  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKIN

(b)(6)

PAGE 3 OF 3 PAGES



### SWORN STATEMENT

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

#### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately  
**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) 2004 11 12	3. TIME 1000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS (b)(6) Active	
8. ORGANIZATION OR ADDRESS Co 3-217ME			

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

On 11 Nov 04 1st SQD, 3rd PLT began operations to clear out enemy  
 forcer (b)(6): a built up area. As my team  
 (b)(6) and myself, were clearing the area we began receiving fire.  
 We (b)(6) fired and continued mission. After entering one building  
 (b)(6) notice a man across the street. The man was injured,  
 went out to check him. At the same time the  
 man (b)(6) reached for an A.K. shot him in the chest.  
 and myself went out and secured him. I flex-clipped  
 him and began dressing 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 weight".  
 We started taking small arms and mortar fire, so we picked him up  
 and started (b)(6) moving again. We then got the call to move out "time now".  
 told us to drop him and get to the vehical. I believe (b)(6) came  
 the man was either dead or beyond help by the time (b)(6) came  
 back and shot him in the head. (b)(6) came up took aim and  
 told me to leave. I turned and walked away as the shots were fired.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

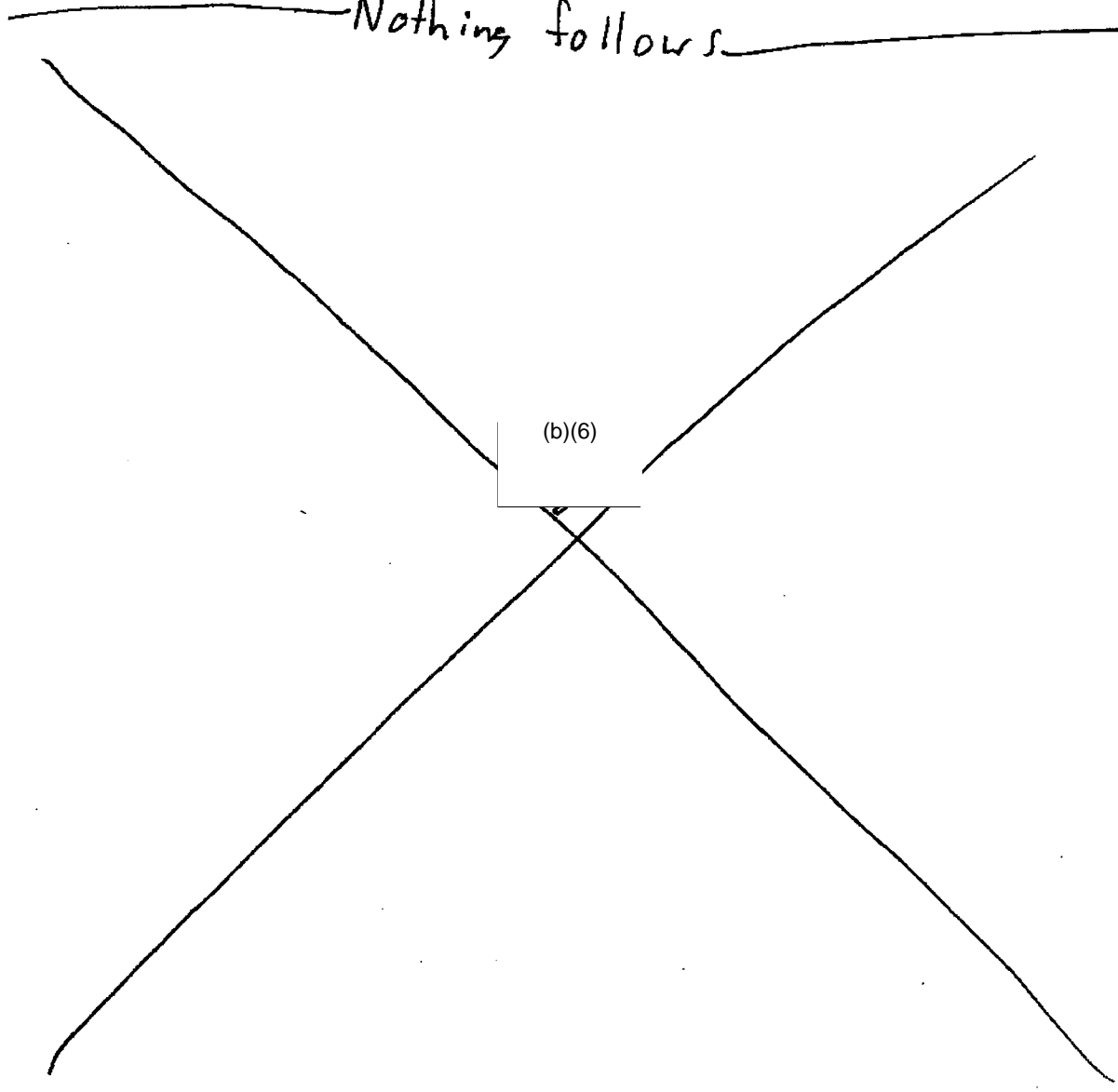
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF (b)(6) TAKEN AT Patriots DATED 2004 11 12

9. STATEMENT (Continued)

I have ~~been~~ <sup>been</sup> through CLS. The man had lost alot of blood by the time we left. I didnt 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)

INITIALS OF PERSON MAKING STATEMENT (b)(6)

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

(b)(6)

AFFIDAVIT

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

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

WITNESSES:  
(b)(6)  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12<sup>th</sup> day of Nov., 2004 at San (b)(6)  
(b)(6)  
(b)(6)  
(Authority To Administer Oaths)

SWORN STATEMENT

42-04-CID389-80688

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: FOB Patriots
2. DATE (YYYYMMDD): 2004 11 17
3. TIME: 1001
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: (b)(6)

8. ORGANIZATION OR ADDRESS: C CO 3-21 INF

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

After we cleared a building and prepared to leave it, to cross to the next one we caught an AIF insurgent, we secured him and pulled him inside a building, where we searched the individual to find nothing else but his AK-47 and a magazine of 7.62mm ammo with him. When we searched him we found that he had 2 bullet wounds, one was in the stomach, and the other one was in his leg, at this moment we had already flexcuffed this individual, so we started providing him first aid, in which we put field dressing on his wounds, he was fighting us the whole time while we treated him, showing us that he had no intent of letting us help him. We detained another individual that was behind him when we found this guy, he also had an AK-47 and ammo, as if they were together doing their (b)(6) attack on the U.S. forces. This guy was a little bit more cooperative. As we received orders over the radio to mount up our vehicles, we grabbed both individuals to take them to the stryker, the first guy was opposing to us taking him, and putting the little resistance his bad health could afford him, the other individual although putting resistance was a little bit more cooperative; after trying to carry him in various occasions to the vehicle, we had only advanced 15 feet with this guy, and there was 4 guys carrying him, at this point (b)(6) the leadership 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 3 PAGES

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

STATEMENT OF (b)(6) TAKEN AT FOB Ramoth DATED 12, NOV 2004

9. STATEMENT (Continued)

(b)(6) I we went with him, so I left (b)(6) individual to mount in the vehicle as I was told, (b)(6) I heard (b)(6) gunshots behind me (b)(6) as I raised the ramp, I got out the airguard hatch and exited the area. It was clearly at that moment that I knew what had happened, (b)(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 loss, and the terrible conditions of his wounds, 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 (b)(6) and I did so, I didn't turn back to see who stayed behind, because I IMT'ed to the stryker and I automatically raised the ramp, at my arrival to the 3-1 vehicle.

(b)(6)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(6) TAKEN AT FOB Patriot DATED 12, NOV 2004

9. STATEMENT (Continued)

Q (b)(6) Did you evaluate/help treat the wounds in any way?

A (b)(6) I got the field dressing from (b)(6) First Aid pouch, but I wasn't the individual who put the field dressing, but I saw the wound on his stomach, but not the one on his leg, just a bit of blood on his lower extremities.

(b)(6)

AFFIDAVIT

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

(b)(6)

(Signature of person making Statement)

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of NOV, 2004 at Small Conference room, Patriots

(b)(6)

ORGANIZATION OR ADDRESS

(b)(6)

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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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: Fullbright, north Iraq
2. DATE (YYYYMMDD): 2004 Nov 11
3. TIME: 0310
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: (b)(6)

8. ORGANIZATION OR ADDRESS: Co 3-21 INF

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
on 11 Nov 04 we were moving to the Area of Palistine.
we started taking fire so we dismounted and linked up with 1st sqd in a house that was underconstruction.
we were in the house for a little while when someone said "Hey theres a Guy laying on the Ground over there".
I stayed in the house Me [redacted] and [redacted] then Moved across the way to another house underconstruction and found a Man laying on a bed curled up in a ball we detained him. and when we came back outside there was another Detainee that 1st sqd had. We rushed to get them to the vehicles because we were being mortared and taking fire. The detainee that 1st sqd had looked like he was shot in the leg and Abdominal. we tried dragging him but he was to heavy and we were in the open so we were told just to leave him and we returned back to the vehicles.
Q: Did you see [redacted] shoot the detainee once was fire excuffed?
A: No I did not [redacted]
Nothing else to add. [redacted]

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 3 PAGES

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

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM. 02-04 CID 389-80688

STATEMENT OF [REDACTED] TAKEN AT 0316 WJ. DATED Janway

9. STATEMENT (Continued)

[A large diagonal line is drawn across the main body of the page, indicating that the statement content is blank or redacted.]

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE OF PAGES



STATEMENT OF



TAKEN AT

031.40.

DATED

Vanway

9. STATEMENT (Continued)

[Large diagonal line indicating a redacted or empty statement area]

AFFIDAVIT

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



(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT



PAGE OF PAGES

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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**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 <i>Fed/Prisnts, main, Iraq</i>	2. DATE (YYYYMMDD) <i>2004/11/12</i>	3. TIME <i>0314</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	

8. ORGANIZATION OR ADDRESS  
[REDACTED]

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

[REDACTED] were clearing a [REDACTED] were clearing an area around a house. I heard [REDACTED] yell "don't move" then a shot was 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 a leg wound and a wound to his stomach. I went over and removed the weapon. The man was still alive at that time. I and another soldier who I can't remember who it was at the time pulled this man around the corner into cover. [REDACTED] and I with [REDACTED] continued to clear the area. [REDACTED] called us to take the detainees to the Stryker. I escorted one man then came back to help the others move the wounded man. After getting six personnel trying to carry this guy I heard on the radio to leave him, drop the body and get to the Stryker. I dropped the body told the soldiers to get to the Stryker, moving away I heard a gun shot, turned around to see [REDACTED] playing around with his weapon, he let the bolt go forward and then I turned around again heading to the Stryker, at that time I heard a second shot, I did not turn to see what was

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT [REDACTED] TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

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

STATEMENT OF [REDACTED] TAKEN AT 0314hr DATED 10 Nov 04

9. STATEMENT (Continued)

happening. I did not ~~hear~~ see [REDACTED] shot the detainee. ~~I mean that with~~

Q: Did you believe the detainee was alive when you left him (+ the detainees) and loaded into the stretcher?

A: He was not moving or making a sound when I was moving him.

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE OF PAGES

STATEMENT OF [REDACTED] TAKEN AT Q3 4/12 DATED 1 2/20/04

9. STATEMENT (Continued)

[Large diagonal line indicating continuation from previous page]

AFFIDAVIT

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

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

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

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2961; 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: FOB PATRIOT, MOJIB, IRAQ
2. DATE (YYYYMMDD): 2004 11 11
3. TIME: 0306
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS: 3RD PLT CO 3/21 IN

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE AFTERNOON OF 11 NOV I MYSELF AND THE REST OF 3RD PLATOON REACHED AN OBJECTIVE [REDACTED] KNOWN TO BE A "HOT SPOT." AS SOON AS WE DISMOUNTED (1ST SQUAD) BRAVO TEAM [REDACTED] AND MYSELF SET UP OVERWATCH ON THE ASSAULT ELEMENT WHICH CONSISTED OF ALPHA TEAM [REDACTED] AND [REDACTED] A TEAM FROM SECOND SQUAD [REDACTED]

WAS [REDACTED] THE HOUSE THAT THE ASSAULT ELEMENT WAS CLEARING WAS ROUGHLY 75-100 METERS FROM MY POSITION. WE HEARD SMALL ARMS FIRE AND ORDERS FROM OUR ELEMENT INSIDE THE BUILDING.

AFTER APPROX. 10 MINUTES IN THIS POSITION MY GUN TEAM BEGAN RECEIVING MORTAR ROUNDS. AFTER A ROUND DROPPED NEARLY ON TOP OF US WE MOVED TO A DIFFERENT SPOT AROUND THE CORNER FROM OUR ORIGINAL POSITION. FROM THIS POSITION WE HAD LESS OF A VIEW OF THE HOUSE BEING CLEARED WITH [REDACTED] THE ONLY ONE WITH A CLEAR LINE OF FIRE. [REDACTED] AND I PULLED REAR AND FLANK SECURITY WHILE [REDACTED] SCANNED HIS SECTOR WITH THE M240B. I HAD NO VISUAL OF THE INCIDENT IN QUESTION AND HEARD NOTHING OF IT AFTER THE FACT.

10. EXHIBIT
11. [REDACTED] PERSON MAKING STATEMENT
PAGE 1 OF 1 PAGES

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

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

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

STATEMENT OF [REDACTED] TAKEN AT 030640 DATED 10 NOV 04

9. STATEMENT (Continued)

[REDACTED STATEMENT CONTENT]

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE

Exhibit 2

9. STATEMENT (Continued)

[A large diagonal line is drawn across the statement area, indicating that the statement content is redacted.]

**AFFIDAVIT**

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

[REDACTED] (statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE OF PAGES

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION FOB PATRIOT, IRAQ	2. DATE (YYYYMMDD) 20041112	3. TIME 0253	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME	6. SSN	7. GRADE/STATUS	

8. ORGANIZATION OR ADDRESS  
C Co 3/21 INF FOB PATRIOT MOSUL IRAQ

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

At approximately ~~2100~~ 23:30 hrs on 2004/11/11, I was informed by \_\_\_\_\_ my \_\_\_\_\_ that \_\_\_\_\_ had spoken to him twenty minutes earlier. In that conversation \_\_\_\_\_ had admitted to \_\_\_\_\_ that he had "Double Tapped" a wounded AIF insurgent. I informed the \_\_\_\_\_ that we needed to get this admission to the \_\_\_\_\_ ASAP! END OF STATEMENT

NS  
Follows

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
-------------	---	-------------------

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



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

STATEMENT OF [REDACTED] TAKEN AT 0359 DATED 10 Nov 04

9. STATEMENT (Continued)

Nothing to say

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

0330hrs

DATED

12/20/04

9. STATEMENT (Continued)

[A large diagonal line is drawn across the statement area, indicating that the statement content is redacted.]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. 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.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

2-04-CID389-80688

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: FOB PATRIOT, MOSUL, IRAQ
2. DATE (YYYYMMDD): 2004 11 12
3. TIME: 0300
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: Co, 3-21 IN, FOB PATRIOT, MOSUL, IRAQ

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
At approximately 11 2200 Nov 04, after returning from the CSIT on WA Diamondback, I received a call via Icom radio from [REDACTED] asking to move to my location for link up. We linked up in front of the Co CP and he explained the incident. He said while assaulting through multiple abandoned buildings and under direct and indirect enemy fire, [REDACTED] engaged and neutralized an AIF personnel moving for his AK-47. At this location, his squad also detained 2 EPWs in addition to the one [REDACTED] shot. Upon arriving at the AIF personnel that [REDACTED] shot, the squad flex cotted the wounded EPW and administered buddy aid. The order was given for the element to withdraw from the building and continue the attack. At this time [REDACTED] began to EVAC the EPWs. Two EPWs were moved to a Stryker. Upon initiating evacuation of the wounded EPW, members of [REDACTED] Squad made the assessment that the EPW had died, however, this was not confirmed w/ the company medic. Additionally, 3rd Platoon began to receive mortar fire at their position to include a direct hit to one of their Strykers.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 3 PAGES

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

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

STATEMENT OF [redacted] TAKEN AT 0330 hrs. DATED 12 Nov 04

9. STATEMENT (Continued)

[redacted] received guidance to leave the EPW, who was reported KIA, in place. The flex collie were not removed (unknown if this was intentional or due to haste) and [redacted] fired two rounds at the EPW. At the time, [redacted] felt that the EPW could potentially pose a threat as they withdrew, if he was faking death. Upon firing, [redacted] did not see any reaction from the EPW and is not positive that his rounds impacted the EPW due to lack of effects on the body. That concludes the explanation of the incident that [redacted] provided

I, [redacted], observed the AK-47, RPG, and mortar fire against 3rd Platoon, Charlie Company, 3-21 AV. Additionally, upon hearing via FM that one of the EPWs was KIA, I gave guidance to [redacted] to leave the body in place. I gave this order based on the accurate mortar fire on 3rd Platoon's position. Rounds impacted in direct vicinity of the 3rd Platoon dismantled elements & Strykers and one round impacted directly on top of the CS2 Stryker. I did not want my men to move an enemy KIA under those conditions and exposed to that fire. I wanted them to move towards more known and suspected enemy positions and away from where the enemy mortars had a fix on the 3rd Platoon element.

*Nothing follows*

INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED] TAKEN AT Q30740. DATED 12/22/98

9. STATEMENT (Continued)

[A large diagonal line is drawn across the statement area, indicating that the statement content is redacted.]

AFFIDAVIT

I, [REDACTED], 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 UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

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

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

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

2-04-CID389-80688

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: FOB Patriot IRAQ
2. DATE (YYYYMMDD): 2001 11 12
3. TIME: 03 14
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS: C Co. 3-21 IN SACT

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
While conducting a movement to contact on 11 Nov 04 3rd PCT C Co 3-21 IN
came in contact with AIF. 1st Squad dismantled and cleared a building.
I received word from [redacted] to mount up and move south west. I called
[redacted] and relayed the message. I was told by [redacted] that we had
three EDW. After a short time I received a call from [redacted] asking
if we had to retrieve dead AIF. I called [redacted] to get guidance
and was told by [redacted] to leave the dead. I relayed that to [redacted]
we loaded up and moved to a new location. After arriving at
the new location the platoon started bounding down the street. At one
of the bounds I stopped with 1st squad and [redacted]
informed me that he had shot & the zip tied a AIF member or something
to that effect. with all that was going on I'm not sure exactly what was said.
I told him we would figure it out when we got back to the FOB, or some
thing to that effect. After returning to the FOB [redacted] informed me that
he saw [redacted] shot the detainee twice in what appeared to be the head.
After hearing this I went straight to the [redacted] and
explained what [redacted] had told me. I talked to [redacted] to ask
him what happened. He told me he was told by the troops carrying the
AIF member that he was dead. [redacted] then said he shot him in the
head twice because (b)(6) he thought he missed the first time. He did not explain
the need to do this. He said at the time of the incident, with mortars
coming in he felt he did the right thing. After that we had to get a TCP
up on bridge two so the PL left [redacted] back to talk to [redacted]
when he returned from where ever he was at.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

STATEMENT OF [REDACTED] TAKEN AT Job Patriot IEAR DATED 12 NOV 04

9. STATEMENT (Continued)

I was called in from the TCP to bring soldiers in to write statements about the incidents. / ~~Nothing follows~~

[REDACTED]

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 0 OF 3 PAGES

9. STATEMENT (Continued)

[A large diagonal line is drawn across the statement area, indicating that the statement is blank or has been crossed out.]

AFFIDAVIT

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

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES



9. STATEMENT (Continued)

[Large diagonal line indicating a redacted or empty statement area]

AFFIDAVIT

[REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. 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.

[REDACTED Signature]

(Signature of Person Making Statement)

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

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

\_\_\_\_\_  
\_\_\_\_\_

(Signature of Person Administering Oath)

\_\_\_\_\_  
\_\_\_\_\_

(Typed Name of Person Administering Oath)

\_\_\_\_\_  
\_\_\_\_\_

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

42-04-CID389-80688

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: IRAQ
2. DATE (YYYYMMDD): 2004 APR 10
3. TIME: 0315
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: CCO 3/21 INF 606 PATRIOT

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
When in route to obj PARASTINE we took fire we push through, I was told to turn around and fight so we turned around and fought the fight when we were gaining superiority in the fight we had dismount on the ground with detainees, we started taking mortar rounds and was ordered to recon status at that time I saw [redacted] what I assume to be his SQD or TM take one detainee to vehicle the next detainee they were carrying they said if any detainee was dead to leave him. the SQD put him down he was in flex cuffs the SQD left, [redacted] was last to leave he fired two shots into the detainee then went to his vehicle and this was seen through my BWS system so I'm finish
[redacted]: Do you believe the detainee was alive when [redacted] shot him once he was flex cuffed? yes to flex cuffs
[redacted]: Not sure if he was alive or not

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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

STATEMENT OF [REDACTED] TAKEN AT 0324 DATED January

9. STATEMENT (Continued)

[Large diagonal line indicating no statement content]

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

0324/98

DATED

12/24/98

9. STATEMENT (Continued)

[Redacted statement area]

AFFIDAVIT

I, [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [Redacted]. 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 [Redacted] CEMENT.

[Redacted] Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted initials]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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: Pub (Ind) (W), Mosul, Iraq
2. DATE (YYYYMMDD): 20041111
3. TIME: 0314
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS: C CO 3-21inf

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Me, [redacted] & [redacted] was tasked out by Second Squad to help First Squad clear some houses. We linked up with first Squad, and the whole time we were receiving mortar fire and few small arms fire. As we were running from one building to another, the enemy opened up on us, but I could not tell where he was at. Well, we got to this house, then we cleared it. Once again, we received mortar fire, so I stayed inside the house and so was everyone else. Then I heard [redacted] yelling on top of his voice saying "Your so lucky, 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, laying on the ground. We went to check him out. Me and [redacted] went inside the house that this guy was coming from to clear it; we found another, he didn't have a weapon but we detained him, just to be safe he's not fooling us. We took him outside, then I [redacted] saw that first Squad has detained another guy, beside the one that is shot. We were told to bring the [redacted] detainee to the vehicles. Me and [redacted] took the detainee that we found to the victor, and as the same time the other detainee was being taken to victor by [redacted] The detainee that I and [redacted] had, went in the [redacted] G-31 victor

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT [redacted] TAKEN AT [redacted] DATED [redacted]"

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

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

STATEMENT OF [REDACTED] TAKEN AT 0320 DATED 12/21/04

9. STATEMENT (Continued)

with the other detainee that was not shot. I went back to help the rest of the guys take the wounded detainee to the C-34 victor. Again, we were being mortared and they [REDACTED] "Go, Go, Go to the Vehicles!" everyone dropped 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 running. I saw [REDACTED] stayback, as we all ran away.

Q: Did you see [REDACTED] shoot the detainee? [REDACTED]

A: YES

Q: Was the detainee flex cuffed when you dragged him? [REDACTED]

A: Yes [REDACTED]

Q: Did you believe the detainee was still alive? [REDACTED]

A: I dont know, he wasnt moving. [REDACTED]

Q: Was the detainee flex cuffed when [REDACTED] shot him after you dragged him toward the chryser? [REDACTED]

A: Yes [REDACTED]

nothing Follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE OF PAGES

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

AFZH-BAE-I

18 October 2004

MEMORANDUM FOR RECORD

SUBJECT: Detainee SOP

1. Detainee handling SOP applies to all 3-21 IN BN personal processing detainees at the battalion level.
2. 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.
  - b. 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. Detainees will be searched upon arrival. All loose clothing, jewelry, watches, money, etc. will be secured and labeled. (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. Detainees 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).
  - i. Detainee's name will be compared to 3-21 IN Compiled Black List.
3. Searches
  - a. Searches should be conducted with no less than 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. Detainees 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

EXH 2

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

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

4. 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 detainee 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 detainee after the interrogation.
  
6. Detainee Packet
 

The following items will be included in each detainee packet:

  - a. Detainees 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.
  - b. Detainees 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.
    - ii. It is determined the detainee has not taken part in any crimes against Coalition Forces or Iraqi Civilians.
  - c. Detainees 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 detainee actions.
  
8. Transportation to BDE EPW Collection Point.
  - a. S2 shift prior to transportation will ensure all paperwork complete and correct.



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

- b. Any weapons/ammunition that were confiscated shall not be turned into BDE Detention Facility. All items 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.
- d. Bring all packets to front desk.
- e. Tell the clerk the number of prisoners you have, their personal possessions, and whether or not you are turning in seized equipment.
- f. POC for this document is SSG Zilliox (3-21 IN BN S2 Section).

Para. 1 -- Flex-cuffs should be fastened around detainee's hands with at least two fingers width between cuffs and hands. Hands secured in front, this allows detainee to easily use the latrine without assistance.

Para. 2 -- All belongings will be placed in a plastic bag with detainees name on it. After all the detainees have been thoroughly 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

## 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 Chemlite 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)
- c) Apprehension form
- d) Sworn Statement of individual who captured detainee (DA 2823)
- e) Photograph of the individual
- f) Summary Interrogation Report (done by the THT if they feel one is needed)
- 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 document.

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

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 properly 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 or burning documents is the recommended method.

3) Equipment to be zeroized:

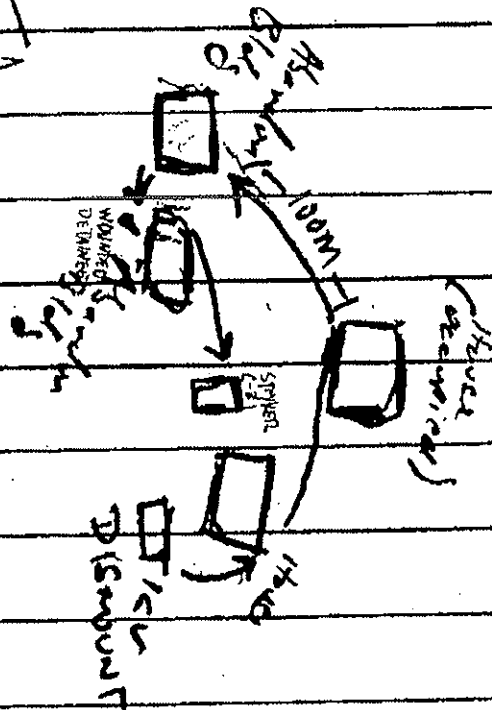
RT-1523E – ASIP Radio  
RT-1702 – EPLRS Radio  
NTDR – Near Term Digital Radio  
AN/CYZ-10 – ANCD

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



0200 - 0830 Flush TCP

Plat

10 WED

Escort MEV

1111  
1040

- 0830 Bridge 2

11 THUR

0830 - off Bridge

- Recon

Bridge, IN G

Patent

vic of contact

393 197



**RIGHTS WAIVER PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is USARCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

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

1. LOCATION CID, Mosul Airfield, Mosul, Iraq, APO AE 09334	2. DATE 19 Nov 04	4. FILE NO. 0142-04-CID389-80688
(b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS C Co, 3/21 Infantry FOB Patriot Mosul, Iraq	
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS SGT/AD	

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Speical Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Article 118, UCMJ: Murder///

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject othe UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or to speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

Have you been advised of your rights in the last 30 days? yes Do you currently have legal counsel? NO (see reverse)

**Section B. Waiver**

I understand my rights as stated above, I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. (b)(6), (b)(7)(C)

1a. NAME SA (b)(6), (b)(7)(C)	3. SIGNATURE OF INTERVIEWEE (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE 75th MW DET (C10) APO AE 09334 MOSUL, IRAQ	4. (b)(6), (b)(7)(C)
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR SA (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 75th CID DETACHMENT MOSUL, IRAQ

**Section C. Non-waiver**

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

2. SIGNATURE OF INTERVIEWEE

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

**SWORN STATEMENT**

---

**File Number:** 0142-04-CID389- 80688

**Location:** Mosul Airfield, Iraq

**Date:** 19 Nov 04

**Time:** 1620 (b)(6), (b)(7)(C)

**Statement of:** (b)(6), (b)(7)(C)

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

**Grade/Status:** E-5/AD

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

---

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

I have been assigned with Charlie CO, 3-21<sup>st</sup> Infantry for about two and a half years and have been deployed in Iraq since October 2004. I am currently serving as the 1<sup>st</sup> Squad Leader in 3<sup>rd</sup> 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 1<sup>st</sup> 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 (b)(6), (b)(7)(C) flex-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 (b)(6), (b)(7)(C)

Page 1 of 3

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EXHIBIT 3

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

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 (b)(6), (b)(7)(C) 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 leader, 1LT (b)(6), (b)(7)(C) that I needed to talk to the company commander about it. Once I spoke with CPT (b)(6), (b)(7)(C) told him that I had fired at the detainee but had missed both shots.

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

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.

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

Page 2 of 3 (b)(6), (b)(7)(C)

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EXHIBIT 3



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

DATED: 19 Nov 04 CASE #: 0142-04-CID389- 86688

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

-----AFFIDAVIT-----

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

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

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

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

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

Article 136, UCMJ  
(Authority to Administer Oath)

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

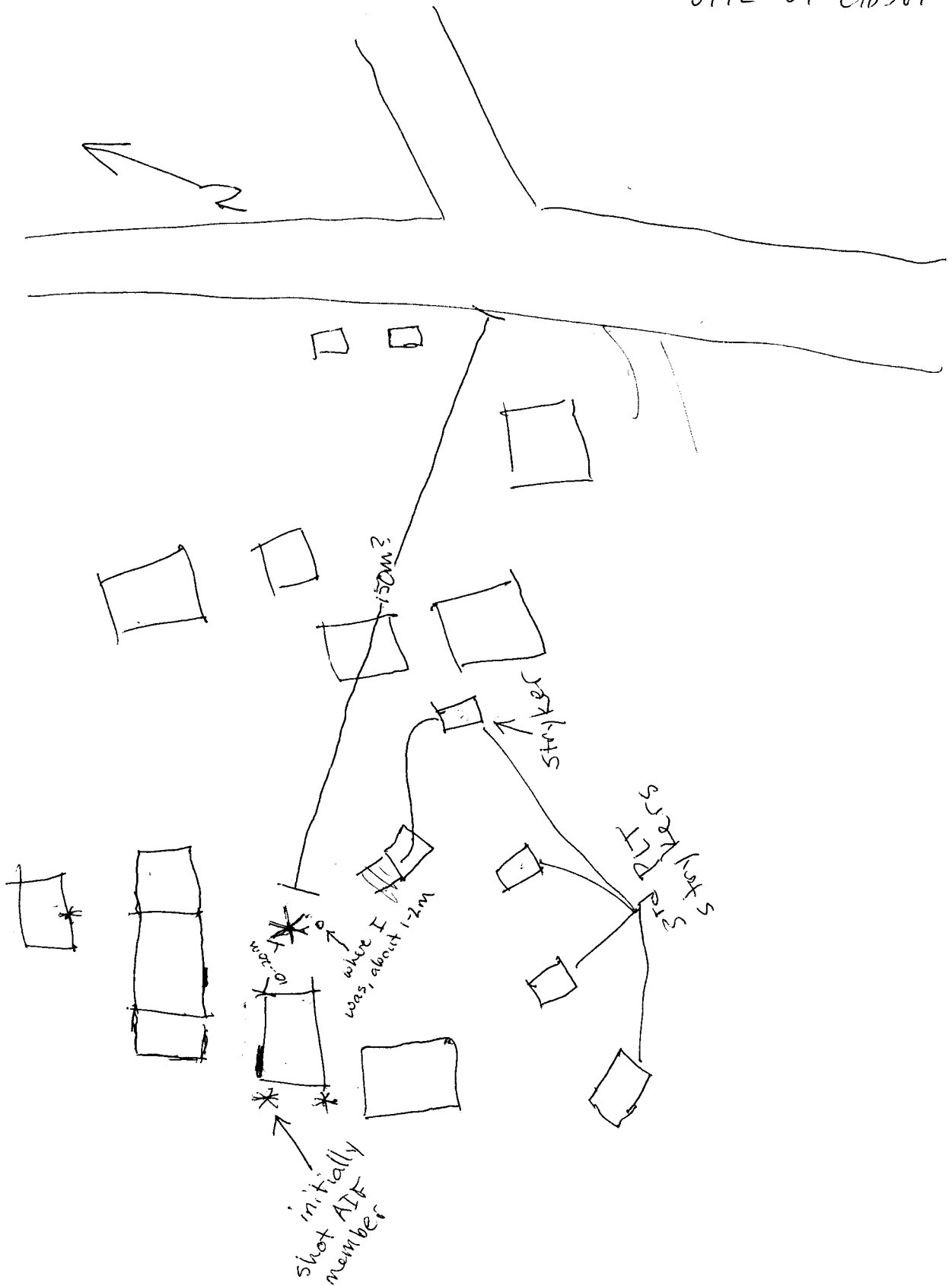
(b)(6), (b)(7)(C)

Page 3 of 3

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EXHIBIT 3

19NOV04 1620hrs



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

SWORN STATEMENT

File Number: 0142-04-CID389-80688

Location: Mosul Airfield, Iraq

Date: 22 Nov 04

Time: 1911 hrs (b)(6), (b)(7)(C)

Statement of: (b)(6), (b)(7)(C)

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

Grade/Status: O-3/AD

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

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

On 11 Nov 04, my 3<sup>rd</sup> and 1<sup>st</sup> Platoon elements were involved in a movement to contact mission in Mosul, Iraq. I was initially with 1<sup>st</sup> Platoon but after one squad was hit with RPG's and became combat ineffective I moved to 3<sup>rd</sup> Platoon's location. Once I got there 3<sup>rd</sup> 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 3<sup>rd</sup> 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 I received word that they were attempting to evacuate the enemy KIA and I instructed 1LT (b)(6), (b)(7)(C) 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 (b)(6), (b)(7)(C) 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. SPC (b)(6), (b)(7)(C) provided buddy-aid to the enemy WIA and was qualified as a Combat Life-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 (b)(6), (b)(7)(C) felt 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 (b)(6), (b)(7)(C) said that because of that he took one shot at the enemy KIA and missed and then took another shot and believed that he missed the second shot as well. SGT (b)(6), (b)(7)(C) then said he remounted the vehicle and left the area.

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

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

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

A: No.

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

INITIALS \_\_\_\_\_

~~FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE~~

EXHIBIT 5

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

DATED: 22 Nov 04

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)

**AFFIDAVIT**

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

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

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

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

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

\_\_\_\_\_  
Article 136, UCMJ  
(Authority to Administer Oath)

INITIALS \_\_\_\_\_ Page of 2

~~FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE~~  
EXHIBIT 5

~~FOR OFFICIAL USE ONLY~~  
~~LAW ENFORCEMENT SENSITIVE~~  
SWORN STATEMENT

2142-04-CCA 389-50688

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

PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 /SSN/.  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary. (b)(6), (b)(7)(C)

1. LOCATION CID Office, Mosul Airfield, Mosul, Iraq	2. DATE (YYYYMMDD) 2004/11/22 1920	3. TITLE NUMBER
4. LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	5. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS E-9/AD

8. ORGANIZATION OR ADDRESS  
C Co, 3-21 Infantry, FOB Patriot, Mosul, Iraq (Ft Lewis, WA)

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

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

On 11 Nov 04, the unit was involved in a movement to contact. Once contact was established, SGT (b)(6), (b)(7)(C) squad dismantled. I was in the XO's STRYKER vehicle and once SGT (b)(6), (b)(7)(C) squad dismantled and started to move, I could not see them. I heard over the radio we had a wounded enemy, who was being evacuated to the STRYKER vehicles. Word came over the radio that the wounded enemy was dead. That was the last thing I heard over the radio and we continued the mission. Later that night the Commander, CPT (b)(6), (b)(7)(C) told me SGT (b)(6), (b)(7)(C) stated he "double tapped" the enemy that his squad was attempting to evacuate. When it was explained that the enemy was next cuffed and possibly alive when SGT (b)(6), (b)(7)(C) shot, I told CPT (b)(6), (b)(7)(C) we needed to brief this to the Bn Commander.

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

A: 1SG (b)(6), (b)(7)(C)

Q: So you did not witness any of SGT (b)(6), (b)(7)(C) actions during this incident?

A: No.

Q: When CPT (b)(6), (b)(7)(C) told you about the incident, what exactly did he tell you?

A: That SGT (b)(6), (b)(7)(C) told him he "double tapped" the detainee.

Q: What do you mean when you say double tap?

A: To fire 2 shots at a person or target.

Q: Was it your impression the words "double tapped" were SGT (b)(6), (b)(7)(C) words or CPT (b)(6), (b)(7)(C) words?

A: My impression was those were SGT (b)(6), (b)(7)(C) words.

Q: Did you discuss this incident with SGT (b)(6), (b)(7)(C) at all?

A: That night, 11 Nov 04, after SGT (b)(6), (b)(7)(C) was advised of his rights and gave his statement for the 15-6 I asked him something like "what's up" and he basically said he did it.

Q: When he admitted the "did it", what did he tell you?

A: He basically said he shot a wounded AIF, and once he said that, I ended the conversation as I knew we need to brief this to higher.

Q: Did SGT (b)(6), (b)(7)(C) say if the rounds he fired hit the wounded AIF?

A: We never discussed it in that detail, he basically said he shot the guy, and I did not discuss it any further with him.

Q: Do you have anything else to (b)(6), (b)(7)(C) comment regard the matter under investigation?

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

10. EXHIBIT	1 (b)(6), (b)(7)(C) STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ DATED \_\_\_\_\_"

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

EXH 6

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION <b>MAF CID Office, Mosul, IZ</b>	DATE <b>22 Nov 04</b>	TIME <b>1940</b>	(b)(6), (b)(7)(C) FILE NUMBER <b>0142-04-CID389-80688</b>
(b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	GRADE/STATUS <b>E-3</b>

ORGANIZATION OR ADDRESS  
**C Company, 3/21 Infantry Regiment, FOB Patriot, APO AE 09345**  
 (b)(6), (b)(7)(C)

want to make the following statement under oath:

On 11 Nov 04, during the afternoon my squad (1<sup>st</sup> squad, 3<sup>rd</sup> Platoon) was on patrol in city of Mosul. I think we were the As-Salum (sic) neighborhood. We had been fired on several times while we were in our Stryker vehicles and had subsequently dismounted and began to maneuver to fix and destroy the enemy that was firing on us. After we initially dismounted we searched a garage and then moved forward toward the next house. As we were bounding toward the next building, I saw several enemy forces. The enemy started to fire on us with small arms and we were returning fire. The enemy fled from the building and we moved forward to engage them. As we were establishing security around our new area, I heard SGT (b)(6), (b)(7)(C) yelling, "Stop mother fucker. Put down the weapon." SGT (b)(6), (b)(7)(C) called us out to where he was standing, which was a small doorway on the side of the house. As I approached the building, I saw a male Iraqi lying on the ground. The male Iraqi appeared to have been shot in the stomach area. There was an AK rifle with a 30 round magazine on the ground next to him. I bounded up to the house, secured the first room, and moved back to establish security. At that point, I told SGT (b)(6), (b)(7)(C) that I had seen another enemy individual lying on the ground at up the street from where we were. SGT (b)(6), (b)(7)(C) and I went forward and secured the second individual. I secured the weapon and removed the magazine. SGT (b)(6), (b)(7)(C) and I moved the second male Iraqi back to the corner house where the first wounded male Iraqi and the other member of my squad were. Once we got back to them, SGT (b)(6), (b)(7)(C) asked for a field dressing to treat the wounded Iraqi. LT (b)(6), (b)(7)(C) gave SPC (b)(6), (b)(7)(C) his dressing. I don't know if (b)(6), (b)(7)(C) applied the dressing, but I later saw a dressing on his wound. We are still receiving small arms fire, but we cannot identify the source of the fire. We then started to receive mortar fire. It was landing very close to us. The decision is made that we'll move back to the Stryker vehicle because of the increased fire. I pulled security while the platoon leader and his radio operator moved back toward the vehicles. Some soldiers from 2<sup>nd</sup> squad took another prisoner to a Stryker vehicle. Some soldiers grabbed the second male Iraqi, the guy that SGT (b)(6), (b)(7)(C) and I had gotten earlier, and took him to a Stryker vehicle. Now only SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) and I are left with the wounded Iraqi. SGT (b)(6), (b)(7)(C) told us to get the guy up and move him to the vehicle. We could not get him up cause he was too heavy. We could not move him at all, so SGT (b)(6), (b)(7)(C) called for some other soldiers. Four other soldiers came to assist us. I went and pulled security for them while four soldiers picked the wounded Iraqi up and tried to carry him. They moved him about 10 feet, at the most, and then they put him down. I heard someone say that they were not going to be

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

~~FOR OFFICIAL USE ONLY~~

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) jump 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.

Q: Did you see SGT (b)(6), (b)(7)(C) fire on the wounded Iraqi?

A: No.

Q: Was the wounded Iraqi armed initially, and was he searched for 2<sup>nd</sup> 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 2<sup>nd</sup> 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 SGT (b)(6), (b)(7)(C) might 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?

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

(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:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME A PERSON BY LAW TO ADMINISTER OATHS, THIS 22 DAY OF NOV 04 AT (b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

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

(Name of Person Administering Oath)

ARTICLE 136 D (4) JCMJ

( Authority to Administer Oath)

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

PAGES 2 OF 2 PAGES

~~FOR OFFICIAL USE ONLY~~

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Mosul Airfield, Iraq
2. DATE (YYYYMMDD): 20041122
4. FILE NUMBER: 0M2-04-CID389-80688
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-3 / AD
8. ORGANIZATION OR ADDRESS: C Company, 3/21 Infantry

I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On November 11th 2004, We (C.co 3-21inf) were in a fire fight that day, around noon time. I dont know the name of the specific location of the fire fight. Toward the end of the fire fight, Me, Sgt (b)(6), (b)(7)(C) and Sgt (b)(6), (b)(7)(C) (3rd Platoon, 82nd Squad) were tasked out to help First Squad clear a certain house that we were recieving enemy fire from. The first house we ran to was clear, no enemy. The house was still under construction. Mortar rounds started dropping a little too close to us, so I stayed inside the house and waited for further instructions from my leaders. Sgt (b)(6), (b)(7)(C) 1st Squad leader, was standing by the door, and had his weapon at the ready. I can only see him from the back, but I could not see his target. He was yelling, saying all kinds of things; then I remember him saying "Your so lucky." He then shot his weapon and I creped up to see who he shot. I saw that he shot an enemy in the

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

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



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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT Mosul Airfield, Iraq DATED 22 NOV 04

## 9. STATEMENT (Continued)

stomach. I was tasked out to clear the house next door, we detained one personnel, no weapon, when I came out there was another enemy that first ~~squall~~ <sup>was</sup> detained and flex-cuffed. The enemy who was shot in the stomach was flex cuffed too and blind folded. We had to escort all of them to the Stryker cause we were ready to get out of there. I took one detainee to the Stryker and came back to help move the enemy who was shot in the stomach. He was too heavy, so we got more guys to help, but it didn't make any difference. All the ~~way~~ while, we were still receiving mortar fire. Sgt.

(b)(6), (b)(7)(C) then came to us and yelled, "Go to your vehicles, Go, Go!" I dropped the detainee and started running toward the Stryker. Then I heard two gun shots, I didn't look back to see what happened, I kept running.

Q. When you were behind Sgt (b)(6), (b)(7)(C), are you sure he said "you're so lucky"?

A. Yes

Q. You initially saw Sgt (b)(6), (b)(7)(C) shoot the detainee the first time, but did not see him shoot the second time while leaving, correct?

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

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

TAKEN AT Mosul, Anbar, Iraq DATED 22 Nov 04

9. STATEMENT (Continued)

A: Yes

Q. Did Sgt (b)(6), (b)(7)(C) say or mention anything about the incident after you left the scene?

A: No.

Q. Did anyone talk about?

A: No.

Q. Do you have any other information you want to add to this statement?

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

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

AFFIDAVIT

\_\_\_\_\_, 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 INDOUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of November, 2004 at Mosul (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

JA (b)(6), (b)(7)(C)  
(Typed Name of Person Administering Oath)  
Art 136 (b)(4) UCMJ  
(Authority To Administer Oaths)

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

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: MOSUL ARRIED, MOSUL IRAQ
2. DATE (YYYYMMDD): 20041122
3. TIME: 2002(C)
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. ORGANIZATION OR ADDRESS: Co 3-21 IN

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

During a mission my squad received fire. We dismounted and moved on the enemy. We were clearing building when we found a man. The man reached for a weapon and SGT (b)(6), (b)(7)(C) shot him in the chest. We then moved to secure the man. He was laying on his side and I rolled him on to his stomach. He struggled as I tried to flex cuff him, I was forced to put a wrist-lock on him to get his hands in the cuffs. I then began looking him over for injuries. I knew he was wounded in the chest so after rolling back over on his back I put a field dressing on the wound. Having not seen another wound on his back I figured there was no exit wound. My self and Sgt (b)(6), (b)(7)(C) tried to get him to his feet, but he wouldn't stay up. We began dragging him by the shoulders. At one point six people were carrying him. At this point he felt like dead weight. We set him down and I noticed a wound

10. EXHIBIT: 11 (b)(6), (b)(7)(C) ON MAKING STATEMENT
PAGE 1 OF 4 PAGES

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

STATEMENT OF (b)(6), (b)(7)(C) [REDACTED] AT Mosul Airfield DATED 20041122 (b)(6), (b)(7)(C) [REDACTED] CONTINUED

on his back. I also noticed that I was covered in blood. His eyes were open and he had gone limp and quiet. I couldn't tell if he was breathing, but in my opinion he was already dead or would be in minutes. Afterwards we got back on the Stryker. We continued mission. Sgt (b)(6), (b)(7)(C) [REDACTED] didn't tell me or talk about anything, but the next portion of the mission.

Q: SA (b)(6), (b)(7)(C) [REDACTED]

A: SAC (b)(6), (b)(7)(C) [REDACTED]

Q: WAS THE MAN WHO GRABBED FOR A WEAPON AN ENEMY COMBATANT & WHAT KIND OF WEAPON DID HE GRAB FOR.

A: Yes he was an enemy combatant. The weapon was an AK-47.

Q: WHERE WAS THE COMBATANT'S WEAPON.

A: Next to him on the ground.

Q: WHEN YOU AND SGT (b)(6), (b)(7)(C) [REDACTED] WERE TRYING TO GET THE COMBATANT TO HIS FEET WAS HE CONSCIOUS.

A: Yes and talking.

Q: DID YOU CHECK THE COMBATANT FOR VITAL SIGNS WHEN HE WENT LIMPT QUIET.

A: No, we were beginning to receive mortar fire which prevented me from giving him further aid.

Q: WHERE WERE YOU TAKING THE COMBATANT TO AND WHY.

A: We were taking him to the Stryker, but we were unable to get him there due to the incoming mortar fire. He was left in the field.

Q: WHAT HAPPENED NEXT.

A: Sgt (b)(6), (b)(7)(C) [REDACTED] came up to me, as I was the last one with the man, and told me to get to the Stryker. As I turned to leave Sgt (b)(6), (b)(7)(C) [REDACTED] put two rounds in the man's head and then followed me. We left and continued mission.

Q: DID YOU SEE THE ROUNDS STRIKE THE COMBATANT.

A: No, as I left I saw Sgt (b)(6), (b)(7)(C) [REDACTED] point his weapon at the man. I heard two shots, but I didn't see them because I was turned away. When I looked back the man had head wounds and blood running from his head.

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

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

STATEMENT OF

TAKEN AT Masul Airfield

DATED 2004 11 22

CONTINUED

Q: WHAT DID SST (b)(6), (b)(7)(C) DO AFTER HE SHOT.

A: He came back to the Stryker and we left.

Q: DO YOU HAVE ANYTHING ELSE TO ADD TO THIS STATEMENT.

A: No. /// END OF STATEMENT ///

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

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

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

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

STATEMENT OF

TAKEN AT Mosul Airfield DATED 2004 11 22

9. STATEMENT (Continued)

[Redacted statement area]

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

AFFIDAVIT

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

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

(Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of NOVEMBER 2004 at MOSUL AIRFIELD, MOSUL IRAQ

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

(Administering Oath)

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

ART 136, UCMJ (Authority To Administer Oaths)

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

EXH 9

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: 754 MP Det (CID)
2. DATE (YYYYMMDD): 2004 11 22
3. TIME: 2011
4. FILE NUMBER: (b)(6), (b)(7)(C)
5. GRADE/STATUS: 1LT

8. ORGANIZATION OR ADDRESS: C, 321 Infantry

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

Q. Can you explain in detail how the detainee in question was treated for his wounds?

A. The detainee was treated with a standard field dressing. SPC (b)(6), (b)(7)(C) applied the dressing. I do not know if the leg or abdomen was treated.

Q. What was the detainee's physical condition at that time?

A. He was wounded. He was laying on the ground on his stomach. He had moaned.

Q. How loud did he moan?

A. Loud enough for me to hear. I was approximately 3-5 feet from him.

Q. Did the detainee show any other signs of life?

A. There was some general movement of the body (arms / legs).

Q. Where did you go after the detainee

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 4 PAGES

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

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 75<sup>th</sup> mp Det DATED 22 Oct 04

## 9. STATEMENT (Continued)

was treated?

A. I remained in the abandon building for a moment to check on another detainee. Once he was brought out of the back room we began to exfil.

Q. How much time elapsed after you left the detainee until you heard he was dead?

A. Approximately 1-2 minutes.

Q. Did you talk to (b)(6), (b)(7)(C) about the incident?

A. No. I arrived to Sgt (b)(6), (b)(7)(C) location later in the evening after SFC (b)(6), (b)(7)(C) had already talked to him. I found them at the end of their conversation. SFC (b)(6), (b)(7)(C) said something to the effect of "He said what happened".

Q. Can you provide further details about the inop radio?

A. My handheld MBTR had malfunctioned sometime prior to our dismount. Once I realized it I used my lcom. Once I got back in the vehicle I unplugged my headset from my handheld, gave it to my RIO, then plugged my headset into the vehicle adapter. Once I plugged in I monitored traffic about a dead prisoner. I ordered him left and troops to mount.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 2 OF 4 PAGES



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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 75<sup>th</sup> MP Det DATED 22 Oct 04

## 9. STATEMENT (Continued)

Q. were there any small arms 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 that (b)(6), (b)(7)(C) was forthcoming about his actions, what did you mean by that?

A. He had said he fired at the detainee as he later stated in his statement to CPT (b)(6), (b)(7)(C)

Q. Do you have any knowledge that (b)(6), (b)(7)(C) intended to inflict injury to the detainee while he was detained?

A. No. Approx 2030 hrs 11 Nov 04 SFC (b)(6), (b)(7)(C) informed me that a soldier had come forward and said Sgt (b)(6), (b)(7)(C) had shot the detainee.

Q. Do you wish to add anything to your statement?

A. The soldier who came forward reportedly said Sgt (b)(6), (b)(7)(C) had

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

PAGE 3 OF 4 PAGES

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 75<sup>th</sup> MP Det DATED 22 NOV 04

9. STATEMENT (Continued)

shot the detainee in the head.

Q Do you know who the soldier was that reported this information?

A. No.

Q Do you wish to add anything else?

A. No.

/// End of statement ///

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

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

AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of NOV, 2004 at 75<sup>th</sup> MP Det (CIA)

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

SA

(Typed Name of Person Administering Oath)

Art 136 UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 4 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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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 MOSUL AIRFIELD, IRAQ 2. DATE (YYYYMMDD) 20042222 TIME 2013 FILE NUMBER

3. LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 7. GRADE/STATUS E7/SFC /ACTIVE

8. ORGANIZATION OR ADDRESS C CO, 3/21ST INF, 1ST BDE, 25TH INF DIV, FORT LEWIS, WA

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

ON 11 November around 1030 am my platoon received word to go to Red Cow I and then to move to bridge one to assist an ING unit that had come under fire. The platoon assisted with the ING till around 1230 pm. At that time we got the word to move to the Palistiw district to conduct a movement to contact the Battalion had planned for that same day. My platoon did not receive the order for the mission because we were pulling a 14 hour TCP on bridge II. In route to the Palistine District we took contact from both sides of the road we drove thru it and sent word up. we were told to go back and find the enemy. As we closed with the enemy first section dismounted. I was still mounted and have no idea of what the ground looked like or how far from the STRIKES the building was. I received a call from cpl (b)(6), (b)(7)(C) and cpl (b)(6), (b)(7)(C) to move the platoon south. I related this to ILT (b)(6), (b)(7)(C) who was with first section. I was told they were trying to load detainees. At that time we started receiving indirect mortar fire. the third or fourth round hit C32 center mass on top. I was told again to move the platoon

10. EXHIBIT (b)(6), (b)(7)(C) IN MAKING STATEMENT PAGE 1 OF 4 PAGES

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

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

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

STATEMENT OF SFC (b)(6), (b)(7)(C) TAKEN AT MOSUL AIRFIELD IRAQ DATED 22 NOV 2004

9. STATEMENT (Continued)

because of the mortars. I informed ILT (b)(6), (b)(7)(C) I was then called by I believe Sgt (b)(6), (b)(7)(C) who asked if we had to remove dead IAF members. I called Cpt (b)(6), (b)(7)(C) to ask and was answered by Cpt (b)(6), (b)(7)(C). Cpt (b)(6), (b)(7)(C) said to leave the dead, we loaded two detainees and moved south toward SEG. Around 15 minutes after we left the first location as we were bounding north down the street looking for a HVT house. Sgt (b)(6), (b)(7)(C) told me he had shot one of the detainees in the head and something about the detainee being head cuffed or flex cuffed. The detainee (b)(6), (b)(7)(C) after word I'm not sure which. I told him something like okay, what ever will deal with it when we get back. but at no time was he trying to hid this. I guess we got back to the FOB some time around 1730. EVERY ONE WAS decompressing and I was talking to some of the NCO's. when I was done Sgt (b)(6), (b)(7)(C) asked to talk to me. He told me he saw SGT (b)(6), (b)(7)(C) shot a detainee twice in the head. I informed ILT (b)(6), (b)(7)(C) who decided to leave Sgt (b)(6), (b)(7)(C) back from the mission we were getting ready to execute. This was around 1830. on my way out I asked Sgt (b)(6), (b)(7)(C) about the two shots. he said the (b)(6), (b)(7)(C) He thought the first round missed. He never gave a reason for the shooting other than the soldiers carrying the detainee said (b)(6), (b)(7)(C) He was dead.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 2 OF 4 PAGES

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

STATEMENT OF SFC (b)(6), (b)(7)(C) TAKEN AT MOSUL AIRFIELD IRAB DATED 22 NOV 2004

9. STATEMENT (Continued)

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

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

Q: WHAT EXACTLY DID (b)(6), (b)(7)(C) TELL <sup>you</sup> HIM ABOUT THE INCIDENT AS THE UNIT WAS MOVING DOWN THE STREET DISMOUNTED?

A: SGT (b)(6), (b)(7)(C) told me he had shot a detainee in the head. And something about flex cuffs, I'm not sure what he said because it was in the middle of the fight and I was looking for a target house.

Q: WHAT IS A HVT HOUSE?

A: HVT IS A High ~~FA~~ VALUE target. (b)(6), (b)(7)(C)

Q: WHAT EXACTLY DID (b)(6), (b)(7)(C) TELL YOU ABOUT THE INCIDENT?

A: SGT (b)(6), (b)(7)(C) told me AS HE WAS SCANNING with the STRYKER Remote Weapon Station covering 1st sections with draw he SAW Sgt (b)(6), (b)(7)(C) shot a detainee what looked like twice in the head.

Q: WAS (b)(6), (b)(7)(C) IN YOUR STRYKER?

A: NO

Q: WAS (b)(6), (b)(7)(C) IN A STRYKER THAT WAS AHEAD OR BEHIND YOU?

A: I don't know NO. (b)(6), (b)(7)(C)

Q: CAN YOU APPROXIMATE THE DISTANCE BETWEEN YOUR STRYKER AND (b)(6), (b)(7)(C) STRYKER?

A: NO BECAUSE we closed all tracks do to the porters hitting all around us.

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

PAGE 3 OF 4 PAGES

MOSUL AT  
IRAQ

STATEMENT OF SFC (b)(6), (b)(7)(C) TAKEN AT

DATED 22 NOV 2004

9. STATEMENT (Continued)

Q: OTHER THAN TELLING 1ST LT (b)(6), (b)(7)(C) WHAT (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) HAD TOLD

YOU DID YOU DO OR SAY ANYTHING TO ANYONE ELSE

A: NO I DON'T THINK I MENTIONED IT TO ANYONE.

Q: DO YOU WISH TO ADD ANYTHING ELSE TO YOUR STATEMENT?

A: NO

Q: THE SYNOPSIS WAS WRITTEN BY YOU AS YOU REMEMBERED THE INCIDENT?

A: Yes.

Q: ALL QUESTIONS WERE ANSWERED BY YOU AND BY YOUR HAND?

A: Yes. /// END OF STATEMENT /// (b)(6), (b)(7)(C)

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

AFFIDAVIT

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22<sup>nd</sup> day of NOVEMBER, 2004 at MOSUL AIRFIELD IRAQ

(b)(6), (b)(7)(C) (Signature)  
\_\_\_\_\_  
(Title)

ORGANIZATION OR ADDRESS

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

ART 136

(Authority To Administer Oaths)

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

PAGE 41 OF 4 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary. (b)(6), (b)(7)(C)

1. LOCATION: MOSUL AIRFIELD, MOSUL
2. DATE (YYYYMMDD): 2004 11 22
FILE NUMBER: 0142-04-CID389
7. GRADE/STATUS: E-5 / RA

3. ORGANIZATION OR ADDRESS: C CO. 3/21 INFANTRY. (b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On a mission to clear an overrun IP station my PLT made contact in route to our OBJ. we returned fire and started movement against the enemy. My SQR LDR got orders to dismount a fire team to support SGT (b)(6), (b)(7)(C) SQR. Myself, SGT (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) dismounted the Stryker. The PLT directed us to SGT (b)(6), (b)(7)(C) position in a building. I linked up with him inside the building. After some time SGT (b)(6), (b)(7)(C) went outside the wall around the building by himself. I heard him yell something along the lines of "don't move" and then heard a gun shot. I went to support SGT (b)(6), (b)(7)(C) I saw a Iraqi man lying down on his stomach on the corner of another building 20 meters away. I went over to this man and saw an AK 47 lying next to him. I removed the weapon, SGT (b)(6), (b)(7)(C) told us to move in to the building for cover. I attempted to drag the wounded Iraqi into the building but he was much to heavy to move on my own. I had PFC (b)(6), (b)(7)(C) help me move him inside. At that point Myself, SGT (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) cleared the building, we found a man lying on a caught in the building. He didn't resist at all, and we detained him. We moved our detainee to SGT (b)(6), (b)(7)(C) location in the building, he had already flex cuffed and blind folded the wounded man, and they had another prisoner detained also. SGT (b)(6), (b)(7)(C) ordered us to move the prisoners

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

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT MESUL AIRFIELD DATED 2004 11 22

to the Strykers. I helped SGT (b)(6), (b)(7)(C) move the prisoner that I don't know where he came from. Then returned to help move the wounded man. It took alot of us to pick him up and move just 5 to 10 feet at a time. The man was not moving and I could not hear him make any sounds. When we moved him almost half way to the Stryker's I heard over the ICOM "Leave the body" then SGT (b)(6), (b)(7)(C) told us to leave the body. I was moving away when I heard a gun shot. I turned and saw SGT (b)(6), (b)(7)(C) re-cocking his weapon, I turned back around started moving again and heard another gun shot. A short time after that SGT (b)(6), (b)(7)(C) passed by me and get in his stryker, I returned to my stryker and the PLT continued the mission.

Q: 54 (b)(6), (b)(7)(C)

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

Q: DO YOU REMEMBER THE DATE OF THIS INCIDENT?

A: I THINK IT WAS 11 NOV 04.

Q: COULD YOU DESCRIBE THE DETAINEE'S INTJURY?

A: THE DETAINEE HAD WHAT APPEARED TO BE A GUNSHOT WOUND TO HIS STOMACH. THE FIRST TIME I SAW THE DETAINEE HIS INTJURY WAS COVERED BY HIS SHIRT. THE NEXT TIME I SAW THE DETAINEE HIS INTJURY WAS COVERED WITH A FIELD DRESSING. THE DETAINEE HAD A BANDAGE AROUND HIS KNEE, I THINK IT WAS HIS LEFT KNEE, WHICH WAS BLOODY AND APPEARED TO HAVE BEEN APPLIED BEFORE WE HAD CONTACT WITH HIM.

Q: WHEN YOU LAST SAW THE DETAINEE, DO YOU THINK HE WAS ALIVE OR DEAD?

A: I DON'T KNOW.

Q: HOW FAR AWAY FROM SGT (b)(6), (b)(7)(C) WERE YOU WHEN HE FIRED HIS WEAPON?

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



STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT MDS4L AIRFIELD DATED 2004 11 22

9. STATEMENT (Continued)

A: ABOUT 10-15 FEET.

Q: WHEN YOU TURNED AROUND AFTER HEARING THE FIRST SHOT, DID YOU SEE ANY ADDITIONAL INJURIES ON THE DETAINEE?

A: NO.

Q: WOULD YOU HAVE NOTICED IF THERE WERE ANY ADDITIONAL INJURIES?

A: I DON'T KNOW.

Q: WHERE WAS THE MUZZLE OF SGT (b)(6), (b)(7)(C) WEAPON POINTED WHEN HE WAS RE-COCKING IT?

A: IT WAS POINTED AT THE GROUND.

Q: DO YOU KNOW IF ANY OF THE SHOTS FIRED BY SGT (b)(6), (b)(7)(C) HIT THE DETAINEE?

A: NO.

Q: DID YOU TALK TO SGT (b)(6), (b)(7)(C) ABOUT THIS INCIDENT AFTER IT HAPPENED?

A: NO. HE WAS TAKEN OUT OF MY PLATOON AFTER THIS HAPPENED.

Q: HOW FAR AWAY FROM THE DETAINEE WAS SGT (b)(6), (b)(7)(C) STANDING WHEN YOU SAW HIM RE-COCKING HIS WEAPON?

A: 2-3 FEET, HE WAS RIGHT OVER HIM.

Q: DID YOU TURN AROUND AND LOOK IN SGT (b)(6), (b)(7)(C) DIRECTION AFTER HEARING THE SECOND SHOT?

A: NO.

Q: IS THERE ANYTHING ELSE YOU WOULD LIKE TO ADD TO THIS STATEMENT?

A: NO. THE END OF STATEMENT. (b)(6), (b)(7)(C)

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

PAGE 3 OF 4 (b)(6), (b)(7)(C)

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

MOSUL AIRFIELD

FILE NUMBER:

STATEMENT OF

TAKEN AT

DATED

CONTINUED:

STATEMENT (Continued)

[Large area of the page is crossed out with a diagonal line.]

**AFFIDAVIT**

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of NOV, 20 04 at MOSUL AIRFIELD

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)  
(Typed Name of Person Administering Oath)  
ARZ. 156 UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 4 PAGES  
(b)(6), (b)(7)(C)

SWORN STATEMENT

File Number: 0142-04-CID389-80688

Location: Mosul Airfield, Iraq

Date: 22 Nov 04

Time: 2040

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

Statement of: (b)(6), (b)(7)(C)

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

Grade/Status: E-5/AD

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

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

On 11 Nov 04, I was on a battalion movement to contact mission in Mosul, Iraq. We began receiving small arms fire so two squads including SGT (b)(6), (b)(7)(C) squad dismounted the Stryker vehicles and began moving through the buildings. I was viewing the events through the Remote Control Weapons System (RWS) which is essentially a video monitor. They began firing upon the building where the small arms fire was coming from and then indirect mortar rounds began landing in our vicinity. The command came over the radio for the two squads to get back to the vehicles with the two enemy detainees. I saw two soldiers running out to the vehicles with one detainee. These two soldiers then ran back and retrieved the other detainee and brought him to the vehicles. At this point I saw SGT (b)(6), (b)(7)(C) and five other soldiers attempting to carry the wounded detainee to the vehicle when it came over the radio that if he was dead, to leave him. They put him on the ground and it appeared as if SGT (b)(6), (b)(7)(C) gave the other five soldiers the order to move back to the vehicles because they all left. At this point I saw SGT (b)(6), (b)(7)(C) point his rifle at the detainee on the ground and fire his weapon at the detainee. I saw the body of the detainee flinch after SGT (b)(6), (b)(7)(C) fired at him. SGT (b)(6), (b)(7)(C) then fired at the body a second time but I did not see the body flinch this time. SGT (b)(6), (b)(7)(C) then turned around and ran back toward the vehicles. We then moved out and continued our mission. Once we got back to base I reported to my platoon sergeant, SFC (b)(6), (b)(7)(C) what I saw. He asked me if I was sure of what I saw and I told him that I was. SFC (b)(6), (b)(7)(C) then told me he had to report the incident to the chain of command.

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

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

Q: In between the first and second shot, did SGT (b)(6), (b)(7)(C) pull back the charging handle on his rifle to chamber another round?

A: No.

Q: Approximately how far away were you in the vehicle when you witnessed SGT (b)(6), (b)(7)(C) fire at the detainee?

A: About 30 to 40 meters.

Q: How much does the RWS magnify the image you are viewing on the screen?

A: The image on screen is zoomed in closer than the actual distance just like looking through a pair of binoculars.

Q: Are you certain the person you saw fire at the detainee was SGT (b)(6), (b)(7)(C)

A: Yes.

Q: Did you see the round strike the body or just see the body flinch?

A: I only saw the body flinch.

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

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)(6), (b)(7)(C) statement?

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

-----AFFIDAVIT-----

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

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

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

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

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

\_\_\_\_\_  
Article 136, UCMJ  
(Authority to Administer Oath)

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

~~OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

14 H 28

~~For Official Use Only~~  
~~For Official Use Only~~

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

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

COMMENTS (Continued)

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

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

**PRIOR INCRIMINATING STATEMENTS:**

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

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

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

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

SPECIAL INSTRUCTIONS

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

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

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

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

THE WAIVER

1. **WARNING -** Inform the suspect/accused of:  
a. Your official position.  
b. Nature of offense(s).  
c. The fact that he/she is a suspect/accused.

2. **RIGHTS -** Advise the suspect/accused of his/her rights as follows:  
"Before I ask you any questions, you must understand your rights."  
a. "You do not have to answer my questions or say anything."  
b. "Anything you say or do can be used as evidence against you in a criminal trial."  
c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."  
- or -  
(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."  
d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."  
Make certain the suspect/accused fully understands his/her rights.

THE WARNING

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0142-04-CID389-80688

PAGE 1 OF 1 PAGE

DETAILS:

About 1100, 21 Feb 05, SA (b)(6), (b)(7)(C) coordinated with U.S. Army Crime Records Center in-order to conduct a name check pertaining to SGT (b)(6), (b)(7)(C). A records check revealed no derogatory information pertaining to SGT (b)(6), (b)(7)(C) //Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

SA

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

ORGANIZATION

37<sup>th</sup> MP DET CID (-), USACIDC

LSA Diamondback - Mosul, Iraq APO AE 09334

DATE

21 Feb 05

EXHIBIT

15

~~FOR OFFICIAL USE ONLY~~



**DEPARTMENT OF THE ARMY**  
United States Army Criminal Investigation Command  
37<sup>th</sup> Military Police Detachment (CID)(-)  
11<sup>th</sup> 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  
6<sup>th</sup> 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

~~FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE~~