

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

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WHEN SEPARATED FROM EXHIBITS 50 AND 51

DEPARTMENT OF THE ARMY
31ST MILITARY POLICE DETACHMENT (CID) (-)
US ARMY CRIMINAL INVESTIGATION COMMAND
CONTINGENCY OPERATING BASE SPEICHER,
TIKRIT, IRAQ APO AP 09393

(U) CIRF-ZA-AA

10 SEP 2006

(U) MEMORANDUM FOR SEE DISTRIBUTION

(U) SUBJECT: CID REPORT OF INVESTIGATION – FINAL (C) / SSI – 0010-2006-CID469-75406
5C2B / 5Y2E / 5H6 / 9G1
5H6

(U) DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 9 JAN 2006, 1230 – 9 JAN 2006, 1250, CANAL ROAD, SAMARRA, IRAQ (MIL GRID 38S LC 96234 76762)

(U) DATE/TIME REPORTED: 11 JAN 2006, 0845

(U) INVESTIGATED BY:

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

(U) SUBJECT:

1. (UNKNOWN); MALE; C COMPANY (CO), 3-187TH INFANTRY (INF) BATTALION (BN), 3RD BRIGADE COMBAT TEAM (3BCT), 101ST ABN DIV (AASLT), FORWARD OPERATING BASE (FOB) BRASSFIELD-MORA, SAMARA, IZ; CT; (NFI); [ASSAULT CONSUMMATED BY BATTERY (INSUFFICIENT EVIDENCE)] [CRUELTY AND MALTREATMENT (INSUFFICIENT EVIDENCE)]

2. NONE; [JUSTIFIABLE HOMICIDE]

(U) VICTIM:

1. (b)(6),(b)(7)(C) CIVILIAN; IRAQI; DETAINEE NUMBER (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) MALE; OTHER: SAMARRA, MAJIL DISTRICT, IRAQ;
ALIAS: (b)(6),(b)(7)(C) KZ; (NFI); [ASSAULT CONSUMMATED BY BATTERY (INSUFFICIENT EVIDENCE)] [CRUELTY AND MALTREATMENT (INSUFFICIENT EVIDENCE)]

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

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

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2. KHTHEER, AHMED SALIH (DECEASED); CIVILIAN; IRAQI; MALE; OTHER; IRAQ; XZ; (NFI); [JUSTIFIABLE HOMICIDE]

(U) INVESTIGATIVE SUMMARY:

(U) This is an Operation Iraqi Freedom and a Detainee Abuse investigation.

(U) The Non-commissioned Officer in Charge (NCOIC) of the Brigade – Detainee Internment Facility (B-DIF), FOB Remagen, notified this office of a detainee abuse allegation.

(U) While investigating gunshots an element of C CO, 3-187 INF discovered (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) standing near a car and acting suspiciously. (b)(6), (b)(7)(C) attempted to flee in the car, but became stuck. (b)(6), (b)(7)(C) threw several items into the canal and began running away while continuing to reach in his pockets and ignoring orders to halt. (b)(6), (b)(7)(C) shot AHMED, causing him to fall down. AHMED got up and attempted to run again and (b)(6), (b)(7)(C) and several other Soldiers engaged him with small arms fire, resulting in his death. A search of the car resulted in the discovery of two sniper rifles in the trunk. During a subsequent screening at the B-DIF (b)(6), (b)(7)(C) alleged a Soldier put his foot on his back and held him down while two Soldiers kicked him in the head until he lost consciousness. (b)(6), (b)(7)(C) had bruises and abrasions on his face, back and shoulders.

(U) Investigation established probable cause to believe the death of AHMED was a justifiable homicide, in that the shooting was lawful and in accordance with the Rules of Engagement (ROE) in place at the time of the incident. The scene of the incident was a known point of origin for sniper fire, with specific intelligence data that a sniper team was operating in the area. Further, the unit was investigating gunshots at the time of the incident and their discovery of two Iraqi males at the scene matched the known Techniques and Procedures (TTP) for enemy sniper teams. (b)(6), (b)(7)(C) the On Scene Commander, reasonably believed AHMED was a threat based on his failure to comply with instructions, the inability to tell if he was armed due to his bulky clothing, his continually putting his hands into his pockets and his attempt to run from the scene. (b)(6), (b)(7)(C) said he was concerned AHMED was running to a stashed weapon or a trigger location for an Improvised Explosive Device. Other members of the unit also felt AHMED was a threat based on his lack of compliance and their inability to ascertain his intentions.

(U) Investigation established insufficient evidence to prove or disprove US forces committed a criminal offense as it related to (b)(6), (b)(7)(C) allegation of abuse. Investigation indicated US forces used the level of force proportional to what they believed to be needed to subdue and apprehend (b)(6), (b)(7)(C). There were indications of excessive force that does not rise to the level of a criminal assault; however, the investigation was initially impeded by lack of cooperation by members of the capturing team. The few Soldiers who agreed to be interviewed all denied wrongdoing or witnessing anyone assault (b)(6), (b)(7)(C). The unit's translator stated after the discovery of the sniper rifles, a Soldier (NFI) began questioning (b)(6), (b)(7)(C) and appeared to kick him and step on his back while questioning him.

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(U) STATUTES:

Article 128, UCMJ: Assault Consummated by Battery
Article 93, UCMJ: Cruelty and Maltreatment

(U) EXHIBITS/SUBSTANTIATION:

(U) ATTACHED:

(U) 1. Agent's Investigation Report (AIR) of SA (b)(6),(b)(7)(C) 11 Jan 06, detailing the basis for investigation and interview of (b)(6),(b)(7)(C)

(U) 2. Serious Incident Report, 11 Jan 05 (sic), detailing (b)(6),(b)(7)(C) initial allegation.

(U) 3. Coalition Provisional Authority Forces Apprehension Form, 9 Jan 06, detailing the circumstances surrounding the capture of (b)(6),(b)(7)(C) by C CO, 3-187 INF.

(U) 4. Sworn Statement of (b)(6),(b)(7)(C), 9 Jan 06, detailing him shooting AHMED, the subsequent detention of (b)(6),(b)(7)(C) and the discovery of two sniper rifles in the car.

(U) 5. Sworn Statement of (b)(6),(b)(7)(C), 9 Jan 06, detailing his involvement in shooting AHMED, the detention of (b)(6),(b)(7)(C) and the discovery of sniper rifles in the car.

(U) 6. Detainee Medical Screening Report, 9 Jan 05 (sic), detailing medical screening of (b)(6),(b)(7)(C) at FOB Brassfield-Mora. The report reflected (b)(6),(b)(7)(C) had abrasions and lacerations on his shoulders, as well as abrasions on his face and forehead.

(U) 7. 3-187 INF BN Screening Sheet, 9 Jan 06, detailing Military Intelligence (MI) screening of (b)(6),(b)(7)(C) at FOB Brassfield-Mora.

(U) 8. Receipt for Inmate or Detained Person, 10 Jan 06, detailing the transfer of (b)(6),(b)(7)(C) from FOB Brassfield-Mora to the B-DIF at FOB Remagen.

(U) 9. Evidence/Property Custody Document, 10 Jan 06, pertaining to (b)(6),(b)(7)(C) personal property.

(U) 10. Detainee Medical Screening Report, 10 Jan 06, detailing a medical screening of (b)(6),(b)(7)(C) at FOB Remagen. The report reflected (b)(6),(b)(7)(C) had contusions, abrasions and lacerations on his face and shoulders.

(U) 11. Sworn Statement of (b)(6),(b)(7)(C) 11 Jan 06, detailing the medical screening of (b)(6),(b)(7)(C) during which he stated he was not treated well during capture.

(b)(6),(b)(7)(C) //RELEASE TO MNF-I
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(U) 12. Screening Sheet, 11 Jan 06, detailing screening of (b)(6), (b)(7)(C) by Military Intelligence at FOB Remagen.

(U) 13. Map, undated, depicting the location of the Initial Point of Capture (IPOC).

(U) 14. Arabic language Statement of SAIF, 11 Jan 06, detailing his capture. (b)(6), (b)(7)(C) stated the US Soldiers tied (flex-cuffed) his hands behind his back, then began searching his car. (b)(6), (b)(7)(C) stated after the Soldiers found the sniper rifles in the trunk of the car they began hitting him until he lost consciousness. (US Army Crime Records [USACRC] and file copies only)

(U) 15. English language translation of (b)(6), (b)(7)(C) Statement (Exhibit 14), translated by Mr. (b)(6), (b)(7)(C) Category II Interpreter, Titan Corporation, COB Speicher.

(U) 16. AIR of SA (b)(6), (b)(7)(C) 19 Jan 06, detailing receipt of statements made by (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) during the initial commander's inquiry and interviews of (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

(U) 17. Statement of (b)(6), (b)(7)(C) 14 Jan 06, detailing the apprehension of (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) pushed SAIF to his knees, at which time (b)(6), (b)(7)(C) lunged upright and glared at (b)(6), (b)(7)(C) stated he grabbed SAIF and pushed him facedown on the ground. (b)(6), (b)(7)(C) stated he, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) pinned (b)(6), (b)(7)(C) to the ground until they got his hands flexi-cuffed.

(U) 18. Sworn Statement of (b)(6), (b)(7)(C) 14 Jan 06, wherein he stated (b)(6), (b)(7)(C) resisted arrest and force was used to get him flexi-cuffed. (b)(6), (b)(7)(C) stated he was holding (b)(6), (b)(7)(C) right arm and he had his knee in (b)(6), (b)(7)(C) back.

(U) 19. Sworn Statement of (b)(6), (b)(7)(C) 14 Jan 06, wherein he stated he struggled with (b)(6), (b)(7)(C) until he and the other Soldiers got flexi-cuffs on him. (b)(6), (b)(7)(C) stated he put his left knee on (b)(6), (b)(7)(C) left forearm and his left hand on (b)(6), (b)(7)(C) head, keeping him from looking up.

(U) 20. Sworn Statement of (b)(6), (b)(7)(C) 19 Jan 06, detailing the medical examination of (b)(6), (b)(7)(C) upon his arrival at FOB Brassfield-Mora. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) had bruising and swelling around his left eye and forehead, contusions on both shoulders and a swollen jaw.

(U) 21. Sworn Statement of (b)(6), (b)(7)(C) 19 Jan 06, detailing the medical screening of (b)(6), (b)(7)(C) at FOB Brassfield-Mora. (b)(6), (b)(7)(C) described the injuries to (b)(6), (b)(7)(C) face and stated he had difficulty opening his mouth due to a swollen jaw.

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

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(U) 22. Sworn Statement of (b)(6),(b)(7)(C) 19 Jan 06, wherein he stated he was the gunner in the fourth High Mobility Multi-purpose Wheeled Vehicle (HMMWV) during the incident. He stated two Soldiers eventually brought a detainee (b)(6),(b)(7)(C) back to his vehicle and put him into his HMMWV. (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) already had a black eye at that time.

(U) 23. Sworn Statement of (b)(6),(b)(7)(C) 19 Jan 06, wherein he detailed the shooting of AHMED and the apprehension of (b)(6),(b)(7)(C) stated he did not see (b)(6),(b)(7)(C) put forth any resistance when he was being apprehended.

(U) 24. Non-Waiver Certificate of (b)(6),(b)(7)(C) 19 Jan 06, wherein he invoked his legal rights and requested a lawyer.

(U) 25. C CO, 3-187 INF Patrol Roster, 9 Jan 06, detailing the planned mission and the names of the occupants of the vehicles involved in the mission.

(U) 26. Aerial photograph, marked by SA (b)(6),(b)(7)(C) to depict the location of the IPOC.

(U) 27. Aerial photograph of the IPOC, marked by (b)(6),(b)(7)(C) to depict the locations of the vehicles and personnel involved in the incident.

(U) 28. AIR of SA (b)(6),(b)(7)(C) 20 Jan 06, detailing coordination with the unit chain of command, receipt of photographs taken at the IPOC, and interviews of (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) CPI (b)(6),(b)(7)(C) SGT (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

(U) 29. Non-Waiver Certificate of (b)(6),(b)(7)(C) 19 Jan 06, wherein he invoked his legal rights and declined to be questioned or say anything.

(U) 30. Non-Waiver Certificate of (b)(6),(b)(7)(C) 19 Jan 06, wherein he invoked his legal rights and declined to be questioned or say anything.

(U) 31. Sworn Statement of (b)(6),(b)(7)(C) 19 Jan 06, wherein he detailed the shooting of AHMED. (b)(6),(b)(7)(C) stated he did not witness the apprehension of (b)(6),(b)(7)(C) nor did he witness anyone abusing SAIF.

(U) 32. Non-Waiver Certificate of (b)(6),(b)(7)(C) 19 Jan 06, wherein he invoked his legal rights and declined to be questioned or say anything.

(U) 33. Non-Waiver Certificate of (b)(6),(b)(7)(C) 19 Jan 06, wherein he invoked his legal rights and declined to be questioned or say anything.

(U) 34. AIR of SA (b)(6),(b)(7)(C) 23 Jan 06, detailing the interview of (b)(6),(b)(7)(C)

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

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

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(U) 35. Arabic language Statement of (b)(6),(b)(7)(C), 23 Jan 06, wherein he stated he witnessed a Soldier kicking SAIF with the bottom of his foot. (USACRC and file copies only)

(U) 36. English language translation of (b)(6),(b)(7)(C) Statement (Exhibit 35), translated by (b)(6),(b)(7)(C)

(U) 37. Sketch with an Arabic language legend, prepared by (b)(6),(b)(7)(C) 23 Jan 06. (USACRC and file copies only)

(U) 38. English language translation of (b)(6),(b)(7)(C) sketch (Exhibit 37), translated by (b)(6),(b)(7)(C)

(U) 39. AIR of SA (b)(6),(b)(7)(C) 12 Feb 06, detailing coordination with the 3BCT Command Judge Advocate (CJA) and the Staff Judge Advocate (SJA), 101st ABN DIV (AASLT), and receipt of a Commander's Inquiry into the shooting death of AHMED

(U) 40. Memorandum, 9 Feb 06, prepared by MAJ (b)(6),(b)(7)(C) CJA, 3rd BCT, 101st ABN DIV (AASLT), COB Speicher, detailing his legal review of the Commander's Inquiry and his findings that the shooting was lawful and in accordance with the ROE.

(U) 41. Memorandum for Record, 7 Feb 06, prepared by CPT (b)(6),(b)(7)(C) Headquarters and Headquarters Company, 3-187 INF, FOB Brassfield-Mora, and detailing the findings of his Commander's Inquiry into the shooting death of AHMED.

(U) 42. Memorandum for Record, 7 Feb 06, detailing the index of supporting exhibits for the Commander's Inquiry.

(U) 43. Sworn Statement of (b)(6),(b)(7)(C) 6 Feb 06, detailing his decision to shoot AHMED based on his assessment of the situation and AHMED's actions.

(U) 44. Sworn Statement of SGT (b)(6),(b)(7)(C) 6 Feb 06, detailing the mission to search for a sniper hide position, the patrol's response to the gunshots, and the subsequent discovery of AHMED and (b)(6),(b)(7)(C) SGT (b)(6),(b)(7)(C) detailed the escalation of force procedures and stated he thought AHMED was a threat based on AHMED's and (b)(6),(b)(7)(C) actions.

(U) 45. Sworn Statement of (b)(6),(b)(7)(C) 6 Feb 06, detailing his and SGT (b)(6),(b)(7)(C) mission to identify Observation Points to prevent sniper operations in the area, during which they heard gunshots. (b)(6),(b)(7)(C) detailed the discovery of AHMED and (b)(6),(b)(7)(C) in the area where the gunshots originated and stated they were acting very nervous and suspicious. (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) shot AHMED when he began to run and then he and several other Soldiers shot and killed AHMED when he got up and began to run again.

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(U) 46. Sworn Statement of (b)(6),(b)(7)(C) 7 Feb 06, detailing the patrol's response to gunshots and the discovery of AHMED and (b)(6),(b)(7)(C). He stated (b)(6),(b)(7)(C) attempted to flee in the car and got stuck. He said AHMED attempted to run and (b)(6),(b)(7)(C) shot him. (b)(6),(b)(7)(C) and other Soldiers shot and killed AHMED when he got back up and attempted to run again.

(U) 47. Sworn Statement of (b)(6),(b)(7)(C) 7 Feb 06, detailing the patrol's response to the gunshots, the shooting death of AHMED and the capture of (b)(6),(b)(7)(C)

(U) 48. Sworn Statement of (b)(6),(b)(7)(C) 7 Feb 06, in which he stated he felt threatened by AHMED's actions. He stated AHMED had been digging large caliber rounds from his pockets and then he began running toward the reeds. (b)(6),(b)(7)(C) stated he was alarmed by this, as AHMED could have had a pistol or grenade concealed in his baggy clothing.

(U) 49. Storyboard (information slide) submitted by C CO, 3-187 INF, 9 Jan 06, detailing the time-line of the incident, from the initial response to the gunshots until the movement from the IPOC back to FOB Brassfield-Mora. The storyboard detailed the shooting of AHMED and stated (b)(6),(b)(7)(C) got out of the car and "stood next to the door shaking"

(U) 50. Information paper titled "Self Defense and Determination of Hostile Intent, published by SJA, 101st ABN DIV (AASLT), 14 Dec 05. (b)(6),(b)(7)(C)

(U) 51. Annex E (ROE) to Operations Order 02-06 (b)(6),(b)(7)(C) //REL TO MNF-I).

(U) 52. AIR of SA (b)(6),(b)(7)(C) 25 Mar 06, detailing coordination with the 3-187 INF chain of command, coordination with SJA, receipt of SGT (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) initial statements and receipt of a photograph taken at the IPOC.

(U) 53. Statement of SGT (b)(6),(b)(7)(C) 9 Jan 06, detailed his involvement in the incident in which AHMED was killed and (b)(6),(b)(7)(C) was captured. SGT (b)(6),(b)(7)(C) also detailed his search of the car and his discovery of two sniper rifles in the trunk.

(U) 54. Statement of (b)(6),(b)(7)(C) 9 Jan 06, detailing his involvement in the incident in which his unit shot and killed AHMED and captured (b)(6),(b)(7)(C)

(U) 55. AIR of SA (b)(6),(b)(7)(C) 3 Apr 06, detailing coordination with the 3-187 INF chain of command and interviews of (b)(6),(b)(7)(C) CPL (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

(U) 56. Sworn Statement of (b)(6),(b)(7)(C) 3 Apr 06, wherein he detailed his actions during the incident and denied assaulting (b)(6),(b)(7)(C) or witnessing anyone else assault (b)(6),(b)(7)(C)

(U) 57. Sworn Statement of CPL (b)(6),(b)(7)(C) 3 Apr 06, wherein he detailed his actions during the incident and denied assaulting (b)(6),(b)(7)(C) or witnessing anyone else assault (b)(6),(b)(7)(C)

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(U) 58. Sworn Statement of (b)(6), 3 Apr 06, wherein he stated he assumed a defensive position after the shooting of AHMED and was not involved in the capture of (b)(6),(b)(7)(C) denied assaulting (b)(6), witnessing anyone else assault SAIF.

(U) 59. Sketch prepared by (b)(6), 3 Apr 06, depicting the scene of the incident and (b)(6),(b)(7)(C) defensive position after the shooting of AHMED.

(U) 60. Sworn Statement of (b)(6),(b)(7)(C) 3 Apr 06, wherein he stated he assumed a security position after the shooting of AHMED and was not involved in the capture of (b)(6), (b)(6),(b)(7)(C) denied assaulting (b)(6), or witnessing anyone else assault (b)(6),(b)(7)(C)

(U) 61. Sworn Statement of (b)(6),(b)(7)(C) 3 Apr 06, wherein he stated he was the gunner in the lead HMMWV, which drove past the scene and assumed a forward security position after the shooting of AHMED. (b)(6),(b)(7)(C) stated he was not involved in the capture of (b)(6), and he did not witness anyone assault (b)(6),(7)(C)

(U) 62. Sworn Statement of (b)(6),(b)(7)(C) 3 Apr 06, wherein he stated he was the operating the radio in the third HMMWV and did not witness the shooting of AHMED or the detention of (b)(6),(b)(7)(C) stated he did not witness anyone assault (b)(6),(7)(C)

(U) 63. Waiver Certificate and Sworn Statement of (b)(6),(b)(7)(C) 3 Apr 06, wherein he waived his legal rights and detailed his involvement in the capture of (b)(6),(b)(7)(C) stated SAIF resisted their efforts to restrain him and he maintained that he and his team members did not assault (b)(6),(7)(C)

(U) 64. Waiver Certificate and Sworn Statement of (b)(6),(b)(7)(C) 3 Apr 06, wherein he waived his legal rights and detailed his involvement in the capture of (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) resisted efforts to restrain him so he used what he believed was reasonable force to subdue (b)(6) and place him in flexi-cuffs. (b)(6),(b)(7)(C) maintained that he and his team members did not assault (b)(6),(7)(C)

(U) 65. AIR of SA (b)(6),(b)(7)(C) 4 May 06, detailing efforts to re-interview (b)(6),(b)(7)(C) and SGT (b)(6),(b)(7)(C)

(U) 66. AIR of SA (b)(6),(b)(7)(C) 4 Jul 06, detailing re-interviews of (b)(6),(b)(7)(C) and SGT (b)(6),(b)(7)(C) and efforts to re-interview (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

(U) 67. Waiver Certificate and Sworn Statement of (b)(6),(b)(7)(C) 1 Jul 06, wherein he waived his legal rights and denied assaulting (b)(6) or witnessing anyone else assault (b)(6),(b)(7)(C)

(U) 68. Sworn Statement of SGT (b)(6),(b)(7)(C) 4 Jul 06, wherein he stated after searching the vehicle he observed that (b)(6) appeared to be muddier than he was prior to him (SGT (b)(6),(b)(7)(C) getting into the car to search the trunk.

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(U) 69. AIR of SA (b)(6),(b)(7)(C) 16 Jul 06, detailing interviews of (b)(6),(b)(7)(C) PFC (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) SSG (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) and a re-interview of SGT (b)(6),(b)(7)(C)

(U) 70. AIR of SA (b)(6),(b)(7)(C) 18 Jul 06, detailing the re-interview of (b)(6),(b)(7)(C)

(U) 71. Waiver Certificate of (b)(6),(b)(7)(C) 18 Jul 06, wherein he waived his legal rights.

(U) 72. Polygraph Examination Report (b)(6),(b)(7)(C), 18 Jul 06. (US Army Crime Records Center [USACRC] and file copies only)

(U) 73. AIR of SA (b)(6),(b)(7)(C) 1 Sep 06, detailing final SJA coordination and a summary of the investigative findings.

(U) 74. Compact disk 060010.469, containing photographs of (b)(6),(b)(7) taken by the capturing unit at the IPOC and photographs of (b)(6),(b)(7) taken by B-DIF personnel and CID. The compact disk also contains a photographic index. (USACRC and file copies only)

(U) NOT ATTACHED:

Retained in the files of the USACRC, Ft Belvoir, VA:

(U) 75. Polygraph Examination Authorization (b)(6),(b)(7)(C)

(U) The originals of Exhibits 1, 14 – 24, 26 – 48, 52, 55 – 71, 73 and 74 are forwarded with the USACRC copy of this report. The originals of Exhibits 2 – 13 are retained in the files of Multi-National Forces – Iraq (MNF-I) Task Force 134, Detainee Operations, APO AE 09342. The originals of Exhibits 25, 49, 53 and 54 are retained in the files of 3-187 INF, Ft Campbell, KY. The originals of Exhibits 50 and 51 are retained in the files of 101 ABN DIV (AASLT), Ft Campbell, KY. The original of Exhibit 72 is retained in the files of the USACRC.

(U) STATUS: This is a Final (C) Report. This investigation is being terminated in accordance with CIDR 195-1, paragraph 4-17(a) (6), in that a thorough investigation revealed no logical subject(s) and there were no serious injuries.

(U) LEADS REMAINING: Location and exhumation of AHMED's remains. Examination of the scene of the incident.

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(U) Report Prepared By:

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

Report Approved By:

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

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

(U) Special Agent (b)(2)

Special Agent in Charge

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- 1 – Trial Counsel, 3BCT, 101st ABN DIV (AASLT), Ft Campbell, KY (email only)
- 1 – Detainee OPS Attorney, 101 ABN DIV (AASLT), Ft Campbell, KY (email only)
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b(2), b(6), b(7)(C)

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
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DETAILS

About 0845, 11 Jan 06, SSG (b)(6), (b)(7)(C) NCOIC, Brigade-Detainee Internment Facility (B-DIF), 3rd Brigade Combat Team (BCT), 101st ABN DIV (AASLT), Forward Operating Base (FOB) Remagen, Tikrit, IZ, APO AE 09393, notified this Agent that Mr. (b)(6), (b)(7)(C) a.k.a. (b)(6), (b)(7)(C) Detainee # (b)(6), (b)(7)(C) reported he was physically abused by US Soldiers during his apprehension near Samarra (MIL GRID 38S LC 96234 76762). (b)(6), (b)(7)(C) provided a Serious Incident Report (SIR), a Coalition Provisional Authority (CPA) Forces Apprehension Form, Medical Screening Reports from the B-DIF and FOB Brassfield-Mora, a statement from SPC (b)(6), (b)(7)(C) a B-DIF medic, and Military Intelligence Screening Sheets. The packet also contained statements from SSG (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), both of whom were members of the capturing unit, C CO, 3-187th Infantry (INF), FOB Brassfield-Mora, Samarra, IZ. In addition to (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C), the CPA Forces Apprehension Form listed the following Soldiers as witnesses to the apprehension of (b)(6), (b)(7)(C)

PFC (b)(6), (b)(7)(C) C CO, 3-187 INF

1LT (b)(6), (b)(7)(C) C CO, 3-187 INF

SGT (b)(6), (b)(7)(C), C CO, 3-187 INF

PFC (b)(6), (b)(7)(C) C CO, 3-187 INF

PFC (b)(6), (b)(7)(C), C CO, 3-187 INF

CPL (b)(6), (b)(7)(C) C CO, 3-187 INF

SPC (b)(6), (b)(7)(C), C CO, 3-187 INF

SPC (b)(6), (b)(7)(C), C CO, 3-187 INF

SGT (b)(6), (b)(7)(C), C CO, 3-187 INF

SPC (b)(6), (b)(7)(C), C CO, 3-187 INF

PV2 (b)(6), (b)(7)(C) C CO, 3-187 INF

SGT (b)(6), (b)(7)(C) HHC, 3-187 INF

SGT (b)(6), (b)(7)(C) HHC, 3-187 INF

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

31st MP DET (CID) (-), Contingency Operating Base, Speicher, Tikrit, IZ APO AE 09393

SIGNATURE

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

ACLU DDII CID ROI 26674

11 Jan 06

CID FORM 94

ACLU RDI 5515 p.11

000011

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 2 OF 2 PAGES

DETAILS

About 0900, 11 Jan 06, SA (b)(6), (b)(7)(C) conducted a screening interview of (b)(6), (b)(7)(C) with the assistance of Mr. (b)(6), (b)(7)(C) Category II Interpreter, Titan Corporation. (b)(6), (b)(7)(C) stated he was beaten by U.S. Soldiers during him apprehension.

About 1300, 11 Jan 06, SA (b)(6), (b)(7)(C) re-interviewed (b)(6), (b)(7)(C) with assistance of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) rendered a sworn statement that he was walking on the road when he was approached by his uncle (b)(6), (b)(7)(C) and his uncle's friend, Ahmed Salih Khtheer. His uncle supposedly asked (b)(6), (b)(7)(C) to go with AHMED and help to retrieve two sniper rifles from the nearby marsh. The two men traveled to the location, found the rifles and were in the process of leaving the area when they were surprised by an American Patrol. When the first High Mobility Multi-purpose Wheeled Vehicle (HMMWV) pulled in, (b)(6), (b)(7)(C) was sitting in the driver's seat and AHMED was about to get into the car. The lead HMMWV stopped and Soldiers dismounted. The Soldiers yelled "Stop" "Stop" but AHMED decided to run while throwing the rounds from his packet. He was engaged by multiple shots and killed (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was ordered to get out of the car and walked around to the other side. The Soldiers told him to squat on the ground and then someone pushed him down and tied his hands with plastic-cuffs. According to (b)(6), (b)(7)(C) there were six Soldiers standing around him. The two Soldiers standing next to his head kicked him, twice on the left side and once on the right side. (b)(6), (b)(7)(C) stated the kicks were with the inner side of the foot. Afterwards the Soldiers discovered the two Dragonov sniper rifles inside of the vehicle's trunk and they began hitting (b)(6), (b)(7)(C). He stated after two minutes of beating he lost consciousness and did not wake up until about half an hour later. Later on he was escorted by two Soldiers to the last vehicle and placed in the rear right seat. (b)(6), (b)(7)(C) indicated that there were three Soldiers in that vehicle. The convoy moved out from the area but stopped after 15 minutes and one of the Soldiers took (b)(6), (b)(7)(C) out of the vehicle. The Soldier snapped three photos of (b)(6), (b)(7)(C) and then the Soldier and the translator went down the road showing the photos to the people. The convoy moved out again and stopped at another location where again the Soldiers attempted to identify (b)(6), (b)(7)(C) by asking locals for identification. Afterward the convoy traveled to a base (FOB Brassfield-Mora) where (b)(6), (b)(7)(C) received medical attention. (See statement for details)

AGENT'S COMMENT: SA (b)(6), (b)(7)(C) exposed digital photographs of (b)(6), (b)(7)(C) face and back. SA (b)(6), (b)(7)(C) observed black and blue bruising on left side of his face, a vertical scar and laceration on the bridge of his nose. There were also abrasions on both of (b)(6), (b)(7)(C) shoulder blades. The bruising on the face appeared to supported (b)(6), (b)(7)(C) claim of abuse.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

31st MP DET (CID) (-), Contingency Operating Base, Speicher, Tikrit, IZ APO AE 09393

SIGNATURE

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

DATE
11 Jan 06

ESCHT

ACLU DDII CID ROI 26675

DETAINEE SIR

BIF: FOB BRASSFIELD-MORA B-DIF: FOB REMAGEN
DTG: 091511JAN05 REPORTED BY: 2LT (b)(6), (b)(7)(C) (OIC), SFC (b)(6), (b)(7)(C)
(OPS NCOIC) SSG (b)(6), (b)(7)(C) ADMIN NCOIC

EMAIL: (b)(6), (b)(7)(C)@bct3.d101.army.smil.mil DNV: 530-3286

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

WHAT: Detainee claimed he was kicked at the time of capture

WHEN: 091230JAN 06. The detainee made these claims during the medical screening.

WHERE: LC 96297676 Capture location
Detainee is currently at the Rakkasan B-Dif, FOB Remagen

WHY: Detainee has bruising and discoloration on his face and back

HOW: claims he was kicked

ACLU DDII CID ROI 26676

COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM
YELLOW FIELDS MUST BE FILLED IN, IF APPLICABLE, UPON APPREHENSION

<input type="checkbox"/> Offense against Civilian(s) [check one] If "Other" then describe:			
<input type="checkbox"/> Arson (I.P.C. 342)	<input type="checkbox"/> Burglary or Housebreaking (I.P.C. 428)	<input type="checkbox"/> Solicitation of Fornication/Prostitution (I.P.C. 399)	<input type="checkbox"/> Extortion/Communicating Threats (I.P.C. 430)
<input type="checkbox"/> Rape/Indecent/Sexual Assaults/Acts (I.P.C. 393-98, 462)	<input type="checkbox"/> Theft (I.P.C. 439)	<input type="checkbox"/> Murder (I.P.C. 405)	<input type="checkbox"/> Destruction of Property (I.P.C. 477)
<input type="checkbox"/> Aggravated Assault/Assault With Intent To Kill (I.P.C. 410)	<input type="checkbox"/> Obstructing a Public Highway/Place (I.P.C. 487)	<input type="checkbox"/> Maiming (I.P.C. 412)	<input type="checkbox"/> Discharging Firearm/ Explosive In City/Town/Village (I.P.C. 495)
<input type="checkbox"/> Simple Assault (I.P.C. 415)	<input type="checkbox"/> Riot or Breach of Peace (I.P.C. 495(3))	<input type="checkbox"/> Kidnapping (I.P.C. 421)	<input type="checkbox"/> Other
<input type="checkbox"/> Offense against Coalition Forces [check one] If "Other" then describe:			
<input type="checkbox"/> Violation of Curfew	<input type="checkbox"/> Trespass on Military Installation or Facility	<input type="checkbox"/> Illegal Possession of Weapon	<input type="checkbox"/> Photographing/Surveillance of Military Installation or Facility
<input checked="" type="checkbox"/> Assault/Attack on Coalition Forces	<input type="checkbox"/> Obstructing Performance of Military Mission	<input type="checkbox"/> Theft of Coalition Force Property	<input type="checkbox"/> Other
Apprehending Unit: <u>1/C 13-157 IN</u>		Location Grid: <u>AC 96297676</u>	
Date of Incident: (D/M/Y) <u>9 Dec 10 to 9 Dec 10</u>	Time of Incident: <u>1107 hrs to 1600 hrs</u>	Date of Report: (D/M/Y) <u>9 Dec 10</u>	Time of Report: <u>2100 hrs</u>
Detainee: (b)(6), (b)(7)(C)		Key Connected Person: <input type="checkbox"/> Victim <input type="checkbox"/> Witness	
Last Name: (b)(6), (b)(7)(C)		Last Name:	
First Name: (b)(6), (b)(7)(C)		Given Name: (b)(6), (b)(7)(C)	
Hair Color:	Scars/Tattoos/Deformities:	Hair Color:	Scars/Tattoos/Deformities:
Eye-Color:	Weight: lb Height: in	Eye-Color:	Weight: lb Height: in
Address:		Address:	
Place of Birth:		Place of Birth:	
Ethn/Tribe/ Sect:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Phone#: DOB D/M/Y: <input type="checkbox"/> Mobile <input type="checkbox"/> Regular	Ethn/Tribe/ Sect:
<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)		
Document #:			
Total Number of Persons Involved <u>112</u> (list names/identifying info on reverse under "Additional Helpful Information")			
<input type="checkbox"/> Vehicle Information Vehicle Number <u>1</u> of <u>1</u> Vehicle(s) Owner:			
Make: <u>MINI</u>	Color: <u>Black</u>	VIN:	
Model: <u>FRONTIER</u>	Type: <u>4 door</u>	Plate No: <u>119 942</u>	Number of People in Vehicle:
Year: <u>2</u>	Names of People in Vehicle:		
Contraband/Weapons in Vehicle: <u>2 MAGGONS, 2 BRN, 1 SCAR, 2 RIF</u>			
<input type="checkbox"/> Property/Contraband	<input checked="" type="checkbox"/> Weapon	Photo Taken of Suspect with Weapon/Contraband: Yes/ No	
Type: <u>MAGGON SIGMA R.M</u>	Model:	Color/Caliber: <u>7.62 Heckler</u>	
Serial No.:	Quantity:	Make:	Receipt Provided to Owner: Yes/ No
Other Details:		Where Found:	Owner:
Name of Assisting Interpreter:		Email, Phone, or Contact Info:	
Detaining Soldier's Name (Print): (b)(6), (b)(7)(C)		Supervising Officer's Name (Print): (b)(6), (b)(7)(C)	
Signal: (b)(6), (b)(7)(C)		Signal: (b)(6), (b)(7)(C)	
Email: (b)(6), (b)(7)(C)		Email: (b)(6), (b)(7)(C)	
Unit Phone: <u>272-7402</u>		Unit Phone: <u>272-7402</u>	
Date: <u>2006 01 10</u>		Date: <u>2006 01 10</u>	

COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM

Why was this person detained? *Her job almost always with hands on person (C) in private property was the reason*

Who witnessed this person being detained or the reason for detention? Give names, contact numbers, addresses

VE/3-18-74 SSG (b)(6), (b)(7)(C) SFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) 1LT (b)(6), (b)(7)(C)
CSA (b)(6), (b)(7)(C) COL (b)(6), (b)(7)(C) 1ST LT (b)(6), (b)(7)(C) 1ST LT (b)(6), (b)(7)(C)
S. O. (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) 1LT (b)(6), (b)(7)(C)
SGT (b)(6), (b)(7)(C)

How was this person traveling (car, bus, on foot)? *on foot, ~~from~~ from vehicle*
standing next to vehicle

Who was with this person? *Company employee who fled the scene*
and was shot & killed

What weapons was this person carrying? *Two .38 S&W magnum revolvers with 5 & 6*
and 11 rounds

What contraband was this person carrying?

What other weapons were seized? */*

What other information did you get from this person? */*

Additional Helpful Information: *Her name* (b)(6), (b)(7)(C)

ACLU DDII CID ROI 26678

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
DISCLOSURE: Disclosure of your social security number is voluntary (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

1. LOCATION: FOB Brawfield Moro
2. DATE (YYYYMMDD): 2006 01 09
3. TIME: 2125
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E6
8. ORGANIZATION OR ADDRESS: 3/187

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

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

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

On 9 January, 2006, I was travelling on a secondary road as the first vehicle of a four vehicle patrol. The road ~~was~~ ran along another road higher than it. To gain a better vantage point I drove my vehicle up onto the higher road. Upon cresting the top, approximately 70 meters ahead we (myself, SGT (b)(6), (b)(7)(C) SFC (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C)) noticed two male Iraqis. It was apparent that we surprised them as one threw a white paper bag into the canal & the other attempted to escape with their vehicle. The man who threw the bag started emptying his pockets which held cartridges & a lighter. After several verbal warnings to place their hands in the air, they did not. The man with the cartridges in his pockets then turned around at which time I shot him once & he fell. We then turned our attention to the second man who still refused to put his hands up. At that point the man who was shot got to his feet and we fired multiple shots to kill him. I then moved forward to check the first ~~man~~ (b)(6), (b)(7)(C) man while the others detained the second man. ~~Up finding~~ (b)(6), (b)(7)(C) The first man was dead. Upon searching the vehicle we recovered two SVD/Dragunov style sniper rifles each was

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ AT _____ DATED _____"

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

ACLU DDII CID ROI 26679

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

STATEMENT OF SG (b)(6), (b)(7)(C) TAKEN AT FOB Bosfield DATED 2006 01 09
Moira

9. STATEMENT (Continued)

loaded and had a 10 round magazine in it. / Nothing follows

Nothing follows

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

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

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

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

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

PAGE OF PAGES

ACLU DDII CID ROI 26680

EXHIBIT

4(2-3)

STATEMENT OF SSG (b)(6), (b)(7)(C) TAKEN AT FBI Bristfield DATED 2006 01 09
Moro

B. STATEMENT (Continued)

Nothing follows

(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 BE (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)

(Signature)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of JAN, 2006 at FBI REMAGEN

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

(Name of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

ANT 134 (b) (4) USMAJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

ACLU BDI CID ROI 26681

EXHIBIT 4 (3-3)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: LL 9623476762
2. DATE: 2006 01 09
3. TIME: 1230
4. FILE NUMBER
5. FACT NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: C 3-187

9. (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 2006 JAN 09 OUR 1ST PLT ELEMENT WAS PATROLLING DOWN BY THE SOUTH CANAL BRIDGE. WE WERE GOING TO QUESTION A GUY ABOUT AN IED THAT HAPPEND A DAY EARLIER. WHILE DOWN THERE WE HEARD 3-4 SHOTS COMING FROM THE NORTH. WE BEGAN TO PATROL ALONG THE CANAL IN EARLY NORTH. WE TRAVELED ALONG THE CANAL USING THE LOW ROAD. AFTER ABOUT 300-400 METERS ON THE LOW ROAD SSGT (b)(6), (b)(7)(C) DECIDED TO USE THE HIGH ROAD BESIDE THE CANAL. AS SOON AS WE CAME UP ON TO THE ROAD WE NOTICED 2 GUYS STANDIN OUTSIDE THREE CAR. ONE OF THEM TOSSED A WHITE BALL INTO THE WATER. SO WE SPED UP TOWARDS THEM. ONE JUMPED INTO THE CAR & TRIED TO DRIVE TO THE LOWER ROAD BUT GOT STUCK. THE OTHER GUY STARTED TAKIN STUFF OUT OF HIS POCKETS AND THROWIN IT ON THE GROUND. WHEN WE GOT UP TO THEM SSGT (b)(6), (b)(7)(C) TWO SNIPES, AND MYSELF EXITED THE TRUCK AND TOLD THEM TO PUT THEIR HANDS UP. AFTER SEVERAL VERBAL WARNINGS TO PUT THEIR HANDS IN THE AIR, THEY DID NOT. THE MAN THAT WAS EMPTYING HIS POCKETS THEN TURNED AND BEGAN TO RUN, THATS WHEN SSGT (b)(6), (b)(7)(C) SHOT HIM, & HOPPED. WE THEN TURNED OUR ATTENTION TO THE SECOND MAN & TOLD HIM TO PUT HIS HANDS UP. AT THAT TIME THE MAN WHO WAS SHOT, GOT UP AND BEGAN TO RUN, THATS WHEN WE FIRED SEVERAL SHOTS & KILLED HIM. SSGT (b)(6), (b)(7)(C) THEN WENT TO CHECK OUT THE MAN WHO WAS SHOT, WHILE WE DETAINED THE SECOND MAN. WHEN WE SEARCHED THE CAR WE FOUND 2 SNIPER RIFLES WHICH WERE LOADED WITH 10 ROUND MAGAZINES IN THEM.
NOTHING FOLLOWS (b)(6), (b)(7)(C)

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

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

ACLU DDII CID ROI 26682

STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT 1616 DATED 20060109

8. STATEMENT (Continued)

[Large area crossed out with a large 'X' and a central redaction box containing **(b)(6), (b)(7)(C)**]

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

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

WITNESSES:

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law administer oaths, this 10 day of January, 2006 at FDA Brassfield-Mora, Ind

(b)(6), (b)(7)(C), 1LT
(Signature of Person Administering Oath)

1LT **(b)(6), (b)(7)(C)**
(Typed Name of Person Administering Oath)

ACT 136 (b)(4) UCMJ
(Authority To Administer Oaths)

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

ACLU DDII CID ROI 26683 PAGE 1 OF 3 PAGES

ROI 06-CID469-75406-5H

Exhibit(s): 6

Page(s): 000021

Referred to:

Commander

U.S. Army Medical Command

Attn: FOIA Office, Stop 76

1216 Stanley Road 2D FL

Fort Sam Houston, Texas 78234-5049

ACLU DDII CID ROI 26684

DETAINEE MEDICAL SCREENING REPORT		
Detainee's Information		
NAME:	SERIAL NUMBER	STATUS
Ahmed Sahlia ^{Arabic}		Detainee
AGE: 20 y/o	PAST MEDICAL HISTORY	
	Y/ <input checked="" type="checkbox"/> PRODUCTIVE COUGH W/ BLOOD W/O BLOOD	
SEX: Male	Y/ <input checked="" type="checkbox"/> ALCOHOL, DRUG, OR TOBACCO USE	
	Y/ <input checked="" type="checkbox"/> DIABETES	
ALL: NADA	Y/ <input checked="" type="checkbox"/> HEART DISEASE, HEART ATTACK, CHF	
	<input checked="" type="checkbox"/> N SEIZURES ^{cross 1/14}	
MEDS:	Y/ <input checked="" type="checkbox"/> ASTHMA or COPD	
	OTHER PAST MEDICAL HISTORY: red, abrasions on shoulders consistent with redness/petechiae also on back shoulders.	
TEMP: 99.8	PHYSICAL EXAMINATION	
	GENERAL APPEARANCE:	
PULSE: 92	MENTAL STATUS: A/O x 3	
	<input checked="" type="checkbox"/> N ALERT AND ORIENTED?	
BP: 128/89	<input checked="" type="checkbox"/> N CALM AND COOPERATIVE?	
	Y/ <input checked="" type="checkbox"/> EVIDENCE OF INFESTATION?	
	<input checked="" type="checkbox"/> N PAIN? IF YES, LOCATION: back pain	
O2 SAT: 99%	Y/ <input checked="" type="checkbox"/> TATTOOS OR SCARS? IF YES, LOCATION:	
HEAD: abrasion to left eye, ant 2 on forehead		
EYES: pupils		
EARS: clear		
NOSE: not broken		
THROAT: clear		
LUNGS: CTA		
CARDIO: steady strong pulse		
DIAGNOSIS: mild 20 y/o male. Has signs of prolonged exposure outside, IE dry		
REMARKS: Taking unknown med. For "demons." Pt. didn't have none or any on him.		
PLACE OF EXAMINATION: Brassfield Holding cell.		DATE: 09 Jan 05
TYPED NAME OF MEDICAL OFFICIAL: (b)(6)		SIGNATURE: (b)(6)

FC FORM 111-08

ACLU DDII CID ROI 26685

6

3/187 INF BN SCREENING SHEET

DETAINEE NUMBER: (b)(6), (b)(7)(C)

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

TRIBE: Al-'Abbasi

:ARABIC

SHEIK: See extra papers

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

POB: Sam

ID #:

ADDRESS:

CELL PHONE:

LANDLINE:

MARITAL STATUS:

MARRIED

SINGLE

DIVORCED WIDOWER/ER

CHILDREN: Y N

DAUGHTERS:

SONS:

EDUCATION LEVEL: 3rd Grade

OCCUPATION: Farmer

MONTHLY INCOME:

MILITARY SERVICE:

Y

N

DATES:

BRANCH OF SERVICE:

RANK:

DUTY POSITION:

RELIGION: MUSLIM

SHIA

SUNNI

NO DIF

OTHER

PRAYS AT HOME / MOSQUE:

IMAM:

BA'ATH PARTY MEMBER: YES NO

RANK:

POLITICAL AFFILIATION: None

REASON FOR CAPTURE:

He was caught w/ sniper rifles (probably sniping)

DTG OF CAPTURE:

PLACE OF CAPTURE:

CAPTURING UNIT:

C-Co

CIRCUMSTANCE OF CAPTURE:

EQUIPMENT AND DOCUMENTS:

KNOWLEDGEABILITY: 1 2 3

COOPERATION: A B C

RECOMMENDATION AND COMMENTS:

DATE: 09 JAN 2006

SCREENER:

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

ACLU DDII CID ROI 26686

RECEIPT FOR INMATE OR DETAINED PERSON

1. RECEIVED FROM (Unit or Agency and Station) 3-187	2. TIME 2230	3. DATE (YYYYMMDD) 20060110
4. INMATE NAME (Last, First, Middle) DETAINEE # (b)(6), (b)(7)(C) (b)(6)(b)(7)(C)	5. SSN	6. GRADE
7. ORGANIZATION	8. STATION	
9. OFFENSE SEE DETAINEE PACKET		
10. PERSONAL PROPERTY ALL PROPERTY HELD ON DA FM 4137		
11. REMARKS SEE DETAINEE MEDICAL FORM FOR REMARKS See medical form 111-04 L.H.		
12. NAME AND TITLE OF PERSON RECEIVING ABOVE INDIVIDUAL	13. SSN	14. GRADE
15. RECEIVING UNIT OR AGENCY AND STATION RAKKASAN B-DIF	16. SIGNATURE SSG- (b)(6), (b)(7)(C)	

DD FORM 2708, NOV 1999

USAPA V1.00

ACLU DDII CID ROI 26687

ROI 06-CID469-75406-5H

Exhibit(s): 10

Page(s): 000025 and 000026

Referred to:

Commander

U.S. Army Medical Command

Attn: FOIA Office, Stop 76

1216 Stanley Road 2D FL

Fort Sam Houston, Texas 78234-5049

ACLU DDII CID ROI 26689

DETAINEE MEDICAL SCREENING REPORT		
Detainee's Information		
NAME: Safar Mohammad Saleh Thaye Ahmad Saleh	SERIAL NUMBER 3-50243	DATE OF BIRTH 1985
STATUS		
FINAL DIAGNOSIS		
AGE: 21	PHYSICAL EXAMINATION	
SEX: male	GENERAL APPEARANCE: Good	
HEIGHT: 5'10"	MENTAL STATUS: Good	
	Y/N EVIDENCE OF INFESTATION	
WEIGHT: 136	Y/N ALERT AND ORIENTED	
	Y/N CALM AND COOPERATIVE	
BP: 118/82	PAST MEDICAL HISTORY	
	Y/N DENTAL PROBLEMS (see notes, missing teeth)	
PULSE: 65	Y/N VISION PROBLEMS	
	Y/N PRODUCTIVE COUGH W/ BLOOD W/O BLOOD	
RESP: 16	Y/N NIGHT SWEATS	
	Y/N UNEXPLAINED WEIGHT LOSS	
SPO2: 96	Y/N SWOLLEN GLANDS OR LYMPH NODES	
	Y/N CHRONIC DIARRHEA	
TEMP: 95.2	Y/N ALCOHOL, DRUG, OR TOBACCO USE	
	Y/N MENTAL ILLNESS OR SUICIDE ATTEMPTS	
NOTES:	Y/N DIABETES; IF YES, MEDICATIONS USED:	
	Y/N HIGH BP; IF YES, MEDICATIONS USED:	
	Y/N HEART DISEASE OR HEART ATTACK; IF HEART ATTACK, MI WHEN:	
	Y/N STROKE OR EPILEPSY; IF STROKE, SIDE AFFECTED:	
	Y/N ASTHMA, COPD, CHF - MEDS USED:	
	Y/N JOINT PAIN, BROKEN BONES	
	Y/N ALLERGIES TO PLANTS OR ANIMALS; IF YES, TO WHAT KIND:	
Y/N ALLERGIES TO MEDICATIONS; IF YES, TO WHAT KIND:		
HEAD: NC / AT		
EYES: PERRLA / Fov I		
EARS: Two clear / mobile		
NOSE: MM PM		
THROAT: Exudate / erythema		
LUNGS: CTA (b)		
CARDIO: RRR		
PLACE OF EXAMINATION: 706 Fub Remagen BLDG A-1 Station	DATE: 10 Jan 06	
TYPED NAME OF PHYSICIAN OFFICIAL (b)(6)	(b)(6)	SIGNATURE: (b)(6)
REMARKS: (b)(6)		

FC FORM 111-08

ACLU DDII CID ROI 26690

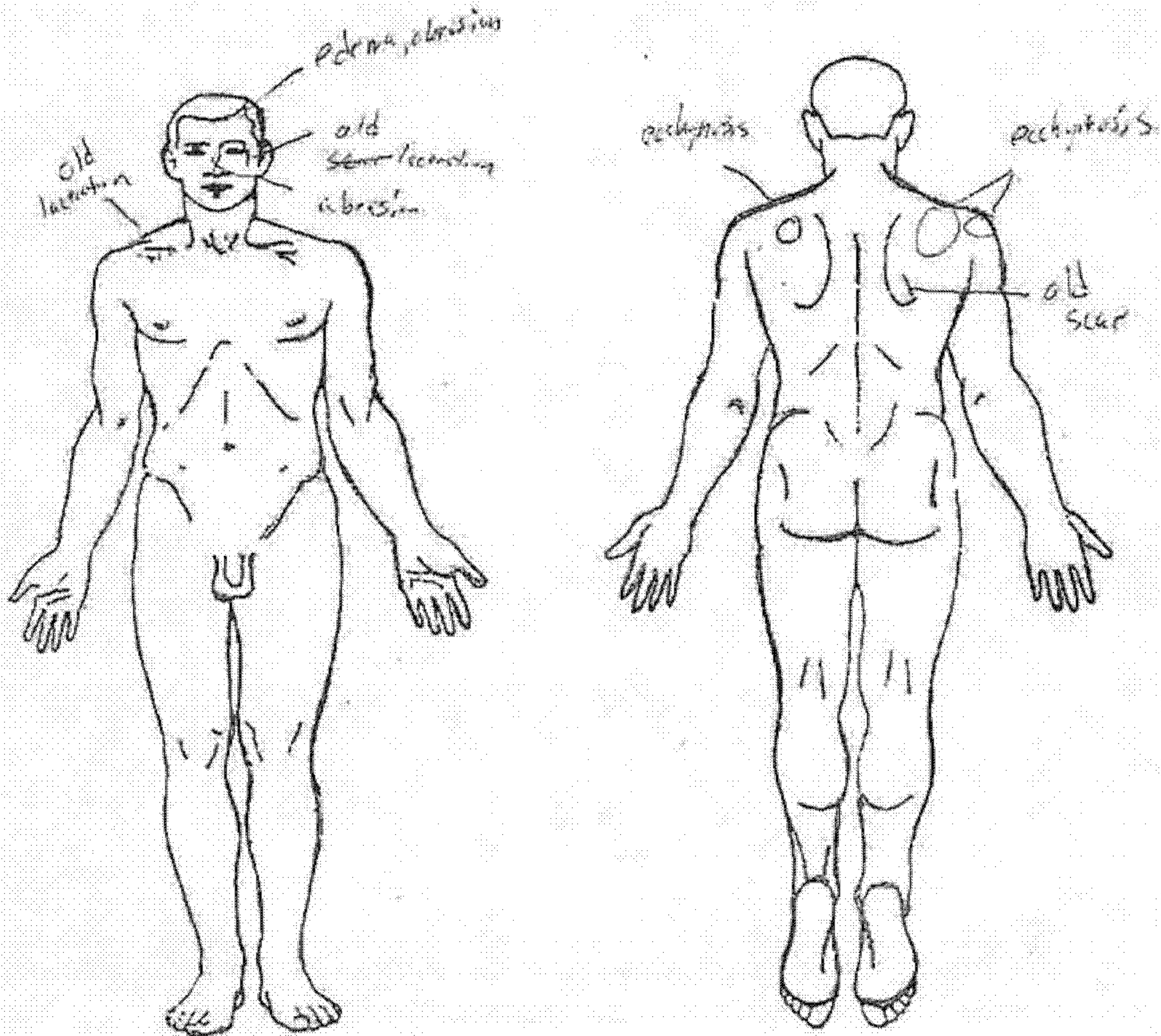
FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

EXHIBIT

10(1-2)

SERIAL NUMBER: 3-50243

DATE: 10 Jan 06



DISTINGUISHING MARKS AND/OR INJURIES

ADDITIONAL REMARKS:

(+) Edema, ecchymosis, (+) contusions, (+) abrasions, (+) lacerations, ecchymosis physically noted

ACLU DDII CID ROI 26691

EVIDENCE/PROPERTY CUSTODY DOCUMENT
For use of the form, see AR 150-45 and AR 150-53. The approving agency is US Army
Criminal Investigation Command
CRD REPORT/CID ROY NUMBER

RECEIVING ACTIVITY <i>B-DFP Rullkassen</i>	LOCATION <i>FAB Remagen</i>
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER <input type="checkbox"/> OTHER	ADDRESS (Include Zip Code)
LOCATION FROM WHERE OBTAINED <i>Off Person</i>	REASON OBTAINED <i>Safe Keeping</i>
	TIME/DATE OBTAINED <i>22 27 10 50 106</i>

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
<i>1</i>	<i>1</i>	<i>pcs. of wood (Toothbrush) Nothing Follows</i>

ITEM NO.	DATE	CHAIN OF CUSTODY		
		RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
<i>1</i>	<i>10 JAN 06</i>	<i>(b)(6), (b)(7)(C)</i>	<i>(b)(6), (b)(7)(C)</i>	<i>Safe Keeping</i>
		<i>(b)(6), (b)(7)(C) SSG/EG</i>	<i>(b)(6), (b)(7)(C) SGT</i>	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB Remagen B-DIF
2. DATE (YYYYMMDD): 2006 01 11
3. TIME: 0950
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: HHC 3STB /3BCT

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

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

On 11 Jan 06 @ 0900 (b)(6), (b)(7)(C) came into our medical office. The interpreter asked him several medical questions pertaining to his health. He stated he has no medical problems. Our PA then checked out his bruised and cuts. He confirmed he had no major problems. The interpreter then had him sign a medical dignity and respect book. The detainee signed it and stated he was not treated good at the point he was picked up. The guards then took him back to his cell. The PA that checked him was CPT (b)(6), (b)(7)(C). The interpreter was (b)(6), (b)(7)(C). He had bruises on both shoulders and his left eye had a cut already scabbed over and slight bruising. (b)(6), (b)(7)(C)

End of Statement

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

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

ACLU DDII CID ROI 26692

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

EXHIBIT 11 (1-2)

STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT 0950 **(b)(6), (b)(7)(C)** DATED 2006 01 11 **(b)(6), (b)(7)(C)**

9. STATEMENT (Continued)

Nothing Follows
(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 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

(b)(6), (b)(7)(C)
(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 11 day of Jan, 2006 at 0950
(b)(6), (b)(7)(C)
(Person Administering Oath)
SSG **(b)(6), (b)(7)(C)** (mD)
(Typed Name of Person Administering Oath)
Article 13G (b)(4) UCMJ
(Authority To Administer Oaths)

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

ACLU DDII CID ROI 26693 PAGES

SCREENING SHEET

DETAINEE NUMBER (b)(6), (b)(7)(C) BBDE 101ST BIF

FOB REMAGEN

First Name: (b)(6), (b)(7)(C)	Farmer 10 Daram Grower: veggies, oranges Job: 3 cows Earning 2-2 1/2 million 1-D. per yr. 2 lands each 5 Daram
Father's Name: (b)(6), (b)(7)(C)	Armed? Summer - General factory worker quit 2 years ago
GrandF Name: (b)(6), (b)(7)(C)	Skills: (b)(6)(b)(7)(C)
Fourth Name: (b)(6), (b)(7)(C)	Had conflict and quit stayed in half under...
Alias: NONE	Ethnicity: Arab (b)(6)(b)(7)(C)
Tribe: ALU, Abaso	Religion: SUNNI or SHIA Fuge @ home
Sub Tribe: UNK	Mosque: N/A
Sheikh: (b)(6), (b)(7)(C)	Imam: N/A
DOB: (b)(6), (b)(7)(C) POB: (b)(6), (b)(7)(C) (b)(6)(b)	
Phone: Landline PK#; bro has cell phone	
Address: Lived in Shuhada neighborhood Samara 12. 1 wk ago bought a new house (b)(6), (b)(7)(C)	BAATH PARTY RANK: NONE
Marital Status: M (S) W D	Military Branch: _____
Family (# of Wives): Engaged to (b)(6), (b)(7)(C)	Duration: _____
	Job: _____
	Unit: NONE
	Station: _____
	Special Trng. (besides Basic): _____

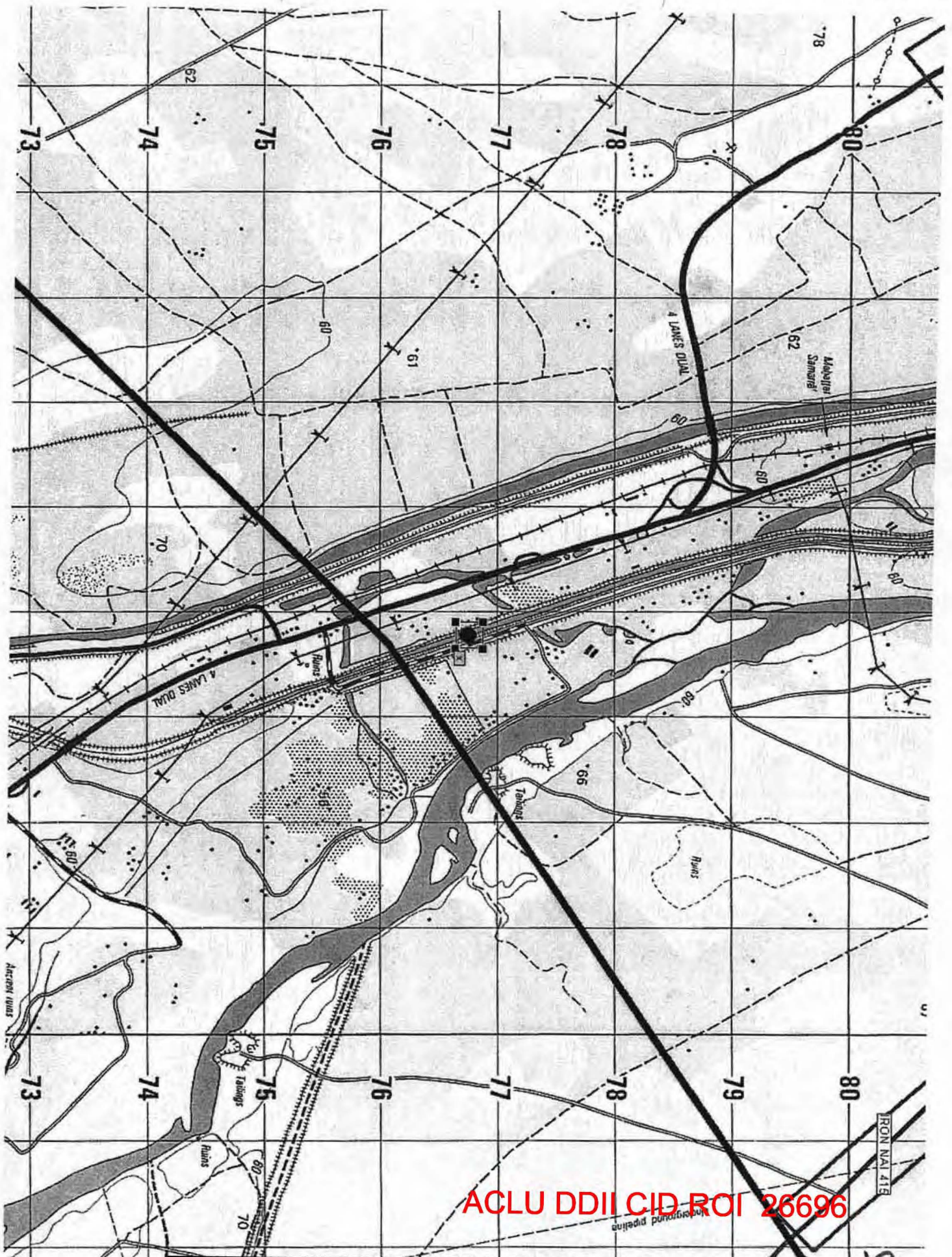
2 wives
Gulfair
in Tikrit
Al Deba
near Al
Alam
Rari
Ward
Area
Tikrit

SCREENING SHEET

DETAINEE NUMBER **(b)(6), (b)(7)(C)** 3BDE 101ST BIF

FOB REMAGEN

<p>Education= Yrs (6 Elem; 3 Mid; 3 Second.) <i>NONE</i></p> <p>Degree: <u>ILLITERATE</u></p> <hr/> <p>Other Languages: <u>Arabic-4</u></p> <hr/>	<p>Screener: (b)(6), (b)(7)(C)</p> <p>Interpreter: (b)(6), (b)(7)(C)</p> <p>Date: <u>11 JAN 06</u> Time: <u>0945</u></p> <p>Cooperation: (High) 1 2 3 (Low)</p> <p>Knowledge: (High) 1 2 3 (Low)</p> <p>Approach: Direct, _____</p> <hr/> <p><i>Bias: K</i></p> <hr/>
<p>DTG of Capt.: _____</p> <hr/> <p>POC: _____</p> <p>Capt. Unit: _____</p> <p>Circumstances of Capt.: _____</p> <hr/> <p>Evidence Found: _____</p> <hr/>	<p>Automobile:</p> <p><i>Bro owns car white</i></p> <p>(b)(6)(b)(7)(C) <i>1 Toyota</i></p> <p><i>Edro Ma</i></p> <p><i>1999</i></p> <p><i>U.A.E.</i></p> <p><i>Temp. plates</i></p>
<p>NOTES:</p>	



ACLU DDII CID ROI 26696

Date: 11 Jan 06

Time: 2335

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

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

On Monday after I had breakfast I went to the farm at 8 o'clock with my helper (b)(6), (b)(7)(C) (b)(6), (b)(7)(C). We were digging, fixing the water channel. About 10:30 a.m. I decided to go to my Uncle (b)(6), (b)(7)(C) house (mother's brother) like I described it in the sketch (house number 2). About half an hour into my walk I met my uncle (b)(6), (b)(7)(C) (father's brother) and Ahmed Salih KHTHEER. My uncle asked me to go with Ahmed and bring back two sniper rifles. Ahmed knew the location. I got into the Ahmed's vehicle and we took the Alashaqy Road. By the way, my uncle told me to bring the two sniper rifles and meet him at 2:00 o'clock at the closed-up bridge. I set in the vehicle and Ahmed was driving. After about 10 minutes we reached the location where the sniper rifles were. Ahmed turned from right side of the road to the left side and then he asked me (after he stepped out of the vehicle) to drive in reverse to get closer to the rifles location. Then Ahmed went, got the two rifles and placed them inside of a trunk. Then he opened the right side door. At that moment the American Forces arrived. Ahmed took off running and started throwing the rifle bullets from his packet. The American Forces started yelling "Stop, stop!". When he did not stop the American Forces started shooting at him, deadly shots. Then one of the Soldiers asked me to get out the vehicle and go to the other side, away from the street side. The rest of the Soldiers were standing pointing their weapons at me. They asked me to sit on the ground and put my hands above my head. They were talking to me but I did not understand. Then they pushed me to the ground and tied my hand behind my back. Then they hit me on my face, the left side two times and on my right side one time. One of the Soldiers put his foot on my back, same Soldier who ordered the rest of the Soldiers (there was about six of them) to search the area. Then they opened the trunk of the vehicle and found the two sniper rifles. Then they started to hit me until I lost consciousness. Then they put me in the hummer and droved for fifteen minutes. After that they moved me out of the hummer and took three pictures. Then they put me back inside of the hummer and took me to the Wattban Street where they asked the public to identify me. But there was no one who could identify me. Then they took me to the base and this is my statement.

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

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

Q: At what time did you talk to your uncle?

A: Between ten thirty and eleven o'clock.

Q: Was this meeting prearranged?

A: No.

Q: Was there another person who witnessed this meeting?

A: Yes Ahmed was present.

Q: Who was Ahmed?

A: Ahmed was a friend of my uncle.

Q: What kind of car did your uncle drive?

EXHIBIT 15
PAGE OF PAGES

ACLU DDII CID-ROI 26702

A: Opel, gray.
Q: Can you describe Ahmed's Vehicle?
A: Toyota Bremer
Q: Why did you agree to go with Ahmed to pick up the sniper rifles?
A: I was afraid of my uncle because he is a criminal.
Q: Who was driving the vehicle when you went with Ahmed?
A: Ahmed was driving the vehicle.
Q: Which direction did you guys headed?
A: To the Is-haqy.
Q: What happened when you reached the area?
A: Ahmed turned the vehicle around on the right side of the road and he told me to back it up when I see him.
Q: Did Ahmed ask you to be on a lookout for the American Forces?
A: No.
Q: What did you do when the hammer stopped in front of your vehicle?
A: I stopped without movement.
Q: What did Ahmed do?
A: He started running.
Q: What did the American Forces do when Ahmed started running?
A: American Forces started shouting "Stop, stop!". He did not stop and then the American Forces shot and wounded Ahmed. He fell to the ground, then he stood up and started running again, then the American Forces shot him dead.
Q: What did the Soldier told you to do?
A: He told me to step out of the vehicle, put my hands over my head and sit on the ground. He was signaling this with his hand.
Q: Was there a translator present?
A: Yes there was a translator. He asked me for the name of the one who got killed and I told him who that was.
Q: What did the Soldiers do after they asked you to sit on the ground?
A: One of the Soldiers pushed me to the ground. I fell on my face, and then he tied my hands behind my back. Then one of the Soldiers hit me twice on the left side of my face and one time on my right side of my face.
Q: What part of the foot the Soldier kicked you?
A: The Soldier kicked me with the inner portion of the foot
Q: Can you describe the Soldier who put his foot on your back?
A: He had new uniform, white complexion, and was about 25 years old. He was about 72 inches tall and his weight was about 90 kg.
Q: Can you describe the Soldier who kicked you?
A: No.
Q: How long did they beat you before you lost consciousness?
A: After two minutes of beating I lost my consciousness.
Q: How long were you unconsciousness?
A: Approximately half an hour.

EXHIBIT 15
PAGE 1 OF 2 PAGES

ACLU DDII CID-ROI 26703

Q: Where were you when you came about?

A: I was lying on my side next to the car.

Q: What did the Soldiers do after that?

A: Two Soldiers pulled me on the ground, till they set me in the hummer at the right side back seat.

Q: Did anyone hit you after they put you in the hummer?

A: Yes, one of the Soldiers hit me on my head when I was trying to lift my head.

Q: How strong were the kicks?

A: The kick was moderate force.

Q: Which hammer did they seat you in?

A: They put me in the hummer number 4 (last one).

Q: How was your treatment during this interview?

A: The treatment was good.

Q: Do you have anything else you would like to add to this statement?

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

Signed

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

This translation was generated to the best of my ability as a Category II Interpreter.

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

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

EXHIBIT ¹⁵
PAGE OF PAGES

ACLU DDII CID-ROI 26704

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 1 OF 2 PAGES

DETAILS

About 2200, 18 Jan 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C), (b)(7)(F) coordinated with CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) CDR, C CO, 3-187 INF, FOB Brassfield-Mora, who provided statements previously rendered by (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). (See statements for details)

About 0710, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) Medic, 690th Medical Company, FOB Brassfield-Mora, who rendered a sworn statement that he was one of the Medics who examined the detainee (b)(6), (b)(7)(C) when he was brought into the detention facility. (b)(6), (b)(7)(C) stated the detainee was malnourished, dirty and had bruising and swelling to the left eye and forehead. He also had contusions on both shoulder blades and swollen jaw. When the question was raised about his condition the Soldiers who brought him in stated he resisted arrest and had to be "put down". (See sworn statement for details)

About 0745, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) Medic, 690th Medical Company, FOB Brassfield-Mora, who rendered a sworn statement that the detainee (b)(6), (b)(7)(C) was brought straight to Aid Station and not to the holding cell as expected. (b)(6), (b)(7)(C) stated the detainee was undernourished and dressed in layers of wet, filthy clothes. When (b)(6), (b)(7)(C) inquired about the circumstances of capture the Soldiers who escorted the detainee told (b)(6), (b)(7)(C) that they came under fire and had engaged in a short fire fight which resulted in the death of the detainee's companion. The Soldiers remembered that the detainee had resisted and had to be "subdued" by force but did not provide explanation how it was done. (b)(6), (b)(7)(C) remembered that he asked the guard to remove the flexi-cuffs and had the detainee remove his clothing down to his underwear. He stated the detainee had several layers of clothing and he witnessed three rounds being found on him. The detainee's face had bruising, specifically discoloration around his left eye, a laceration near his left temple, broken skin over the bridge of his nose and few abrasions on his forehead. The detainee also had difficulty opening his mouth because of the swollen jaw. (See sworn statement for details)

About 1020, 19 Jan 06, SA (b)(6), (b)(7)(C) attempted to interview (b)(6), (b)(7)(C) who refused to cooperate or provide a statement. GRAY also refused to fill out the Personal Data Sheet until instructed to do so by 1SG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C CO, 3-187 INF.

About 1300, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who rendered a sworn statement. (b)(6), (b)(7)(C) was the gunner in the fourth HMMWV in the column, with (b)(6), (b)(7)(C) as the driver and (b)(6), (b)(7)(C) as the Tactical Commander (TC). (b)(6), (b)(7)(C) stated they suddenly stopped, he heard shots being fired to the front, he saw man running and then going down. The two lead HMMWVs moved pass the civilian car to establish security to the front. After awhile two Soldiers brought a detainee (b)(6), (b)(7)(C) to the (b)(6), (b)(7)(C) vehicle and put him in the right rear seat. When he was brought in he already had a black eye. (b)(6), (b)(7)(C) stated the convoy left the scene and on the way to FOB Brassfield-Mora stopped once for no longer than 10 minutes. (See sworn statement for details)

About 1600, 19 Jan 06, SA (b)(6), (b)(7)(C) attempted to interview (b)(6), (b)(7)(C) who refused to cooperate or provide a statement.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

31st MP DET (CID) (-), Contingency Operating Base, Speicher, Tikrit, IZ APO AE 09393

SIGNATURE

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

DATE 19 Jan 06 EXPIRES 26705

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 2 OF 2 PAGES

DETAILS

About 1632, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who rendered a sworn statement detailing how the patrol surprised the two Iraqi men acting suspiciously by the side of the road. When the first HMMWV pulled up, the vehicle (a blue sedan), was angled from the road with one man (b)(6), (b)(7)(C) sitting in the driver's seat. The second man (AHMED) was down near the water. The lead HMMWV stopped and all four Soldiers dismounted. The only one who was left behind was (b)(6), (b)(7)(C) the turret gunner. The dismounted soldiers yelled "Stop" "Stop" and kept raising their hands up, to let the two men know what they want them to do. The man in the car did not move at first. The second man started to empty his packets and then began to run. (b)(6), (b)(7)(C) engaged the man with a single shot and he fell down. The other man exited the car and stood there. The Soldiers kept yelling at him to put his hands up; however, he continued to keep his hands by his side and just stood there. He finally walked around to the other side as he was being told to do. The second man got up and began to run again and at that point the whole team engaged him with small arms fire. The Soldiers from the lead vehicle kept moving forward and apprehended the man by the car. At this point (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) checked on the man who had been shot and determined he was dead. (b)(6), (b)(7)(C) stated did not see the other man putting up resistance when being apprehended by the capturing team. (b)(6), (b)(7)(C) related when he turned his attention back to the first man, the man's hands were tied with flexi-cuffs. He stated a Soldier gave the detainee the keys to the car, backed him up to the trunk and ordered him to open it. When he fumbled and had problem with opening the trunk they moved him away and got access to the trunk by dropping the rear seats. Inside the trunk SGT (b)(6), (b)(7)(C) found two Dragonov sniper rifles and two loaded magazines. Afterwards the Soldiers did a sweep of the area and found 6 rounds and a lighter on the ground where they initially encountered the man. In the meantime the two lead HMMWVs had moved forward about 150 meters past the civilian car to provide front security. After about half an hour two Soldiers escorted the detainee to the fourth vehicle and placed him in the rear right seat. They placed the body of the other man in the trunk of the car and then towed the car. Since the area had been sealed off and all traffic on the road had been stopped the convoy moved down the road to pass about 30 cars. They stopped after 15 minutes and took the detainee out of the vehicle. (b)(6), (b)(7)(C) took three photos of the detainee and he and the translator went down the road showing the photos to the people in the cars. They stopped after about half an hour and the convoy moved out and proceeded to the fish market in the nearby city. One or more photos were taken there and again the Soldiers canvassed the crowd to positively identify the detainee. Afterwards the convoy traveled to FOB Brassfield-Mora. (See sworn statement for details)

AGENT'S COMMENT: (b)(6), (b)(7)(C) asked if SA (b)(6), (b)(7)(C) had a copy of the sworn statement he completed right after the incident took place. (b)(6), (b)(7)(C) stated that the night after the shooting took place all the Soldiers from the first HMMWV were asked to complete sworn statements. He stated (b)(6), (b)(7)(C) collected the statements and told them he was going to combine them into one complete statement.

About 2150, 19 Jan 06, SA (b)(6), (b)(7)(C) attempted to interview (b)(6), (b)(7)(C) who refused to cooperate or provide a statement. (b)(6), (b)(7)(C) also refused to fill out a Personal Data Sheet until instructed to do so by (b)(6), (b)(7)(C)
///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

31st MP DET (CID) (-), Contingency Operating Base, Speicher, Tikrit, IZ APO AE 09393

SIGNATURE

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

DATE
19 Jan 06

ENCL
ACLU DDII CID ROI 26706
16

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
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Brassfield Co. CP
2. DATE (YYYYMMDD): 20060114
3. TIME: 1400
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. GRADE/STATUS: E-5
8. ORGANIZATION OR ADDRESS:

9. I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
We were investigating a possible IED explosion right on the South Canal Bridge. upon looking at the crater we then heard a couple gun shots which seemed like were coming from the North East, I heard two shots. So we started our patrol up the "Hajiman Trail" to investigate the shots. We drove up the trail maybe 2 or 3 miles approximately. As we were moving North along the canal I was third vehicle in order of movement. We spotted two males to the North up the road next to the canal. One of the men ran while the other stayed behind. I ran onto the objective and Spc (b)(6), (b)(7)(C) and I were yelling and motioning to the man to put his hands out and get down. Spc (b)(6), (b)(7)(C) got to him first and shoved him down to his knees, as I followed I noticed the man turned and threw himself upright on his knees and glared over at Spc (b)(6), (b)(7)(C) When I got to him I then grabbed him by both arms or shoulders and flipped him over onto his face, I then had my knee on his back at first but Lt. (b)(6), (b)(7)(C) ran and handed me a set of flexcuffs, so I the proceeded to force his hands behind his back focusing on securing the cuffs. At that time Spc (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) were assisting in keeping him pinned down so I could secure the flexcuffs. That was the last time that I had to touch him and never touched him later.
Nothing follows

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

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

ACLU DDJ CID ROI 26707

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
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: C CD CP FOB Brassfield-MORIA
2. DATE (YYYYMMDD): 2006 01 14
3. TIME: 1400
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(6), (b)(7)(C)
6. GRADE/STATUS: E-5
8. ORGANIZATION OR ADDRESS:

9. I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
WE WERE ON PATROL AT HASIMAN TRAIL. WE CAME UP ON TWO
MALE MEN AT THE CANAL. ONE MAN RAN AND THE OTHER WAS
TOLD TO GET ON HIS KNEES WITH HIS HANDS UP HE DID AND
WAS PUT ON THE GROUND. HE THEN RESISTED ARREST AND FORCE
WAS USED TO GET HIM CUFFED. HE WAS ROLLING ON THE
GROUND UNTIL (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) AND MYSELF STOPPED HIM
FROM MOVING HE WAS THEN PUT INTO MY HUMV. I HAD A HOLD
OF HIS RIGHT ARM AND A KNEE IN HIS BACK WHEN HE WAS
ON THE GROUND. THE ONLY OTHER TIME I TOUCHED HIM WAS
TO TURN HIM OVER TO THE BIF. NOTHING ELSE FOLLOWS

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

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

ACLU DDIL CID ROI 26708

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large redacted area with diagonal lines and multiple (b)(6), (b)(7)(C) stamps]

AFFIDAVIT

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

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

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

1 PET Co 3-187

ORGANIZATION OR ADDRESS

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

1 PET Co 3-187

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law administer oaths, this 14th day of January, 2006 at

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

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

UCMS (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

ACLU DDII CID ROI 26709

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Ca CP
2. DATE (YYYYMMDD): 2006 Jan 14
3. TIME: 1355
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-4

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

we were patrolling on the MSR, and we were investigating an IED that went off south of the Southern Canal Bridge that led us on to Hajiman trail, then we heard shots fired to the North so then at that point we went further into the trail investigating the shots that were fired. We were close to completing the patrol on the trail, when our lead truck came up on two military aged men, I myself was the trail vehical with Lt. (b)(6), (b)(7)(C), so when the lead truck came to a stop, I of course came to a stop, then I rushed up to the lead truck and I saw one male on his knees and another male was further up. The male that was on his knees was put faced down by myself, then I went up with the rest of our men to make sure that there wasn't a bigger threat, and at that point the other suspect was a KIA, so I then returned to EPW to ensure that he wouldn't become a bigger threat, he resisted so we struggled for a bit until we got some flex cuffs on him. I placed my left knee on his left forearm, and my left hand on the back of his head keep him from looking up, and disabling his left arm.

Nothing follows (b)(6), (b)(7)(C)

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

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

ACLU DDH CID ROI 26710

STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT 1359 DATED 2000 Jan 14

9. STATEMENT (Continued)

[The main body of the statement is crossed out with a large 'X' and contains several redacted sections labeled (b)(6), (b)(7)(C).]

AFFIDAVIT

(b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 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)

WITNESS **(b)(6), (b)(7)(C)** **(b)(6), (b)(7)(C)** Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of January, 2006 at Charlie Co. CP

1Pct C.co 3-187 IN

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT

ACLU DDII CID ROI 26711

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

LOCATION Brassfield - Mora, 12	DATE (b)(6), (b)(7)(C) 19 Jan 06	TIME (b)(6), (b)(7)(C) 0827	FILE NUMBER 0010-06-CID469-75406
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-4	
ORGANIZATION OR ADDRESS 690th Medical Company, FOB Brassfield-Mora, 12			

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

I was working at the aid station on Jan 06 when we got the call that we had detainees. At around late afternoon we arrived at the holding cell to screen the detainee. He appeared to be 20 y/o male, malnourished and dirty. He showed signs of bruising and swelling to the left eye and forehead. He also had contusions on both shoulder blades. While taking off his shirts we found he had multiple shirts and sweaters on. While removing his shirts, ammo was found on him in ^{(b)(6), (b)(7)(C)} pockets, At least 3 shells. Overall the detainee appeared to be unfed and had the looks signs of being in a fight. The soldiers that brought him in told us he resisted arrest and had to be put down. While asking for any allergies or meds, patient told us that he takes an unknown medication for "demons". The translator could not tell us what the medication name was. ^{(b)(6), (b)(7)(C)}

Q: (b)(6), (b)(7)(C) ^{(b)(6), (b)(7)(C)}

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

Q: Did you noticed any other bruising beside the one you mentioned already?

A: There were facial injuries such as a swollen jaw. When asked to open his mouth to do a check, he complained of pain and swelling in the jaws and could not open his mouth all the way. ^{(b)(6), (b)(7)(C)}

Q: Did the Soldiers say anything about how they subdue him?

A: no, when asked what happened, the soldiers told us "he resisted and had to be sub-
-dued." ^{(b)(6), (b)(7)(C)}

Q: What kind of medical treatment did you provide?

A: We did a medical screening to check basic vitals, and to make sure the detainee did not need to see the doctor, also doing an overview of the detainees overall condition. ^{(b)(6), (b)(7)(C)}

Q: Was he alert or acting like someone who would have concussion?

A: He was alert, answering questions rapidly after the interpreter would ask. ^{(b)(6), (b)(7)(C)}

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

A: no // end of statement // ^{(b)(6), (b)(7)(C)} ^{(b)(6), (b)(7)(C)}

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

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

TAKEN AT FOB Brassfield-Mora, 12 DATED 19 Jan 06

CONTINUED

STATEMENT (Continued)

Multiple horizontal lines for the statement content, mostly blank.

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.

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of Jan, 20 06 at FOB Brassfield-Mora 12

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

(Administering Oath)

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

UCMJ, Article 136 / 10 USC 936 (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

ACLU DDII CID ROI 26713

EXHIBIT 20

SWORN STATEMENT

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

LOCATION BRASSFIELD-MORA	DATE 19 Jan 06	TIME 0822	FILE NUMBER 0010-06-CID469-75406
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-4
ORGANIZATION OR ADDRESS 690th Medical Company, FOB Brassfield-Mora, 12			

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

On 09 JAN 06, the detainee arrived at the FOB Brassfield -Mora Aid Station under guard. As this was not correct procedure in the processing of detainees the detainee was taken from the aid station and directed to the detainee holding cells where we would meet to conduct the medical screening. I did notice the detainee's general appearance; that he was young, undernourished and dressed in layers of wet, filthy, clothes. When myself and SPC (b)(6), (b)(7)(C) arrived at the detainee holding cells, I was a witness to the remarks made by the interrogators that were on hand, which were to the effect of "he got fucked up". From that information I felt I should question the soldiers that had escorted him to the FOB, and found that they were in fact the same soldiers that had apprehended him. The soldiers told me briefly how they had come under fire and had engaged in a short fire fight which resulted in the death of the detainee's companion. The soldiers remarked that the detainee had "resisted" and had to be subdued by force, although they did not explain how. The detainee was then brought into one of the cells where SPC (b)(6), (b)(7)(C) and myself would proceed with the medical examination. In order to inspect the detainee for bodily injuries, we asked via an interpreter, for his Plexi cuffs to be cut, and for the detainee to strip down to his underwear. The detainee had perhaps 3 or four layers of clothing which were all saturated with mud. During this time, the guards found perhaps 2 or three rounds of ammo in the pocket of one of his shirts. When the detainee had finished, I assessed his physical appearance as being malnourished and that the detainee had obviously spent a lot of time out doors subject to the elements. The detainee had contusions over both scapula; there were very faint contusions over his clavicals, and I remarked at how in his

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

ACLU DOJ CID RDI 26714

DA FORM 2823

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

EXHIBIT 21

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

TAKEN AT FOB Brassfield - Monr, 12 DATED 19 Jan 06

CONTINUED

STATEMENT (Continued)

(b)(6), (b)(7)(C) emaciated condition, it would be easy for the detainee to sustain bruising on his skin. The detainee's face sustained several notable injuries; the left eye showed evidence of bruising and there was some swelling around the eye; there was a small skin laceration near the left temple. The skin was broken over the bridge of the nose, and there were a few abrasions on the forehead near the hairline. During the medical screening, the detainee said that his lower back hurt, as did his jaw and mouth. When the detainee was asked to open his mouth for inspection, he complained that he could not open his mouth very wide because of pain in his jaw. The medical assessment failed to produce any immediate concerns that would warrant further medical attention at the aid station, so SFC (b)(6), (b)(7)(C) and myself concluded the medical screening and departed. // END OF STATEMENT // (b)(6), (b)(7)(C)

AFFIDAVIT

I, SFC (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 AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of Jan, 20 06 at FOB Brassfield - Monr, 12

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

(Administering Oath)

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

(Typed Name of Person Administering Oath)

UCMJ, Article 136 / 10 USC 936
(Authority To Administer Oaths)

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

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

ACLU DDII CID ROI 26715

EXHIBIT 21

SWORN STATEMENT

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

LOCATION FOB Brassfield-Mora	DATE (b)(6), (b)(7)(C) 19 Jan 2006	TIME 1500 (b)(6), (b)(7)(C)	FILE NUMBER 0010-06-CID 469-75406
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E3/Active Duty
ORGANIZATION OR ADDRESS C Co 1 st PLT 3-187 INF			

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

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

My mission for the day was to be a gunner on patrol of MSR Tampa. Early afternoon we driver Spc. (b)(6), (b)(7)(C) TC Sgt. (b)(6), (b)(7)(C) and myself along with the rest of our patrol. I was in the second Humvee. We roled up onto a berm right beside the canal. The lead Humvee stopped because of a suspicious personal. I started pulling security to my right. I heard weapons firing. I glanced over and saw a man running and then going down. We secured the area by moving the lead two Humvees forward past the detainie. As we moved forward on my left facing the MSR was an area of vegetation that was cut so you could see the MSR. I saw the detainie in the prone position Alex Cuffed. The lead Humvee had 5 personal in it. Which included a Raptor element (sniper team). Two Personal brought the detainie to my Humvee and sat him in the right rear seat. When he was placed into my Humvee he already had bruises on him. I could hear Apaches in the back ground but could not see them. We headed back to the FOB. We stopped once for a convoy. We were stopped for no longer than 10 min. We made it back to the FOB were we came to the TMC and got medics. The medics met us over at the BIF. We turned the detainie into the personal on duty at the BIF. (b)(6), (b)(7)(C)

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

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

Q: Did you see the detainee being apprehended?

A: NO (b)(6), (b)(7)(C)

Q: What distance the Soldiers escorted detainee to your vehicle?

A: 150m (b)(6), (b)(7)(C)

Q: Do you remember who escorted him to your vehicle?

A: NO (b)(6), (b)(7)(C)

Q: Can you describe the bruises he already had?

A: A black eye (b)(6), (b)(7)(C)

Q: How long it took to get back to the FOB?

A: 30 to 45 mins (b)(6), (b)(7)(C)

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

ACLU DDH CID ROI 26718

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

TAKEN AT FOB Brassfield - Mora, 12 DATED 19 Jan 06

CONTINUED

STATEMENT (Continued)

Q: Did you see anyone taking photos of this detainee?
 A: NO (b)(6), (b)(7)(C)

Q: Was he resisting while inside of the vehicle?
 A: NO (b)(6), (b)(7)(C)

Q: Did you see anyone hitting him while inside of the vehicle?
 A: NO (b)(6), (b)(7)(C)

Q: Who was the translator on the scene?
 A: Mer (b)(6), (b)(7)(C)

Q: Do you know the names of "raptor element"?
 A: NO (b)(6), (b)(7)(C)

Q: Who were NCOIC and OIC of this patrol?
 A: SSG (b)(6), (b)(7)(C) and Lt (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

Q: Do you have anything else 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.

WITNESSES:

 ORGANIZATION OR ADDRESS

 ORGANIZATION OR ADDRESS

 INITIALS OF PERSON MAKING STATEMENT

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

Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of Jan, 2006 at FOB Brassfield - Mora, 12

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

UCMJ, Article 136 / 10 USC 936 (Authority To Administer Oaths)

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

SWORN STATEMENT

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

LOCATION Samarra Iraq	DATE 19 Jan 06	TIME 1850	FILE NUMBER 0010-06-CID469-75406
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-5/AD
ORGANIZATION OR ADDRESS MHC, 3-187th INF, FOB Brassfield-Mora, 12			

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

On 9 January, 2006 I participated in a patrol of the area to the South of Samarra. During the patrol we found ourselves traveling north on "Haji-Man trail" to the east of the canal. After traveling about 300 meters along the trail our vehicle, which was the first of four vehicles in the patrol, pulled up onto the upper part of the trail where we witnessed a blue sedan pulled over on the trail about 75 meters ahead. Our vehicle pulled forward. Pfc (b)(6), (b)(7)(C) in the turret noticed one of the individuals throw what appeared to be a white bag into the reed by the water. Our vehicle stopped about 25 meters in front of the car and SSG (b)(6), (b)(7)(C), SGT (b)(6), (b)(7)(C), Spc (b)(6), (b)(7)(C) and I dismount and tell the two individuals to stop and put their hands up. Neither of the two comply and the one by the reeds then proceeds to empty his pockets while the other individual stands by the car. We continue to motion to them to put their hands up and the two individuals continue to stand there while the one by the reeds empties his pockets. We continue to walk forward toward the two and at that point the individual who emptied his pockets turns around and starts to run. We yell for him to stop but he continues. SSG (b)(6), (b)(7)(C) then engages that individual with a single shot, bringing the individual to the ground. At that point we turned our attention to the individual still standing by the car and tell him to get down and put his hands up. After a few seconds the individual who had tried to flee got back up and continued to run. At this point SSG (b)(6), (b)(7)(C), SGT (b)(6), (b)(7)(C), Spc (b)(6), (b)(7)(C) and I engage him bringing him to the ground. After the individual drops I move forward with SSG (b)(6), (b)(7)(C) to secure the individual who had dropped and see if he was still alive. After realizing the individual was dead we turned back to the other person who was being detained at that point. Then we took the car keys and gave it

EXHIBIT

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 ___ 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 ADDED, THE BOTTOM OF EACH PAGE WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU DDJ CID ROI 26718

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

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

TAKEN AT FOB Crossfield-Mora, IZ DATED 19 Jan 06 CONTINUED

STATEMENT (Continued)

(b)(6), (b)(7)(C) to him while the interpreter told him to use his hands behind his back to open the car's trunk. The individual appear hesitant to open it and after a few seconds we told him to stop and back away while we cleared the car and dropped the rear seats of the vehicle. After dropping the seats SGT (b)(6), (b)(7)(C) pulled out two Dragonov Sniper Rifles from the trunk, (b)(6), (b)(7)(C) trunk along with two magazines with ammo loaded and extra loose rounds. We continued to search the reeds where the other person emptied his pockets and found several sniper rounds and a lighter. After clearing the car and area around it we loaded the body into the trunk of the car and hooked up the vehicle to be towed by one of our humvees. We put our detainee into a humvee and drove forward where we could take his picture and get his name. We then proceeded to question some of the locals to see if anyone recognized the detainee. After about a 1/2 hour we mounted up and left the site. (b)(6), (b)(7)(C)

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

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

Q: What did the guy inside of the vehicle do when you dismounted?

A: Got out of the driver's seat, walked around to the others side and stood by the vehicle. (b)(6), (b)(7)(C)

Q: What did he do when you order him to put hands up?

A: stood there with his hands at his sides (b)(6), (b)(7)(C)

Q: What did the other guy do?

A: He proceeded to empty his pockets and after doing so turned and ran. (b)(6), (b)(7)(C)

Q: Who apprehended the guy by the car?

A: I don't know. (b)(6), (b)(7)(C)

Q: Was he resisting arrest?

A: He was hesitant to comply with what we were telling him to do, but he was not trying to get away. (b)(6), (b)(7)(C)

Q: Can you describe how he was apprehended?

A: I did not see him apprehended. (b)(6), (b)(7)(C)

Q: Who was guarding this individual when you were doing search of the area?

A: Two individuals were guarding him, I don't know who. (b)(6), (b)(7)(C)

Q: Who took the photos after you moved out of the area?

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C) ACLU DDII CID ROI 26719 PAGE 3 OF 3 PAGES

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EXHIBIT 23

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

TAKEN AT FOB Brassfield-Moro, 12 DATED 19 Jan 06

CONTINUED

STATEMENT (Continued)

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

Q: How many photos and at what location?

A: 3 photos just past the stopped civilian vehicles on the trail. (b)(6), (b)(7)(C)

Q: Who was the interpreter?

A: I don't know (b)(6), (b)(7)(C)

Q: At any time did you see this detainee being hit or punched or kicked?

A: No (b)(6), (b)(7)(C)

Q: Do you remember bruising on his face?

A: Yes, he was brought to the ground while being detained, I saw him picked up and brought over to the car after I walked back from checking on the individual who had been engaged (b)(6), (b)(7)(C)

Q: Was he unconscious at any time?

A: No (b)(6), (b)(7)(C)

Q: Do you have anything else 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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of Jan, 2006 at FOB Brassfield-Moro, 12.

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

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

UCMJ, Article 136 / 10 USC 936 (Authority To Administer Oaths)

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>FOB Brassfield - Mora, Samara IZ</i>	2. DATE <i>(b)(6), (b)(7)(C)</i> <i>19 Jan 06</i>	3. TIME <i>(b)(6), (b)(7)(C)</i> <i>1620</i>	4. FILE NO. <i>0010-06-CID407</i>
5. NAME (Last, First MI) <i>(b)(6), (b)(7)(C)</i>	8. ORGANIZATION OR ADDRESS <i>C Co 3-187th INF</i>		
6. SSN <i>(b)(6), (b)(7)(C)</i>	7. GRADE/STATUS <i>E-4/AD</i>	<i>FOB Brassfield - Mora, Samara IZ</i>	

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States *Criminal Investigation Command as a Special Agent* and wanted to question me about the following offense(s) of which I am suspected/accuse *assault consumated by battery, cruelty and maltreatment*

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

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMI) 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 UCMI) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR <i>(b)(6), (b)(7)(C)</i>
2a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME AND GRADE/STATUS <i>(b)(6), (b)(7)(C), (b)(7)(F)</i>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>31st MP Det (CID) (-) COB Speicher, IZ</i>

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 <i>(b)(6), (b)(7)(C) SPC</i>	DATE TO ANY SWORN STATEMENT (DA Form 2825) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.
---	--

MPR 06-MPC469-75406-5H

Exhibit(s): 25 thru 27

Page(s): 000056 thru 000058

Referred to:

**FOIA Officer
91 Michigan Avenue
Fort Campbell, Kentucky 42223**

ACLU DDII CID ROI 26722



ACLU DDII CID ROI 26724



ACLU DDII CID ROI 26725

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

About 2100, 18 Jan 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) this office, briefed MAJ (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Executive Officer (XO), 3rd Bn, 187th Infantry Regiment (3/187 In), 3rd Brigade Combat Team (3rd BCT), 101st Airborne Division (Abn Div) (AASLT), Forward Operating Base Brassfield-Mora, IZ, APO AE 09349 (FOB BM), and LTC (b)(6), (b)(7)(C) Commander, 3/187 In, FOB BM, on the status of this investigation and planned future investigative activity.

About 2200, 18 Jan 06, SA (b)(6), (b)(7)(C) traveled with CPT (b)(6), (b)(7)(C) Cdr, C Company (Co), 3/187 In, FOB BM, to his living quarters, where CPT (b)(6), (b)(7)(C) provided SA (b)(6), (b)(7)(C) with digital photographs taken of Mr. (b)(6), (b)(7)(C) at point of capture.

AGENT's COMMENT: During the transfer of these photos to a USB drive, CPT (b)(6), (b)(7)(C) inquired in general about detainee abuse. The question was avoided, due to an inability to share information about other cases. Inquiries were made regarding what happens to Soldiers who are found to have committed detainee abuse. It was explained CID's role in the UCMJ process is to find and report facts, that the command prefers charges, and CID only titles individuals. CPT (b)(6), (b)(7)(C) was unfamiliar with the term "title", therefore a quick explanation was provided. CPT (b)(6), (b)(7)(C) asked if any Soldiers were titled in this investigation, at which time SA (b)(6), (b)(7)(C) informed CPT (b)(6), (b)(7)(C) he was unsure if anyone was titled to date in this case, but offered to travel to the TOC, where SA (b)(6), (b)(7)(C) had a paper copy of the latest initial/status report, so the question could be answered fully. SA (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C) traveled to the TOC, where the report was read, confirming no one was titled to date. CPT (b)(6), (b)(7)(C) expressed great concern upon learning titling records are revealed when various background checks are conducted.

About 1000, 19 Jan 06, SA (b)(6), (b)(7)(C) advised 1LT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Platoon Leader, C Co, 3/187 In, FOB BM, of his legal rights, which he invoked (See Non-Waiver Certificate of 1LT (b)(6), (b)(7)(C) for details).

AGENT's COMMENT: 1LT (b)(6), (b)(7)(C) stated after invoking his legal rights he had taken a law class in college and was told the best thing to do was say nothing. After photographing 1LT (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) asked if the patrol manifest for the mission conducted 9 Jan 06 was in his possession, and if so, requested he provided it. 1LT (b)(6), (b)(7)(C) stated he was unwilling to provide the roster without a "Court Order or Subpoena." SA (b)(6), (b)(7)(C) explained the roster was not 1LT (b)(6), (b)(7)(C) property, but instead part of an Army mission plan and record. SA (b)(6), (b)(7)(C) informed 1LT (b)(6), (b)(7)(C) of the differences between the civilian law concepts he was citing and military law; therefore this office had a right to receive a copy of the roster. 1LT (b)(6), (b)(7)(C) again denied the request.

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION 31 st MP Det (CID) (-), Contingency Operating Base (COB) Speicher, Tikrit, Iraq, APO AE 09393	
SIGNATURE (b)(6), (b)(7)(C)	DATE 20 Jan 06	EXHIBIT 26726

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AGENT'S INVESTIGATION REPORT

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ROI NUMBER

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DETAILS

About 1015, 19 Jan 06 SA (b)(6), (b)(7)(C) coordinated with 1SG (b)(6), (b)(7)(C) C Co, 3/187 In, FOB BM, who agreed to provide this office with the patrol manifest as soon as possible.

About 1018, 19 Jan 06, SA (b)(6), (b)(7)(C) was approached by 1LT (b)(6), (b)(7)(C) who asked if a Soldier had to provide personal information to this office. He was told they do have to provide the information, and he walked outside to a group of Soldiers, later known to be future interviewees, and stated "you have to tell him."

About 1059, 19 Jan 06, SA (b)(6), (b)(7)(C) advised SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co, 3/187 In, FOB BM, of his legal rights, which he invoked (See Non-Waiver Certificate of SGT (b)(6), (b)(7)(C) for details).

About 1105, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed CPL (b)(6), (b)(7)(C) C Co, 3/187 In, FOB BM, who refused to answer any questions or say anything about the patrol on 9 Jan 06. CPL (b)(6), (b)(7)(C) was reminded he was not suspected of detainee abuse, and was being questioned as a witness. CPL (b)(6), (b)(7)(C) although reminded he could be compelled to provide testimony in the future, still refused to speak on the matter, stating the unit was "very tight."

About 1124, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co, 3/187 In, FOB BM, who refused to provide any information other than he saw nothing occur on the day of the alleged incident, but did remember the day. SPC (b)(6), (b)(7)(C) stated he was a Radio Telephone Operator (RTO) and had to stay with the radios in the vehicle. SPC (b)(6), (b)(7)(C) stated he saw nothing, although he was outside of the vehicle, but stated he had a bad memory when asked any detail whatsoever about the incident. SPC (b)(6), (b)(7)(C) was reminded he could be compelled to provide testimony in the future.

AGENT's COMMENT: Immediately following the interview of SPC (b)(6), (b)(7)(C) it became clear after multiple witnesses had refused to share any information, including operational information about the patrol not specifically related to the incident, someone or a group of people compelled these individuals to maintain their silence. At this same time, 1LT (b)(6), (b)(7)(C) approached SA (b)(6), (b)(7)(C) questioning why some Soldiers were being advised of their legal rights and some were not. It was explained not all of them were suspected of a crime, at which point he responded that they all should have been advised. SA (b)(6), (b)(7)(C) informed 1LT (b)(6), (b)(7)(C) unless an individual is suspected of committing an offense, it is not required to advise them of their legal rights.

About 1250, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co, 3/187 In, FOB BM, who rendered a sworn statement wherein he related he did not see the apprehension of

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION 31 st MP Det (CID) (-), Contingency Operating Base (COB) Speicher, Tikrit, Iraq, APO AE 09393
s (b)(6), (b)(7)(C)	DATE 20 Jan 06
	EXHIBIT ACLU DDII CID ROI 26727

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

Mr. (b)(6), (b)(7)(C) nor witness any abuse, due to his involvement in the shooting of another insurgent (See Sworn Statement of SSG (b)(6), (b)(7)(C) for Details).

AGENT's COMMENT: SSG (b)(6), (b)(7)(C) seemed frustrated he was being interviewed regarding an incident about which he had already made a sworn statement as part of a Commander's Inquiry. SSG (b)(6), (b)(7)(C) was relatively cooperative, but stated he did not wish to be asked any questions about the apprehension of Mr. (b)(6), (b)(7)(C). He also expressed apprehension about making a statement when he did not know the exact words he put down on the first statement. As such, he did not wish to answer any questions on paper beyond a narrative statement. When asked if anyone was telling the Soldiers not to speak to us, SSG (b)(6), (b)(7)(C) stated he did not know, but he expressed a general concern younger Soldiers could be heavily influenced during an interview and was concerned their words could be twisted. SA (b)(6), (b)(7)(C) assured him this office did not intend to influence Soldiers or twist their words in any way.

About 1314, 19 Jan 06, SA (b)(6), (b)(7)(C) advised SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), C Co, 3/187 In, FOB BM, of his legal rights, which he invoked (See Non-Waiver Certificate of SGT (b)(6), (b)(7)(C) for details).

About 1340, 19 Jan 06, SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co, 3/187 In, FOB BM, was advised of his legal rights, which he invoked (See Non-Waiver Certificate of SPC (b)(6), (b)(7)(C) for details).

About 1350, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), B Co, 3rd Special Troops Battalion, 3rd BCT, 101st Abn Div (AASLT), FOB BM. SPC (b)(6), (b)(7)(C) stated she was an interrogator attached to 3/187 In, FOB BM, and conducted debriefings of detainees. She stated Mr. (b)(6), (b)(7)(C) did not make any claims of abuse during his screening interview.

AGENT's COMMENT: Initially, SPC (b)(6), (b)(7)(C) did not wish to share any information regarding the interview of Mr. (b)(6), (b)(7)(C). Assuming she was concerned about the classified nature of her job, she was assured this office had no interest in any intelligence related information gleaned from the interview, and that Mr. (b)(6), (b)(7)(C) made an allegation he was abused at point of capture and efforts were being made to ensure he did not make the complaint prior to his arrival at FOB Remagen, IZ. SPC (b)(6), (b)(7)(C) again stated that she was unable to talk about it, citing she wished not to talk about it at all. She was informed her job was to interview people in the Army, and the results and content of those interviews, either in writing or in memory, are Army record. She again refused to cooperate. SA (b)(6), (b)(7)(C) elected to meet with MAJ (b)(6), (b)(7)(C) who previously stated he was there for any need. SPC (b)(6), (b)(7)(C) was told to wait in the office in which she was being interviewed.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

31st MP Det (CID) (-), Contingency Operating Base (COB) Speicher, Tikrit, Iraq, APO AE 09393

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

DATE

20 Jan 06

EXHIBIT

ACLU DDII CID ROI 26728

CID

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

SA (b)(6), (b)(7)(C) immediately met with MAJ (b)(6), (b)(7)(C) who stated words to the effect that "if people do not want to talk, they do not have to." Regarding the issue with SPC (b)(6), (b)(7)(C) MAJ (b)(6), (b)(7)(C) took the same stance, stating she did not have to talk if she did not want to, even after an explanation that the interviews she conducts are Army record, just as are the interviews conducted by CID. The findings and content of those interviews are not personal property or personal knowledge, and sharing them with the Army is not optional. He continued to state he saw the issue differently. MAJ (b)(6), (b)(7)(C) proceeded to explain SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) should not have come to FOB BM and threatened people from the start with "titling" and that arriving like the "Gestapo" was not an effective investigative technique, and was why Soldiers were unwilling to speak. SA (b)(6), (b)(7)(C) saw no resolution or assistance coming from this argument, and left. Upon arrival back to the interview room, SPC (b)(6), (b)(7)(C) apologized for her earlier insistence on not speaking and divulged information reference the interview of Mr. (b)(6), (b)(7)(C)

SA (b)(6), (b)(7)(C) was unaware of the basis for MAJ (b)(6), (b)(7)(C) allegations, as all interviews were cordial in nature, no one was threatened, and the word "titling" was never once said by members of this office, except when asked by CPT (b)(6), (b)(7)(C) to define it.

About 1600, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Headquarters & Headquarters Company (HHC), 3/187 In, FOB BM, who refused to provide any information regarding the incident. SGT (b)(6), (b)(7)(C) was informed he could be compelled to testify in the future.

AGENT's COMMENT: SGT (b)(6), (b)(7)(C) is the brother of CPL (b)(6), (b)(7)(C) C Co, 3/187 In, a Soldier who was on the patrol during the incident under investigation.

About 1630, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co, 3/187 In, FOB BM, who refused to provide any information regarding the incident other than "nothing bad happened," and the two "Dragunov's were real clean," referring to the two sniper rifles found at point of capture. PFC (b)(6), (b)(7)(C) also stated he was not close to the scene and had a poor memory. PFC (b)(6), (b)(7)(C) had no response when asked how he could remember the cleanliness of a rifle, implying he looked inside of it, without being close to the point of capture, or how he remembered the cleanliness of a rifle but does not remember much more significant events, such as the killing of an insurgent and the capture of Mr. (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) was informed he could be compelled to provide testimony in the future.

AGENT's COMMENT: Before the interview began, SA (b)(6), (b)(7)(C) went into the hallway of the TOC to bring PFC (b)(6), (b)(7)(C) in for interview. SA (b)(6), (b)(7)(C) stated to him "Hi, my name is (b)(6), (b)(7)(C)" PFC (b)(6), (b)(7)(C) responded in question with "Where do I sign so I don't have to talk?"

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

31st MP Det (CID) (-), Contingency Operating Base (COB) Speicher, Tikrit, Iraq, APO AE 09393

SIGNATURE

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

DATE

20 Jan 06

EXHIBIT

ACLU DDII CID ROI 26729

CID

1 FF

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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DETAILS

About 2045, 19 Jan 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) briefed LTC (b)(6), (b)(7)(C) on all aspects of the investigation. Also present for the meeting were MAJ (b)(6), (b)(7)(C) and CSM (b)(6), (b)(7)(C) HHC, 3/187 In, FOB BM. LTC (b)(6), (b)(7)(C) expressed concern Soldiers were threatened with "titing" during interview, which may have caused the lack of cooperation. Additionally, LTC (b)(6), (b)(7)(C) stated he thought these investigations were done to supplement previously conducted Commander's Inquiries and to "collect statements."

AGENT's COMMENT: During the meeting, MAJ (b)(6), (b)(7)(C) stated CID conducted a bad investigation, used bad tactics, and repeatedly ignored his counsel. He also stated this office should have advised the witnesses of their legal rights and that he had taken multiple statements in the past where Soldiers were advised and offered full confessions. Although MAJ (b)(6), (b)(7)(C) stated rights advisements are of constant necessity, Soldiers who were suspected of detainee abuse due to the allegation of Mr. (b)(6), (b)(7)(C) were not advised of their legal rights during the Commander's Inquiry, which according to unit personnel, was a complete, thorough, and legally acceptable investigation. SA (b)(6), (b)(7)(C) stated witnesses to this incident did not have to be advised and would not be advised. MAJ (b)(6), (b)(7)(C) was unruly and attempted to instigate an argument, prior to LTC (b)(6), (b)(7)(C) telling everyone to be quiet. Additionally, the topic of photographing all individuals interviewed was brought up. At that time, CSM (b)(6), (b)(7)(C) stated he had pictures of all Soldiers in the Bn in the event they were killed in action and would provide those photos to this office. The meeting ended with a discussion and explanation of the titing process. Overall, LTC (b)(6), (b)(7)(C) expressed the desire to have a strong working relationship with CID now and in the future.

About 2130, 19 Jan 06, SA (b)(6), (b)(7)(C) was approached by 1LT (b)(6), (b)(7)(C) who demanded he be provided a lawyer and be provided a written statement from SA (b)(6), (b)(7)(C) that witnesses interviewed were not being advised of their legal rights. 1LT (b)(6), (b)(7)(C) demand was denied by simply telling him "No," and beginning to walk away. At that point, 1LT (b)(6), (b)(7)(C) began yelling the same requests repeatedly, specifically for a lawyer. SA (b)(6), (b)(7)(C) informed him "I am not the SJA (Staff Judge Advocate) for the 101st, I don't work for TDS (Trial Defense Service), I have no lawyers, and I will not provide anything in writing." 1LT (b)(6), (b)(7)(C) continued to yell and point from a distance of approximately three to four feet. SA (b)(6), (b)(7)(C) ignored him and proceeded to the next interview.

AGENT's COMMENT: During this incident, having a confrontation with 1LT (b)(6), (b)(7)(C) was seen as unnecessary, due to his Commander, CPT (b)(6), (b)(7)(C) being less than 10 feet away at the time. CPT (b)(6), (b)(7)(C) did not intervene, nor did multiple officers senior to 1LT (b)(6), (b)(7)(C) in the immediate area. Unknown at that time, two interviewees, a Soldier and an Iraqi National translator, were in the same area awaiting interview.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

31st MP Det (CID) (-), Contingency Operating Base (COB) Speicher, Tikrit, Iraq, APO AE 09393

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

DATE

20 Jan 06

EXHIBIT

ACLU-RDI CID ROI 26730

FOR OFFICIAL USE ONLY/LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 6 OF 6

DETAILS

About 2145, 19 Jan 06, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) Iraqi National, Category I Interpreter, Titan Corporation, an Arabic interpreter assigned to 3/187 In, FOB BM. Mr. (b)(6), (b)(7)(C) stated he had only been on patrols with C Co since mid-Jan 06, and was not the interpreter present during the incident in question. Mr. (b)(6), (b)(7)(C) identified the interpreter present during the mission as a man nicknamed (b)(6), (b)(7)(C) who was on leave at the time.

About 2155, 19 Jan 06, MAJ (b)(6), (b)(7)(C) approached SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) in the Bn HQ foyer and began yelling, apparently angry about Soldiers being photographed. MAJ (b)(6), (b)(7)(C) yelled words to the effect of "You bastards are a bunch of dirty ass weasels!" At this time, SA (b)(6), (b)(7)(C) responded with "I'm leaving now," and SA (b)(6), (b)(7)(C) responded with words to the effect of "that is not right, sir." SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) went outside the BN HQ, where they were engaged in conversation by CSM (b)(6), (b)(7)(C) who calmly expressed his frustration with detainee abuse allegations in general. SA (b)(6), (b)(7)(C) told CSM (b)(6), (b)(7)(C) that he was not going to speak to MAJ (b)(6), (b)(7)(C) until he calmed down, and that no more investigative activity would be conducted until 20 Jan 06, when everyone would have hopefully calmed down.

About 2200, 19 Jan 06, MAJ (b)(6), (b)(7)(C) approached SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) demanding full names and the name and contact information of a supervisor. MAJ (b)(6), (b)(7)(C) was provided with this information.

About 1300, 20 Jan 06, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Interpreter, Tactical Human Intelligence Team, 3rd Special Troops Bn, 3rd Brigade Combat Team, 101st Abn Div (AASLT), FOB BM, who related Mr. (b)(6), (b)(7)(C) did not make any allegations he was abused during the medical screening or subsequent detainee screening. Mr. (b)(6), (b)(7)(C) did state Mr. (b)(6), (b)(7)(C) related his shoulder and back hurt, complained about being dirty and muddy, appeared to have poor hygiene, and extremely bad breath.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

31st MP Det (CID) (-), Contingency Operating Base (COB) Speicher, Tikrit, Iraq, APO AE 09393

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

DATE

20 JAN 06

EXHIBIT

26731

CID REPORT FOR OFFICIAL USE ONLY/LAW ENFORCEMENT SENSITIVE

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

DATA REQUIRED BY THE PRIVACY ACT

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 <i>FOB Brasfield-Mora, IZ</i>	2. DATE <i>20 Jan 06</i>	3. TIME <i>10M</i>	4. FILE NO.
5. NAME (Last, First, MI) (b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS <i>C Co, 3/187 In 101st AB Div FOB Brasfield-Mora, IZ</i>		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS <i>02/RA</i>		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States *Army Criminal Investigation* and wanted to question me about the following offense(s) of which I am suspected/accuse *As A Special Agent Assault, Cruelty & Maltreatment of a Prisoner* **(b)(6), (b)(7)(C)**

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		(b)(6), (b)(7)(C), (b)(7)(F)
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <i>31st MP Det (CID)</i>
b. ORGANIZATION OR ADDRESS AND PHONE		

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

ACLU DDII CID ROI 26732

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

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>FOB Boasfield-Morg, IZ</i>	2. DATE <i>20 Jan 06</i>	3. TIME <i>1059</i>	4. FILE NO.
5. NAME (Last, First, MI) (b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS <i>C Co, 3/187 In 101st ABN Div APO AE 09349</i>		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS <i>E-5/RA</i>		

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 *Criminal Investigation* and wanted to question me about the following offense(s) of which I am suspected/accuse *Assault, Cruelty & Maltreatment of a Prisoner !!!* **(b)(6), (b)(7)(C)**

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 questions or say anything.
- 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.

- 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.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		(b)(6), (b)(7)(C), (b)(7)(F)
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		<i>31st MP Det (CID)</i>

Section C. Non-Waiver

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

ACLU DDII CID ROI 26733

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA form 2825) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

SWORN STATEMENT

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

LOCATION FOB Brassfield-Mora, I 2	DATE 20 Jan 06	TIME 1250 hrs	FILE NUMBER 0010-06-CID461-75406
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-6 / RA	

C Co, 3-187th INF, FOB Brassfield - Mora, I 2

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

On 9 January 06 while patrolling the Haiji-minh trail area my patrol happened upon 2 individuals. The first threw something in the canal + emptied ammo out of his pockets. We de-tracked + bore down on them w/ our wps, told them to put their hands up + one ran we shot numerous times + killed him. I yelled for two guys to detain the other while I + another soldier went to check the one we shot. Finding that he was dead, I began to get security ground the scene + report to higher. I did not witness the detaining of the individual that was alive. Nor did I witness anyone abusing the individual. // END OF STATEMENT. (b)(6), (b)(7)(C)

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

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

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

TAKEN AT FOB Brassfield-Mora, IR DATED 20 Jan 06

CONTINUED

STATEMENT (Continued)

Multiple horizontal lines for writing the statement content.

AFFIDAVIT

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

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

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

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of Jan, 2006 at FOB Brassfield-Mora, IR

ORGANIZATION OR ADDRESS

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

(Person Administering Oath)

ORGANIZATION OR ADDRESS

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

UCMJ, Article 136 / 10 USC 936 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

ACLU DDII CID ROI 26735 PAGE 2 OF 2 PAGES

FOR OFFICIAL USE ONLY - Law Enforcement Sensitive

EXHIBIT 31

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION: FOB Bressfield-Mora, Samarra, IZ
2. DATE: 19 Jan 06
3. TIME: 1314
4. FILE NO.: 0010-06-CID469
5. NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-5/RA
8. ORGANIZATION OR ADDRESS: C Co, 3/187 In APO AE

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 Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused Assault consummated by battery, Cruelty and maltreatment

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)
Q: Have you been advised of your Legal Rights within the last 30 days and required a lawyer?
A: NO

Section B. Waiver

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

WITNESSES (If available)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF INTERVIEWEE
4. SIGNATURE OF DIRECT SUPERVISOR (b)(6), (b)(7)(C), (b)(7)(F)
5. TYPED NAME SA
6. ORGANIZATION OF INVESTIGATOR
31st MP Det (CI)

Section C. Non-Waiver

- 1. I do not want to give up my rights: (b)(6), (b)(7)(C)
I do not want to be questioned or say anything.

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

ACLU DDII CID ROI 26736

NO ANY SWORN STATEMENT (DA form 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

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

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary. (b)(6), (b)(7)(C)

1. LOCATION <u>FOB Brassfield-Mora, IZ</u>	2. DATE <u>06 19 Jan 08</u>	3. TIME <u>1340</u>	(b)(6), (b)(7)(C) FILE NO.
5. NAME (Last, First, MI) <u>(b)(6), (b)(7)(C)</u>	8. ORGANIZATION OR ADDRESS <u>C Co, 3/187 In</u> <u>1015th ABN Div</u> <u>APO AE</u>		
<u>(b)(6), (b)(7)(C)</u>	7. GRADE/STATUS <u>E-4/RA</u>		

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 Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected (b)(6), (b)(7)(C) Assault, Cruelty & Maltreatment of a Prisoner (b)(6), (b)(7)(C)

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 questions or say anything.
- 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.

- 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.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		(b)(6), (b)(7)(C), (b)(7)(F)
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>31st MP Det (CID)</u>

Section C. Non-Waiver

- 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

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

ACLU DDII CID ROI 26737

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

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-05-CID469-75406

PAGE 1 OF 1 PAGES

DETAILS

About 0900, 23 Jan 06, SA (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) Category I Interpreter, Titan Corp. (attached to 3-187 INF, FOB Brassfield-Mora), who rendered a sworn statement that he was on patrol with elements of C CO, 3-187 INF when they encountered the sniper team. (b)(6), (b)(7)(C) stated after the convoy stopped the Soldier in charge asked him to go to the front of the column (he was in the fourth HMMWV). (b)(6), (b)(7)(C) ran to the front, which was about 200 meters, and when he got there he saw a man (b)(6), (b)(7)(C) being apprehended by Soldiers. (b)(6), (b)(7)(C) stated the man was laying face down on the ground and one of the Soldiers had a knee in his back and was tying his hands with flex-cuffs. (b)(6), (b)(7)(C) stated he witnessed a Soldier kicking (b)(6), (b)(7)(C) with the bottom of his foot. (b)(6), (b)(7)(C) stated he cleaned (b)(6), (b)(7)(C) face, which was covered with mud, and then he questioned him about his identity and the sniper rifles that were found in (b)(6), (b)(7)(C) car. (b)(6), (b)(7)(C) also provided a sketch depicting the scene of the incident. (See sworn statement and sketch for details) ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

SIGNATURE

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

ORGANIZATION

31st MP Det (CID) (-), Contingency Operating Base Speicher, Tikrit, IZ APO AE 09393

DATE
23 Jan 06

ACLU DDII CID ROI 26738

34

Date: 23 Jan 06
Time: 1632

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

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

On Monday, coincide Jan-09-2006 went out for duty after 10:00 AM while we were in the rural area where the homes were scatter here and there. While we were traveling on the dirt road we ran into a car parked on the road where no other vehicle traveled on. Wherever the other vehicles were traveling on pebble road the vehicle which we surprised was taking the other road. Suddenly we stopped wherever I was in the last hummer. Our convoy was made of four vehicles. When we stopped, the one in charge asked me to step out of the vehicle quickly and go with him. We stepped out of vehicle and started running for about 100-200 meters until we reached the first vehicle in the convoy. When we reached the first vehicle I saw a man laying face forward. He was 20 years of age or more. When I got there I saw one of the Soldiers had his knee on his back and he was tying his hands behind his back with the flexi cuffs. The Soldier in charge asked me to talk to him and ask him his name, his address and the reason he was there. Before we reached there the other soldiers they found three bullets on the ground while in the process of asking him he did not answer anything. Then I asked him "Are you Iraqi or from different country?" I understood he was Iraqi but I did know his name. Then I asked him if he had any weapons on him. He answered me by signaling he had. We did not know what kind of weapon he had but he had signal at the vehicle as the location where weapon is. The person I was talking to was in very exhausted shape, he did not make any movement without our help. When he signaled there is weapon in the vehicle the Soldier in charge asked us to stay 25 meters from the vehicle. Then he asked that person opens the trunk while his hand tied behind his back. He tried but failed to open the trunk. One of the Soldiers folded the back seat down and saw that there were two Sniper Rifles inside, complete with scope and ammo. When the Soldiers saw the sniper weapons they became very alert and suspicious. They did not know he had this kind of weapon. The sniper weapon is considered one of the most danger weapons for their safety. Then one of the Soldiers came toward him and lay him on the ground face first. He was hitting him on his shoulder and asking with laud and rough voice if there was anyone near the vicinity with same kind of weapon or different type of weapon. What was the reason to have this kind of weapon and how did they came to this area. He continued questioned him for about one minute or more. He was hitting him with the bottom of his boots on his shoulder and his back. I told the Soldier in charge that this was not a good way to obtain any information. I ask the one who is in charge to un-tied his hands. When they did I started cleaning of his face. I was using his head cover (shmagh) he had it in the vehicle where I dunked it in the channel to our left. This channel is very dense with bamboo and grass. Then I brought him a bottle of water from the hammer and gave him some. Then I started rubbing his hand and moving them. Then I gave him a piece of paper and pen, this way he could write his name, his address and reason for being at this location. He did not say a word. During the questioning we learn his name was (b)(6)(b)(7)(C) and the weapons were put here two days ago. Today he was picking them up but we did not know where he wanted to take them. Also we found out he was a Ramadi resident in the AL Unbar Province. Then one of the Soldiers asked me to write down his name, make of the vehicle and the

EXHIBIT 36
PAGE 1 OF 2 PAGES

ACLU DDII CID ROI 26743

license plate. The license plate showed that those were temporary plates from the Alan Bar province. I wrote this info in the Soldiers notebook. Then he asked me to write his name on a piece of paper in Arabic and English. Then the Soldier put that piece of paper on his chest near the left side of his face and took his picture. Then the Soldier asked me to go with him. We went down to the main traffic road where there were approximately 30 vehicle stopped. We showed the picture to all passengers but no one knew him. That took us about one hour. Then the Soldiers tied the vehicle behind the humvee and they towed it. Also they put this person in the one of the humvees while his hands were tied behind his back.

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

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

Q: Did the detainee try to resist the arrest?

A: I did not see any resist from him.

Q: Can you describe the soldier who was standing by this Detainee?

A: No.

Q: How many times was this Detainee kicked?

A: Many times.

Q: Describe the kicks.

A: The kicks were with the bottom of the foot.

Q: Did you see any Soldiers kicking this Detainee on the head?

A: No.

Q: Where were you standing while they were hitting this Detainee?

A: I was about 2 meters away from his feet.

Q: Do you remember if that Detainee was unconscious?

A: He was not unconscious.

Q: How many pictures were taken of this Detainee?

A: Approximately five pictures, one of the pictures had his name in Arabic & English on a piece of paper. It was put on the left side of his chest.

Q: Do you have anything else you would like to add to this statement?

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

Signed

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

This translation was generated to the best of my ability as a Category II Interpreter.

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

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

EXHIBIT 36
PAGE 9 OF 23 PAGES

ACLU DDII CID ROI 26744

THE CHANNEL WAS ON LEFT SIDE
القناة كانت على الجانب الأيسر

BAMBOO+GRASS
الأعشاب والبرسيم

AT THIS LOCATION 3 BULLETS WERE
هنا كان يوجد ثلاثة طلقات

THIS ROAD IS HIGHER THAN LOWER ROAD
هذه الطريق كان أعلى من الطريق
الأدنى

THIS AREA IS SLOPED 3-2 M
هذه المنطقة منحرفة 3-2 متر
m (3-2)

THIS BAMBOO WAS STEPED ON BY SOMEONE
هذه الأعشاب كان
قد وقع عليها شخص ما

THE COLOR OF THIS VEHICLE WAS
هذه السيارة لونها
الزرقاء

THIS DISTANCE WAS 300 M
هذه المسافة كانت 300 متر

APPROXIMATELY 30 IRAQI VEHICLE
تقريباً 30 سيارة عراقية

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

EXHIBIT

38

Sketched by :
Witnessed by : SA
23 Jan 06

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

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 1 OF 1 PAGES

DETAILS

About 0900, 24 Jan 06, SA (b)(6), (b)(7)(C) sent an email message to MAJ (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) and 1SG (b)(6), (b)(7)(C) requesting the statements that (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) provided on or about 9 Jan 06, immediately following the incident. SA (b)(6), (b)(7)(C) also requested the unit provide a photograph which had not been included with the initial photographs. SA (b)(6), (b)(7)(C) determined the photograph was missing due to a break in the naming sequence of the photographs he received from CPT (b)(6), (b)(7)(C)

On 31 Jan 06, SA (b)(6), (b)(7)(C) discussed this investigation with CW5 (b)(6), (b)(7)(C) Operations Officer, 10th MP BN (CID), Camp Victory, Baghdad, IZ, APO AE 09342, who directed this office to expand the scope of this investigation to ascertain if AHMED's death was a justifiable homicide, in accordance with the Rules of Engagement (ROE).

About 2000, 2 Feb 06, SA (b)(6), (b)(7)(C) met with MAJ (b)(6), (b)(7)(C) Command Judge Advocate, and CPT (b)(6), (b)(7)(C) Trial Counsel, 3BCT, 101st ABN DIV (AASLT), COB Speicher, and discussed Escalation of Force (EOF) and the ROE at length. MAJ (b)(6), (b)(7)(C) advised the unit had not conducted an AR 15-6 investigation into the EOF and death of AHMED; however, he will direct the unit to do initiate an inquiry.

About 2015, 2 Feb 06, SA (b)(6), (b)(7)(C) received an email message from MAJ (b)(6), (b)(7)(C) containing Annex E (ROE) to BCT Operations Order 02-06 and an Information Paper titled Self Defense and Determination of Hostile Intent. The information paper was published by the SJA, 101st ABN DIV (AASLT) and concerned EOF

AGENT'S COMMENT: The annex and information paper were both classified as SECRET.

About 1400, 5 Feb 06, SA (b)(6), (b)(7)(C) met with MAJ (b)(6), (b)(7)(C) and COL (b)(6), (b)(7)(C) Staff Judge Advocate (SJA), 101st ABN DIV (AASLT), COB Speicher, to discuss this case.

About 2115, 5 Feb 06, SA (b)(6), (b)(7)(C) received notification from MAJ (b)(6), (b)(7)(C) that LTC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) CDR, 10th MP BN (CID), Camp Victory, Baghdad, IZ, APO AE 09342, had notified COL (b)(6), (b)(7)(C) that the CID investigation into the death of AHMED would be held in abeyance, pending completion of a Commander's Inquiry.

About 1300, 12 Feb 06, SA (b)(6), (b)(7)(C) received the original Commander's Inquiry from MAJ (b)(6), (b)(7)(C) The inquiry included sworn statements from (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) The inquiry also an information slide (storyboard) prepared by C CO, 3-187 INF, as well as the aforementioned Annex pertaining to the ROE and SJA Information Paper. //LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION 31st MP DET (CID) (-)
COB Speicher, Tikrit, IZ
APO AE 09393

SIGNATURE

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

DATE

12 Feb 06

EXHIBIT

39

CID FORM 94
(Automated)

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Automatic Termination (Para 13, AR 34-16)

ACLU-RDI CID ROI 26748

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 1 OF 1 PAGES

DETAILS

About 1620, 27 Feb 06, SA (b)(6), (b)(7)(C) sent an email to LTC (b)(6), (b)(7)(C) requesting the missing photograph and the statements that (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) provided on or about 9 Jan 06, immediately following the incident.

About 1230, 5 Mar 06, SA (b)(6), (b)(7)(C) received an email message from MAJ (b)(6), (b)(7)(C) which contained digital copies of the statements rendered by SGT (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) on 9 Jan 06, immediately following the incident. The email also included the missing digital photograph, which had not been included with the digital photographs previously provided to SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) on 18 Jan 06. The photograph depicted the tag on AHMED's and (b)(6), (b)(7)(C) car. MAJ (b)(6), (b)(7)(C) stated the unit had been unable to locate the first statement that (b)(6), (b)(7)(C) provided immediately following the incident. (See statements for details)

About 1830, 21 Mar 06, SA (b)(6), (b)(7)(C) sent an email to COL (b)(6), (b)(7)(C) outlining the remaining leads and requesting assistance in coordinating interviews of (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), CPL (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) as well as re-interviews of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). SA (b)(6), (b)(7)(C) also outlined the resistance encountered by SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) during the preliminary investigation, as well as the negative and hostile comments by MAJ (b)(6), (b)(7)(C) throughout the investigation.

About 1900, 21 Mar 06, SA (b)(6), (b)(7)(C) received an email from COL (b)(6), (b)(7)(C) who advised she had directed MAJ (b)(6), (b)(7)(C) to brief COL (b)(6), (b)(7)(C), CDR, 3BCT, 101st ABN DIV (AASLT), COB Speicher, regarding this investigation in order to facilitate completion of the remaining interviews.

About 2100, 25 Mar 06, SA (b)(6), (b)(7)(C) met with COL (b)(6), (b)(7)(C) to discuss this investigation. COL (b)(6), (b)(7)(C) advised he had spoken with the Chain of Command for 3-187 INF and the unit would cooperate fully with this investigation.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION 31st MP DET (CID) (-) COB Speicher, Tikrit, IZ APO AE 09393	
SIGNATURE (b)(6), (b)(7)(C)	DATE 25 Mar 06	EXHIBIT 52	

CID FORM 94
(Automated)

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ACLU DDII CID ROI 26777



DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
3rd BATTALION, 187th INFANTRY REGIMENT
101st AIRBORNE DIVISION (AIR ASSAULT)
FOB BRASSFIELD-MORA
APO AE 09349

REPLY TO
ATTENTION OF

AFZB-KC-H-H

7 February 2006

MEMORANDUM FOR RECORD

SUBJECT: Commander's Inquiry to C/3-187IN AIF Shooting on 09JAN06

1. The following are the facts of the C/3-187IN actions on 09JAN06:

On the morning of 9 Jan 2006 1/C/3-187IN was conducting mounted and dismounted patrols in the Canal Road area of TF Iron's Area of Operation. They were in this area looking for a local national who had information on an IED blast that had occurred on 8 Jan 2006. At approximately 1230 on 9 Jan 2006 the platoon responded to two shots fired approximately 800m north along Canal Road, vicinity 38S LC 9628 7665. The platoon mounted their vehicles and moved north to where the gunshots originated from. The patrol was traveling north along the low road beside the canal when the patrol moved up to the road on the top of the dike they encountered a blue Nissan Primera car and two military aged, local national males. One male was seen throwing a white bag into the canal. The lead military vehicle stopped approximately 10-25 meters from the vehicle. The crew dismounted and began to yell and gesture for both men to put their hands up and stop what they were doing. The first male attempted to flee the scene in the Nissan Primera but, the vehicle became stuck in the mud. He then exited the vehicle, moved to the rear of the vehicle and began to obey the directions of the soldiers. The second male was backing away from the soldiers continually reaching into his pockets and dropping items onto the ground (these items were later identified as 7.62mm x 54 rounds). The four soldiers and the vehicle gunner (b) (6) continued to yell and gesture with their weapons for the second male to stop and raise his hands. The second male continued to reach into his pockets and drop items on the ground. He then turned his back to the four soldiers and began to run north, away from the soldiers. At this point, (b) (6) engaged the second man with one shot. The man fell down and the soldiers shifted their attention to the first man who was standing at the back of the blue Nissan. The second man got up and continued to run. At this point all four soldiers engaged the man (b) (6) ordered two soldiers to move forward to detain the first man at the back of the car. After the man was detained, (b) (6) and another soldier move forward to inspect the man who had been shot. After confirming that the man was no longer a threat to them, the patrols established local security and reports were called to their higher elements. A search of the blue Nissan Primera was conducted and two Dragonov SVD style sniper rifles were found in the trunk of the vehicle. Also found were two loaded magazines and loose rounds of 7.62mm x 54 ammunition. The platoon then cordoned off the area and began to question locals and the one detainee. The locals in the area had nothing significant to say to the patrol. The detainee told the soldiers he was from Ramadi and the license plates on the blue Nissan confirmed his story. The platoon exfilled back to FOB Brassfield- Mora with one detainee, one enemy KIA, two Dragonov rifles, ammunition and the blue Nissan.

2. The following are the findings of the C/3-187IN AIF Shooting on 09JAN06:

All of the soldiers stated that during their RIP operations with C/3-69AR, they were told that in the vicinity of Combat Outpost 1, Canal Road, and the Haji Man trail area that there was an active sniper or sniper team (exhibits 1-6). (b) (6) stated that the sniper attacks on the Combat Out Posts

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happened between mid morning and early afternoon (exhibit 1). This situation fits the profile of the sniper/ sniper team active in the AO. According to (b) (6) the platoon leader for 1/C/3-187IN, two weeks prior to this incident he had two soldiers engaged by sniper fire from the same area in question (exhibit 5). The presence of a sniper or sniper team was also confirmed by (b) (6) and (b) (6) from the Sniper Section HHC/3-187IN. Both soldiers stated that during their RIP with the Sniper Section from HHC/3-69AR the outgoing unit briefed them about sniper activity in the area around the Haji-man Trail area (exhibits 2, 3). (b) (6) both stated that they were in the area to look for friendly sniper hide sites to prevent enemy sniper operation in the area (exhibits 2, 3). A reasonable conclusion is that the soldiers operating in this area would be looking for a one or two man element, the composition of a known sniper/ sniper team associated with single shots of gunfire. This is what multiple units during the RIP operation had briefed to the soldiers of 3-187IN.

In (b) (6) sworn statement (exhibit 1) he stated that the two military aged men were "surprised to see us" and one immediately tried to flee the scene by car. This was also substantiated by the other soldiers present in the lead vehicle (exhibits 2-6). When the car became stuck in the mud the local national exited his vehicle and started to take commands from the soldiers. The second man was seen throwing a white bag of unknown contents into the canal when the patrol encountered the two men (exhibits 1-4). The second man continued disobeying the orders of the soldiers and acted in a "nervous manner" (exhibits 2, 4). This second man also continued to reach into his pockets multiple times. The soldiers stated that the man's clothing was baggy (exhibits 1, 2) or he had multiple layers of clothing on (exhibit 4) and it was hard to tell if the man was armed with a weapon. At this point, there was one local national who tried to flee complying with the soldier's commands and the other local national who continued to distance himself from the patrol, all the while digging in the pockets of his baggy clothing that the soldiers are unable to tell if he was armed. It is reasonable to assume that the soldiers in this situation would deem the non compliant man as a threat based on his lack of compliance to their directives and the soldier's inability to ascertain if the man was armed or not based on his baggy clothing.

The second man then turn his back and ran towards the north (exhibit 7). When the second man ran he was blocked by the blue Nissan (exhibit 3) as he was headed towards the reeds along the canal (exhibit 5). This is when (b) (6) engaged the second man with one round. The man fell to the ground. (b) (6) stated that he didn't know if the second man was running to retrieve a weapon or to get help (exhibit 1) and he deemed the actions of the second man hostile to him and his soldiers. (b) (6) also states that he was fearful of the second man "going for his weapon" (exhibit 5). (b) (6) made the decision as the On Scene Commander (OSC) that the second man's actions were a threat to him and his unit and used proportional force (one shot) to eliminate the threat. The second man got up and continued to flee. This is when (b) (6) and the three other soldiers engaged the second man running. This use of force is in accordance with the Division Office of the Staff Judge Advocate (DIV OSLA) Information paper discussing the right to self defense and determination of hostile intent (exhibit 8). The information paper states that the OSC is the approving authority for "reactive fire, including organic and non- organic weapons systems" (exhibit 8). In Annex E (rules of Engagement) to Operations Order 02-06 (RIP), 3BCT, 101st ABN DIV (AASLT) Hostile Intent is defined as: "when hostile intent is present, the right exists to use proportional force, including armed force, in self-defense by necessary means available to deter or neutralize the potential attacker or, if necessary, destroy the threat." (exhibit 9). In determining what constitutes hostile intent the soldier must be able to tie the AIF activity in the AO to specific enemy TTPs (exhibit 8). In the sworn statements, the soldiers all articulated that there was specific intelligence and historical data to support the presence of a sniper team in the AO. The two men in this instance were located by a known historical point of origin of sniper fire, and the area of two single shots that caused the platoon to move to the location in question that morning. The two men matched the description of an AIF TTP for a sniper team. Therefore the determination of hostile intent can be made by a reasonable person. With hostile intent established, (b) (6) as the OSC has the right under the Task Force Band of Brothers Rules of Engagement (TF BoB ROE) to use force, up to and

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including deadly force, in self defense (exhibit 8). The second man who ran from the patrol presented imminent threat to the patrol because he could have been running for his weapon. This would also have justified the use of deadly force.

3. Recommendations by the Investigating Officer (IO) in reference to the findings of the C/3-187IN AIF Shooting on 09JAN06:

Based on my findings, the use of deadly force was lawful and within the Rules of Engagement. I recommend no further administrative or UCMJ action against (b) (6) or any other soldier. Also recommend that C/3-187IN continue to review and discuss Rakkasan ROE before each operation and continue to apply deadly force in situations IAW Rakkasan ROE and EOF guidance as done in this case.

(b) (6)

CPT, IN
Commanding

ACLU DDII CID ROI 26754

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DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
3rd BATTALION, 187TH INFANTRY REGIMENT
101ST AIRBORNE DIVISION (AIR ASSAULT)
FOB BRASSFIELD- MORA
APO AE 09349

REPLY TO
ATTENTION OF

AFZB-KC-H-H

7 February 2006

MEMORANDUM FOR RECORD

SUBJECT: Commander's Inquiry to C/3-187IN AIF Shooting on 091230JAN06 Index of Exhibits

1. Sworn Statement of (b) (6) 1st Platoon, C Co., 3-187IN. Exhibit 1
2. Sworn Statement of (b) (6) Sniper Section HHC 3-187IN. Exhibit 2
3. Sworn Statement of (b) (6) Sniper Section HHC 3-187IN. Exhibit 3
4. Sworn Statement of (b) (6) 1st Platoon C Co., 3-187IN. Exhibit 4
5. Sworn Statement of (b) (6) 1st Platoon C Co., 3-187IN Exhibit 5
6. Sworn Statement of (b) (6) 1st Platoon C Co., 3-187IN Exhibit 6
7. Information Slide submitted to TF 3-187IN Tactical Operations Center by C Co. 3-187IN. Exhibit 7
8. Information Paper "Self Defence and Determenation of Hostile Intent" published by 101st Division Office of the Staff Judge Advocate (OSJA) dated 14 December 2005. Exhibit 8
9. Annex E (Rules Of Engagement) to BCT Operations Order 02-06 (RIP), 3rd BCT, 101st ABN DIV (AASLT) UEx. Exhibit 9

(b) (6)

CPT, IN
Commanding

ACLU DDII CID ROI 26755

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: 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 Brassfield-Mora
2. DATE (YYYYMMDD): 20060206
3. TIME: 1544
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. 3-187, 3BCT, 101 ABN DIV (AA)

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

On ~~February 2006~~ 9 January 2006 sometime during the midmorning my patrol was travelling on a secondary road in our sector. We were on that road looking for a Local National woman whomay have had information on an IED blast which occured the previous day. While dismounted in the area she was in the previous day, the patrol heard several single shots fired from the north. We mounted up + moved north to investigate. At one point the road splits in two with one atop the dike beside the canal and one at the bottom of the dike. We travelled on the low road for a while, but soon decided to move to the upper road in order to get better situational awareness. When I, in the lead vehicle, crested the top of the dike we saw two military age males who were obviously surprised to see us. One jumped in a car + tried to get away. We dismounted and were screaming for them to stop and put their hands up. The car got stuck in the mud, and the guy got out + stood behind it. Meanwhile his partner was emptying his pockets + had also thrown a white bag into the canal. From his pockets he was dropping bullets.

10. EXHIBIT: EXHIBIT "1"
11. SIGNATURE: (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.

ACLU DDII CID ROI 26756

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 FOB Brassfield-MOR A DATED 2006 02 06
PAD B 7 R14

9. STATEMENT (Continued)

Neither of them put their hands up at any time. The man who was dumping rounds, (who I thought at the time was the shooter), turned and attempted to run away. Not knowing if he was going to try to get another weapon or get help, I shot him one time & he fell. We then immediately turned our attention to the second man who still wouldn't put his hands up. Then the man I shot started to get up & try to run again so all four of us fired multiple shots & put him down again. Immediately I yelled over my shoulder for two of my guys to detain the man behind the car while myself and another soldier went to check the status of the man who we shot. We found that he was dead, I got on the radio & informed my PL of the situation & immediately started getting site security setup. We then began the search of the two men and vehicle. In the vehicle we went through the back seat to gain access to the trunk & found two SVD/Dragonov style sniper rifles with two full ten round mags each was in good condition & well maintained.

1) Q: Who were the other soldiers when you stated "all four of us shot him." (b) (6)

A: (b) (6)

2) Q: Did you use proper ROE escalation procedures -> shout, show, physical restrain, shoot to eliminate the threat. (b) (6)

A: Yes. We shouted and gestured but due to the distance & the other man, we could not restrain him when he ran. We would have had to pass by the man behind the car to get to the runner. (b) (6)

3) Q: (b) (6) Were the two local nations responsive to your ^{verbal} commands? (b) (6)

A: NO. They both refused to stop what they were doing. The only reason the one in the car stopped was because he got stuck. (b) (6)

INITIALS OF PERSON MAKING STATEMENT (b) (6) **ACLU DDII CID ROI 26757** PAGE 2 OF 3 PAGES

FOB Brassfield-More

STATEMENT OF (b) (6) TAKEN AT PAD B7 R14 DATED 2006 02 06

9. STATEMENT (Continued)

4Q: Do you believe that the individuals could be hiding weapons on their person (b) (6)

A: Yes. Their clothing was baggy and the one we shot was putting his hands into his pockets + could definitely have had a pistol or a grenade in his pocket. (b) (6)

5Q: Were you aware that a sniper team was operating in your AO at this time? (b) (6)

A: Yes. My platoon had been engaged at least two times prior to this event by a "sniper" or "sniper team". The platoon was briefed by CCo. 3/69 Armor whos sector we took over that they had been engaged almost every day from the area we found these two. This led us all to believe that these were the guys. Our own higher was also updating us on the situation as we relieved in place CCo. 3/69. The attacks all took place between mid morning and early afternoon. Everything pointed to these guys. (b) (6)

6Q: You stated that you found 2x S&W Rifles in the car. Did you find any other weapons in the car or on the LN? (b) (6)

A: No. No other weapons were found. We could not recover the bag from the canal as it must have sunk. We did pickup the ammunition (7.62mm x 54) the individual we shot had dropped. We also found a cache/hide position in the reeds where we found these guys. Under the reeds was all burned + cut out and they had been using it for a long time as there was alot of trash in there as well. (b) (6)

7Q: Do you want to make any further statement (b) (6)

A: No. (b) (6)

NOTHING FOLLOWS (b) (6)

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)

(Statement)

WITNESSES:

(b) (6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 06 day of Feb., 2006

at FOB Brassfield-More, IRAD
(b) (6)

HHC 3-187 INF
ORGANIZATION OR ADDRESS

(b) (6)

HHC 3-187 INF
ORGANIZATION OR ADDRESS

(Printed Name of Person Administering Oath)

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

INITIALS OF PERSON MAKING STATEMENT

ACLU DDII CID ROI 26758

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: 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 Brassfield-Mora Pad 7 L1d	2. DATE (YYYYMMDD) 20060206	3. TIME 1700	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 HHC 3-187 Inf 3rd BCT 101st ABN AASLT			
9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: <p>On January 9, 2006 (b) (6) and myself from the Sniper Section did a mounted patrol with Charlie Company down at the South Canal Bridge to look for possible sniper hide sights for further on missions. When we got to the bridge the patrol went east on a back dirt road. about 800 meters ^{on} the road we heard a few shots fired towards the north over by the Cop 2/sniper tower. Once we got to haji man trail we rapidly headed towards where the shots were fired. Once we got to the known estimated spot where the shots were fired, we realized it was a known enemy sniper position. The road split into 2 roads. One was about 15 meters up on a burn right next to the other. We took the low the road, about 150 meters passed the known enemy sniper position there was a path we took that headed to the top road. Once we were on the top road we noticed about 75 meters ahead there was a parked vehicle with 2 suspicious young male figures ^{near the canal} outside it with one next to the vehicle and the other looking towards the Cop 2. Since (b) (6) and I were in the first vehicle the gunner mentioned that the man by the canal threw a bag in the canal. Noticing the suspicious acts acts taking place the driver (b) (6) picked up the driving speed and stopped 10 meters from the 2 men. (b) (6) and I dismounted pointed our weapons at the 2 men. On The soldier on the left near the canal started reaching in his pockets throwing items on the ground. Both men</p>			

10. EXHIBIT EXHIBIT "Z"	11. INITIALS (b) (6) PERSON MAKING STATEMENT	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.

ACLU DDH CID ROI 26759

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 FOB Brassfield Mon. DATED Feb. 6 2006
87 R 14

9. STATEMENT (Continued)

looked extremely nervous and scared. We continued to tell them to stop moving ~~and~~ put their hands in the air. The turret gunner gestured to put their hands in the air. I gestured ~~with~~ with my ~~now~~ left hand and yelled to stop and put your hands up. The soldier on the left then turned around and started running away. ~~He~~ (b) (6) then fired a single round in the man's back. The man fell on his stomach. As we started paying attention to the other man on the right, the man who just fell stood up and started running again. Noticing that ~~the man~~ we couldn't see the man's hands and how nervous these two men looked. I established that this man was a threat to us. I then fired 4 rounds into his upper back. (b) (6) (b) (6) also fired rounds. The man then dropped to the ground. We then moved to his body to confirm his death.

- ① Q: Did you use proper ROE escalation procedures → Show, Show, physical restraint, Shoot to eliminate threat. (b) (6)
- A: Yes I showed my weapon in an aggressive manner and gesture with my left hand to stop and put your hands up. Still he continued to fluster, ^{move around} and take things out of his pocket. (b) (6)
- ② Q: Did the two Local Nationals (LN) respond to your commands? (b) (6)
- A: The man on the right froze and posed no threat but the man on the left did not respond or follow our demands. He continued to ~~fluster~~ move around, fluster and keep his hands in his pocket. (b) (6)
- ③ Q: Did (b) (6) did you think the individual that kept his hands in his pockets could have been armed? (b) (6)
- A: Yes he had baggy clothing which told me he could easily pull out a weapon of some sort. (b) (6)
- ④ Q: Were you aware that there was a sniper team reported to be active in this AO? (b) (6)
- A: Yes during the change out of sniper sections we were briefed with a packet and pictures about the ~~sniper~~ enemy sniper position. (b) (6)
- ⑤ Q: Change out who who / what sniper section? (b) (6)
- HHC 369 Viper element (b) (6)
- ⑥ Q: Did you search the bodies/LN? If so what did you find? (b) (6)

INITIALS OF PERSON MAKING STATEMENT (b) (6)

ACLU DDII CID R 60

PAGE 2 OF 3 PAGES

STATEMENT OF (b) (6) TAKEN AT FOB Brassfield-Moia DATED Feb. 6, 2006
B7 R14

9. STATEMENT (Continued)

A: No I did not search the bodies. I pulled security to the east. (b) (6)

Q: Do you want to make any further statements? (b) (6)
NO (b) (6)

NOTHING FURTHER

(b) (6)

AFFIDAVIT

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

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 06 day of FEB, 2006 at FOB Brassfield Moia B7 R14

(b) (6)
HHC 3-1870
ORGANIZATION OR ADDRESS

(b) (6)

(b) (6)
HHC 3-187
ORGANIZATION OR ADDRESS

(Typed) (b) (6) Person Administering Oath
CPT (Authority To Administer Oaths)

INITIALS OF (b) (6) STATEMENT

ACLU DDII CID ROI 26761

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: 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 Brassfield - Mora	2. DATE (YYYYMMDD) 2006 02 06	3. TIME 1700	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. (b) (6)	7. GRADE/STATUS (b) (6)	

8. ORGANIZATION OR ADDRESS
HHC 3-187 Pad B7 CHU L12 (SCOUTS)

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

I am a Sniper team leader in the 3-187 Recon section. My shooter is (b) (6) On 9 January 2006 I participated on a patrol with C co. 3-187 south of FoB Brassfield -Mora along MSR Tampa. That day I was working with (b) (6) another Sniper team leader, to plot possible OP's to observe and detur the implacement of IED's along the MSR and to prevent Enemy Sniper Operation in the area around COP 1. During the patrol, south of COP 1, C co. had stopped and dismounted to question some locals. During the halt our patrol heard Small Arms fire about 800 meters north of our location by COP 1. Shortly after, myself and (b) (6) mounted up in the lead vehicle with (b) (6) driving, (b) (6) as (b) (6) and (b) (6) in the Turret. We continued north along Hoji man trail around the area where COP 1 had taken Sniper fire previously. The platoon continued north along the trail. Our vision was blocked by reeds, so the platoon pulled the vehicles onto the higher ground along the trail where we witnessed a blue 4-door sedan parked and 2 individuals about 150 meters ahead. (b) (6) witnessed One of the individual throw what appeared to be a white bag into the reeds by the canal. We stopped approx. 25 meters from the sedan and dismounted. All of us gestured for the two individuals to put their hands up and the one in the car to get out. The one in the car got out and stood by the driver's side door. The Four

10. EXHIBIT EXHIBIT "3"	11. INITIALS (b) (6) MAKING STATEMENT	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.

ACLU DDII CID ROI 26762

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 1700 DATED 2006 02 06

9. STATEMENT (Continued)

of us continued to gesture for them to put their hands up. They did not comply, and the person by the reeds proceeded to empty his pockets and stare at us. We continued to gesture for them to put their hands up and after the person by the reeds finished emptying his pockets, he turned and ran. (b) (6) then engaged him with a single shot which brought him down to the ground. We then turned and told the person by the sedan to get down. After he goes to his knees the other individual gets back up and continues to run, away from us behind the car we move forward and (b) (6) and I engage him bringing him to the ground. We then detain the individual by the sedan and cordon off the area where we found two Dragunov Sniper rifles in the vehicles trunk along with two loaded magazines and several loose rounds which the individual had emptied from his pockets.

① Q: Did you use proper ROE Escalation Procedures? Shout, Show, restrain, shoot to eliminate threat? (b) (6)

A: We dismounted, shouted for them and gestured with our hands several times to put their hands up, pointed our weapons at them and they did not comply with what we obviously wanted them to do. (b) (6)

② Q: Did you believe the local Nationals could be hiding weapons on their person? (b) (6)

A: I was not sure whether or not I believed they could have had a weapon. The situation was very awkward from the moment we dismounted. The two did not listen to our commands the way other locals do. I could tell that something was not right almost immediately. (b) (6)

③ Q: Were you aware that a sniper team was active in this AO? (b) (6)

A: We had gotten some intel from the ~~3-6~~ ³⁻⁶ snipers when we got to our AO that an enemy sniper team was operating in the area. (b) (6) and I had been in that area trying to find possible OP's to observe any threats a few days prior. (b) (6)

④ Q: You stated that you found 2x SUB Rifles and magazines in the car. Did you

INITIALS OF PERSON MAKING STATEMENT (b) (6)

ACLU DDII CID ROI 26763

PAGE 2 OF 3 PAGES

STATEMENT OF (b) (6) TAKEN AT FOB Brassfield-Mora DATED 2006 02 06
BT R14

9. STATEMENT (Continued)

Q: And any other weapons or IED materials? (b) (6)
A: No. All we found were the two sniper rifles and magazines. (b) (6)

Q: Do you want to make any additional statements? (b) (6)
A: I have no additional statements. (b) (6)

NOTHING FOLLOWS

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

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

(b) (6)

(Statement)

WITNESSES:

(b) (6)

FOB Brassfield-Mora HHC 3-157 106+ ABN
ORGANIZATION OR ADDRESS
(b) (6)

HHC 3-157
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 06 day of FEB, 2006 at FOB BRASSFIELD-MORA IIRAD
(b) (6)

(Administering Oath)
(Typed Name of Person Administering Oath)
CPT (b) (6)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b) (6)

ACLU DDII CID ROI 26764
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: 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 F03 BRASSFIELD - MDAA	2. DATE (YYYYMMDD) 20060207	3. TIME 1802	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/O 3-117			

9. I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 ON 9 JAN 06 MY PATROL ELEMENT WAS TALKING TO SOME LOCAL NATIONALS DOWN BY SOUTH CANAL BRIDGE IN REGARDS TO AN I.E.D. THAT TOOK PLACE THE DAY PRIOR. WHILE WE WERE DISMOUNTED WE HEARD SOME GUN FIRE NORTH OF OUR POSITION ON HASIMAN TRAIL. WE RESPONDED TO THE GUN FIRE AND BEGAN TRAVELING NORTH TOWARDS C.O.P. 2. WE TRAVELED ALONG THE CANAL USING THE LOW ROAD. AFTER A COUPLE OF HUNDRED METERS ON THE LOW ROAD, (b) (6) DECIDED TO GO UP ONTO THE HIGHROAD WHICH TRAVELED BESIDE THE CANAL. AS SOON AS WE CAME UP ONTO THE ROAD WE SAW TWO GUYS STANDING BY A CAR. THE GUNNER SAID HE NOTICED ONE OF THE GUYS THROW A WHITE BALL INTO THE CANAL. (b) (6) THAN SPED UP SO WE COULD GET TO THEM FASTER. UPON HEARING US SPEED UP ONE GUY JUMPED IN THE CAR AND TRIED TO DRIVE OVER THE EDGE ONTO THE LOW ROAD BUT GOT STUCK. MYSELF (b) (6) AND THE TWO SNIPERS DISMOUNTED AND GOT BOTH OF THE GUYS TOGETHER BEHIND THE CAR. WE TOLD THEM TO PUT THERE HANDS UP. ONE OF THEM DID. THE OTHER ONE WAS ACTING NERVOUS, HE JUST WASN'T ACTING RIGHT. WE TOLD HIM AGAIN TO PUT HIS HANDS UP, AT THAT TIME HE TURNED AROUND AND BEGAN TO RUN. (b) (6) THAN SHOT HIM AND HE WENT DOWN. WE TURNED OUR ATTENTION TO THE OTHER GUY AND THEN THE GUY THAT WAS SHOT GOT UP AND BEGAN TO RUN AGAIN. AT THAT TIME ME (b) (6) AND THE TWO SNIPERS SHOT HIM AND HE DID NOT GET BACK UP. WE THEN DETAINED THE OTHER GUY. AND SEARCHED THE CAR. UPON SEARCHING THE CAR WE FOUND TWO SNIPER RIFLES AND A COUPLE OF LOADED MAILS. AFTER THE SEARCH WAS DONE WE ASKED SOME PEOPLE IF THEY KNEW WHO THE GUY WAS, WITH NOBODY DID. WE LOADED UP THE DETAINEE, THE KIA, AND THE CAR AND RETURNED TO THE FOB.

- Q: Did you use proper RDE escalation procedures? Show, physically restrain, shoot to eliminate threat? (b) (6)
 A: YES. WE TOLD HIM TO STOP A COUPLE OF TIMES AND HE DID NOT FOLLOW OUR INSTRUCTIONS. (b) (6)
- Q: Could you have physically restrained the individual prior to continued escalation? (b) (6)
 A: NO, AS SOON AS WE GOT TO THEM AND DISMOUNTED HE TOOK OFF RUNNING. (b) (6)
- Q: Could you tell if the individuals were hiding weapons on their person? (b) (6)
 A: NO. THEY HAD A NUMBER OF LAYERS OF CLOTHES ON. (b) (6)
- Q: Did the actions of the two individuals make you feel threatened in any way? (b) (6)
 A: THE ONE KIA WASN'T LISTENING, KEPT STICKING HIS HANDS IN HIS POCKETS AND THEN TOOK OFF RUNNING. (b) (6)
- Q: Where you aware that there was an enemy sniper team operating in your area? (b) (6)
 A: DURING OUR BID PROCESS WE WERE TOLD THAT SNIPERS HAD TAKEN SHOTS AT A COUPLE OF THE CO'S AND WERE OPERATING AROUND THE CANAL ON HASIMAN TRAIL. (b) (6)

10. EXHIBIT EXHIBIT "4"	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.

ACLU DDH CID ROI 26765

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 FOD BRANFORD-MQA DATED 07 FEB 2004

9. STATEMENT (Continued)

Q: Do you want to make any further statements? (b) (6)
A: No. (b) (6)

NOTHING FOLLOWS

(b) (6)

(b) (6)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

ACLU DDII CID ROI 26766

PAGE 2 OF 3 PAGES

STATEMENT OF (b) (6) TAKEN AT FOB BRASSFIELD-MORA DATED 7 FEB 2006

9. STATEMENT (Continued)

[Large redacted area with a large 'X' drawn across it]

(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 _____. 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:

(b) (6)

1/C-3/187 IN
ORGANIZATION OR ADDRESS

(b) (6)

1/C-3/187 IN
ORGANIZATION OR ADDRESS

(b) (6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of FEB, 2006 at FOB Brassfield-MORA, IRAQ

(b) (6)

(Typed Name of Person Administering Oath)
CPT (b) (6)
(Authority To Administer Oaths)

INITIALS OF PERSON STATEMENT (b) (6)

ACLU DDII CID ROI 26767 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: 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 Brassfield-Mora
2. DATE (YYYYMMDD): 2006/02/07
3. TIME
4. FILE NUMBER
5. (b) (6)
6. (b) (6)
7. GRADE/STATUS: (b) (6)
8. ORGANIZATION OR ADDRESS: 1/C-3/187 IN, 3rd BCT, 101st ARN
9. (b) (6)

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

On 09 Jan 2006, 1st Platoon, C/3/187 IN was investigating an IED at South Canal Bridge that had detonated the previous day. While searching the area, we heard a few single shots to our north along Haji-man Trail. Two weeks prior (b) (6), and (b) (6) 1/C-3/187 IN, had been shot at by a sniper team from the same location. The 3rd ID unit we replaced at FOB (b) (6) Brassfield-Mora had been continually harassed by a 1-2 man sniper team from the same location on Haji-man Trail, which was pointed out to me during the right-seat ride with (b) (6) 1/C-3/69 AR.

Upon hearing shots fired, we (b) (6) proceeded (b) (6) up Haji-man Trail approximately 800 m, crested a berm, and surprised two men standing in the reeds next to Haji-man Trail. The Iraqis immediately panicked; one starting dumping large rifle rounds out of his pockets, and the other

10. EXHIBIT: EXHIBIT "5"
11. INITIALS: (b) (6)
ING 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.

ACLU DDII CID ROI 26768

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 FOB Bassfield - Mara DATED 7 Feb 2006

9. STATEMENT (Continued)

jumped into his four-door Nissan sedan but was stuck in the road. (b) (6)

(b) (6) ordered the men to raise their hands. The man in the vehicle complied by getting out and got moving. The Iraqi that dumped rounds out of his pocket turned and ran, trying to escape into reeds. It was evident that these two men were the sniper team at this point, but what was not clear was where their sniper rifles were stashed. Fearing that the fleeing sniper was going for his weapon, (b) (6) engaged, firing one round in the snipers back, bringing him to the ground. When the sniper got back up and continued to run, several soldiers fired. The other Iraqi was detained. Upon looking inside the sedan, two Dragunov sniper rifles were found. One had an illuminated-reticle high powered scope with bipod legs. 30 rounds of ammunition was found in the two magazines in the rifles. In the month since the enemy sniper team was defeated, we have had 0 sniper attacks from anywhere along Hajj-man Trail. Nothing Follows.

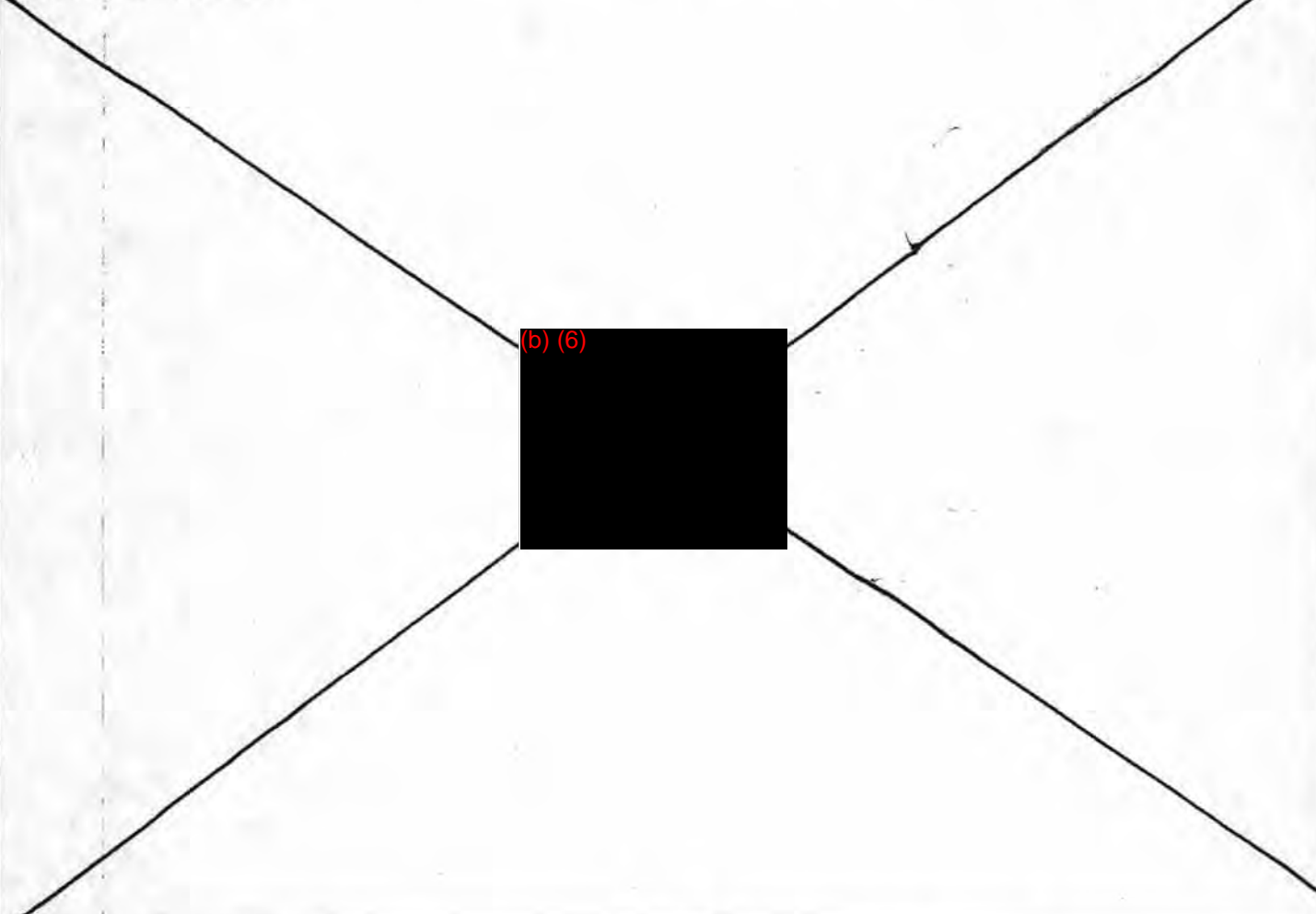
INITIALS OF PERSON MAKING STATEMENT (b) (6)

ACLU DDII CID ROI 26769

PAGE 2 OF 3 PAGES

STATEMENT OF (b) (6) TAKEN AT FOB Brassfield-Mora DATED 7 Feb 06

9. STATEMENT (Continued)



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 INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:
(b) (6)
Cco 3/127 24 3047 181st ABN Div (ASLT)
ORGANIZATION OR ADDRESS
(b) (6)
Cco 3-187
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of FEB, 2006 at FOB Brassfield-MORA, TRAC
(b) (6)
CPT (b) (6)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b) (6)

ACLU DDII CID ROI 26770 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: 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 Basfield Area, Iraq; 2. DATE: 2006/02/07; 3. TIME: 1825 hrs; 4. FILE NUMBER; 5. NAME: (b)(6); 7. GRADE/STATUS: O2/1CT

8. ORGANIZATION OR ADDRESS: 1/C-3/187 IN, 3rd BCT, 101 ABN (AAFLT)

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

Q: In your previous statement, you said that one local national complied w/ your commands, while the second LN did not. Could you tell if the 2nd LN not complying with your commands was armed?
A: I could tell if he was unarmed. He was wearing a jacket, and had been digging rounds out of his pockets. We were alarmed by this, and he could have had a pistol or grenade easily concealed within his baggy jacket at or near...
Q: Did you feel threatened by this man's actions?
A: Yes, I felt extremely threatened, by two of his actions: 1) fishing in his pockets he could have been reaching for a weapon, 2) running away towards the reeds he could have been going for his sniper rifle.
Q: Did you use proper ROE procedures?
A: Yes, proper ROE was utilized. I shouted for both snipers to raise their hands. When one did not comply, I pointed his weapon at him and shouted hands up while I demonstrated with his own hands. When the sniper ran, physical detention was not possible because the other sniper who complied was in between us and the non-compliant sniper, and had not been searched and cleared. The snipers vehicle had not been searched or cleared, either. Furthermore, to chase after the sniper would have invaded the turret gunner's line of fire, who was pulling security on the snipers. As a last resort, the sniper was shot.

10. EXHIBIT: EXHIBIT "6"; 11. INIT: (b)(6); MAKING STATEMENT; PAGE 1 OF 2 PAGES

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

ACLU DDII CID ROI 26771

STATEMENT OF (b) (6) TAKEN AT FOB Bassfield-Mora DATED 7 Feb 2006

9. STATEMENT (Continued)

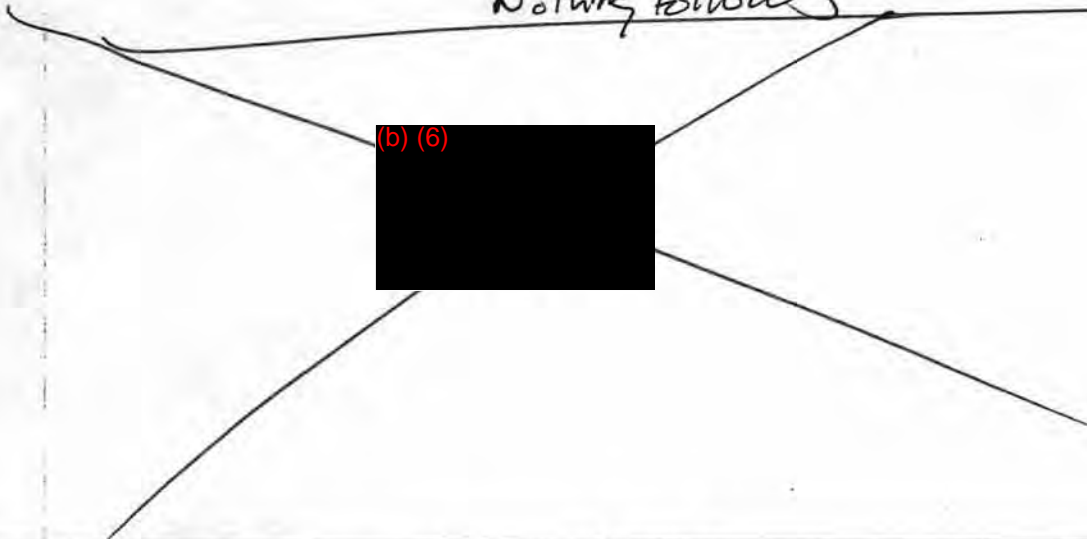
4) Q: You said you found 2x SVD rifles, magazines, rods, and a scope. Did you find any other weapons in the car? (b) (6)

A: No other weapons were found, but the 2 (b) (6) dragonov sniper rifles we found were in a high state of cleanliness, indicative of a trained professional rather than the average AK rifles we find all the time in sector. (b) (6)

5) Q: Do you want to make any additional statements? (b) (6)

A: No. (b) (6)

Nothing Follows



(b) (6)

AFFIDAVIT

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

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

(b) (6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of FEB, 2006 at FOB Bassfield-MORA, IRAQ

(b) (6)

(Date)

1 Co 3/187 IN
ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

(b) (6)

1st Plt (Co 3/187) Int
ORGANIZATION OR ADDRESS

CPT (b) (6)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b) (6)

ACLU DDII CID ROI 26772

PAGE 2 OF 2 PAGES

C/3-187IN AIF Killed/Captured

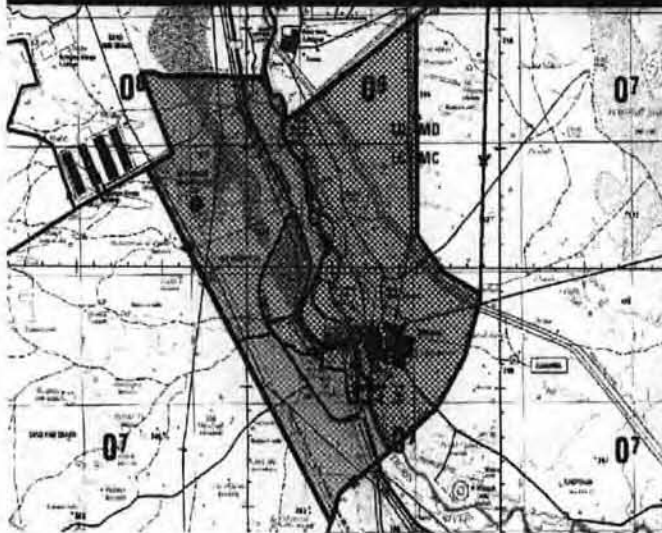
091230JAN06
Canal Road
VIC. 38S LC 96234 76762

Canal Road

LC 9628 7665

MSR T TAMPA

Patrol



1230: 1/C/3-187 IN responded to audible shots to their north. Driving up a canal road, they came upon two Iraqi males standing beside a Blue Nissan Primera.

1231: One of the men threw a white bag into the canal and began emptying his pockets. The lead vehicle stopped, and the TC dismounted and shouted "Hands up!" and made the motion for hands up. The man who had thrown the bag turned and began to run.

1232: The TC shot him with his M4, and he fell to the ground. The other Iraqi attempted to drive away, but the vehicle quickly got stuck. He stepped out of the vehicle and stood next to the door shaking. The injured Iraqi got back up and tried to evade the patrol at which point all occupants of the lead vehicle engaged and killed him.

1235: The platoon apprehended the other Iraqi and established security around the site (LC9623476762).

1236: The dead and live suspects were searched and six 7.62 x 54R rifle rounds were found among them. In the vehicle's trunk, the searching element discovered two Dragonov sniper rifles, well-lubed and in excellent condition, two magazines with 20 rounds, and one high-power scope.

1240: Approximately 30 to 40 vehicles in the vicinity were then cordoned off, and the occupants questioned regarding the identity of the detainee. None of the locals said they knew him. The detainee said he was from Ramadi and his license plates (#49842) were from Al Anbar, confirming his story.

1250: 1/C/3187 exfiltrated to the north along a different route than their infil, towing the Nissan and enemy KIA back to FOB Brassfield-Mora. The detainee is undergoing screening and tactical questioning.

ACLU DDJCID RCI 26773

49

EXHIBIT

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

EXHIBIT 7

SWORN STATEMENT

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

LOCATION: LC 96233 76765 DATE: 1-9-06 TIME: 1200 FILE NUMBER:

LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C) SOCIAL SECURITY NUMBER: (b)(6), (b)(7)(C) GRADE/STATUS: E-5 SGT

RESIDENCE ADDRESS:

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

We were on a mounted patrol south of Copl on an a dirt road. Hovded past when we heard shots fired towards the North. we hovded that way on hadjd Man trail. we then pulled upon the top road of the berm. There was a stopped vehicle with 2 men outside of it. one of the men threw something hand size in the river. We pulled up to them (5 meters) and stopped. we dismounted, pointed our weapons, gesturing to put their hands up and dont move. The man on the left reached in his left pocket and right pocket. He then turned around and started running. We shouted to stop, he didnt, so Sgt (b)(6), (b)(7)(C) fired a shot in his back. He then got up and started running again so Sgt (b)(6), (b)(7)(C) and Spc (b)(6), (b)(7)(C) opened fired on the man. after he fell we factically walked towards him. Sgt (b)(6), (b)(7)(C) flipped him over to confirm that he was dead. We then returned back to the vehical to search it and detain the remaining man. We handcuffed the remaining man and when I opened the trunk through the back seat, there were 2 Dragonsvuds in there with 2 magazines. (1 with optics) we then put the man in a humvee and towed the vehicle back to the FOB.

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

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

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 58, WHICH WILL BE USED. USAPPC V1.10

ACLU DDII CID ROI 26778

EXHIBIT 53

SWORN STATEMENT

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

LOCATION Samarra, Iraq (Grid LC 96233 76765)	DATE 9 Jan 2006	TIME 1200	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-5	
ORGANIZATION OR ADDRESS C co 3-187			

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

At about 1200 on 9 January I was on a recon patrol with C company 1st platoon, south of COP 1. After passing the South Canal bridge, we turned west on a trail. SSG (b)(6), (b)(7)(C) was driving with Spc (b)(6), (b)(7)(C) as TC and SGT (b)(6), (b)(7)(C) and I in the rear seats. After stopping to talk to locals in the area we heard small arms fire approx. 500 meters to the north. We resumed the patrol with our vehicles and ended up traveling north bound on "Haji-Man trail." After passing several vehicles SSG (b)(6), (b)(7)(C) pulled the Humvee up onto the upper part of the trail where we witnessed a blue sedan with two personnel standing near the vehicle about 75 meters ahead. SPC (b)(6), (b)(7)(C) in the turret saw one of them throw a small bag in the reeds by the river. At that time all of us dismounted and gestured for them to put their hands up. We walked forward, continuing to gesture and tell them to put their hands up. We stopped moving forward about 10 meters from them. The individual on the left proceeded to empty his pockets while the other stood next to the vehicle. We showed them once more to put their hands up and the individual who emptied his pockets turned around and started running away. We all yell for him to stop and after he was about 20 meters away SSG (b)(6), (b)(7)(C) fires one shot at him. ~~After that~~ The individual fell to the ground and at that time we turn our attention to the other person standing by the car. We tell him to get down and put his hands on his head. After he does, the other one gets up and continues to run. At that time SSG (b)(6), (b)(7)(C), SGT (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C) and I open fire on him. After that we assist the rest of 1st platoon in securing the area and searching the reeds and vehicle. At that time we

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

ACLU DDII CID ROI 26779

54 (1-2)

54(2-a)

EXHIBIT

SWORN STATEMENT

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

LOCATION DATE TIME FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS

ORGANIZATION OR ADDRESS

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

[Faint, mostly illegible handwritten text in the main body of the form]

found several sniper rounds and two Dragonov Sniper rifles in the trunk of the vehicle. 1st platoon detains the individual by the car and report the incident.

EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF _____ PAGES

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

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 1 OF 2 PAGES

DETAILS

About 1015, 3 Apr 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) met with LTC (b)(6), (b)(7)(C) and CSM (b)(6), (b)(7)(C) and briefed them regarding the intended interviews of the members of the capture team.

About 1050, 3 Apr 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C), (b)(7)(F) interviewed PFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C CO, 3-187 INF, FOB Brassfield-Mora, who provided a sworn statement denying any involvement or knowledge of anyone abused the detainee. (b)(6), (b)(7)(C) stated he was performing duties as a gunner during the incident; however, he did not have line of sight to the car or the detainee in question. (See sworn statement for details)

About 1205, 3 Apr 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed CPL (b)(6), (b)(7)(C) who provided a sworn statement wherein he stated was the gunner of the third vehicle in a convoy of four. (b)(6), (b)(7)(C) stated he heard shots fired once the convoy came to a halt and the vehicle Commander told him to face the rear and pull security, as the last vehicle was unable to get on the elevated road where the rest of the convoy was halted. (b)(6), (b)(7)(C) added he did not witness the abuse of any detainees. (See sworn statement for details)

About 1330, 3 Apr 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who provided a sworn statement wherein denying any involvement or knowledge of anyone abused the detainee. (b)(6), (b)(7)(C) stated he was the driver of his team's vehicle, but could not recall the location of his vehicle in the convoy. (b)(6), (b)(7)(C) stated after he dismounted his initial focus was on the man who was running. (See sworn statement for details)

About 1440, 3 Apr 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who provided a sworn statement wherein he stated he did not remember which vehicle he was in or what position he was sitting in on the date of the incident. (b)(6), (b)(7)(C) related he heard shots fired; however, he did not remember when they were fired. (b)(6), (b)(7)(C) stated he did see the detainees, but it was after their detention and he did not see any bumps or bruises on them. (b)(6), (b)(7)(C) added he was instructed to pull security and also to conduct a search on the detainee which was shot and killed. (b)(6), (b)(7)(C) further related he did not recall finding anything during the search. (See sworn statement for details)

About 1800, 3 Apr 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) who provided a sworn statement wherein he stated he was the driver in the second or third vehicle in the convoy of four. (b)(6), (b)(7)(C) related he heard shots fired and was told to stay inside the vehicle with the radio while everyone else dismounted. (b)(6), (b)(7)(C) added he was then asked by his Company Commander to provide a grid for the one individual who was shot and killed. He related he went to the body, obtained the grid and went straight back to his vehicle to provide the requested grid. (b)(6), (b)(7)(C) stated he did see the detainee flexi-cuffed, sitting on the ground leaning against the rear passenger tire

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION 31st MP DET (CID) (-) COB Speicher, Tikrit, IZ APO AE 09393	
SA (b)(6), (b)(7)(C), (b)(7)(F)			
SIGNATURE	(b)(6), (b)(7)(C)	DATE	3 Apr 06
		EXHIBIT	55

CID FORM 94
(Automated)

PROTECTIVE MARKINGS EXCLUDED FROM AUTOMATIC TERMINATION (Para 15), AR 34-16
ACLU DDII CID ROI 26781

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 2 OF 2 PAGES

DETAILS

and looked very depressed. He added he did glance at the detainee as he passed by and remembers seeing a scrape or scratch on the detainee's face. (See sworn statement for details)

About 2054, 3 Apr 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his legal rights, which he waived and provided a sworn statement wherein he denied he abused any detainees and that when he detained the detainee in question, he (the detainee) resisted by not complying with verbal commands and not giving up his hands to be cuffed. (b)(6), (b)(7)(C) added he used the force necessary to put flexi-cuffs on the detainee. He further related he did not witness anyone abuse the detainee in any manner and he did not handle the detainee after he was flexi-cuffed. (See waiver certificate and sworn statement for details).

AGENTS COMMENT: (b)(6), (b)(7)(C) mentioned that he and the rest of the members of the capture team were upset and angry over learning that CID was investigating allegations that someone on the team had abused the detainee. When asked why most of the members of the capturing team initially refused to be interviewed, (b)(6), (b)(7)(C) stated words to the effect "we basically said we were not going to tell these dicks anything".

About 2330, 3 Apr 06, SA (b)(6), (b)(7)(C) briefed CSM (b)(6), (b)(7)(C) regarding the aforementioned interviews. SGT (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) could not be interviewed on this trip to FOB Brassfield-Mora as they were on leave. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION 31st MP DET (CID) (-) COB Speicher, Tikrit, IZ APO AE 09393
SIGNATURE	DATE 3 Apr 06	EXHIBIT 55

CID FORM 94
(Automated)

FOR OFFICIAL USE ONLY
Protective Marking is Included for
Automatic Termination (Para 13, AR 34-16)

ACLU-RDI CID ROI 26782

SWORN STATEMENT

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

LOCATION FOB BRASSFIELD-MORA, IZ	DATE (b)(6), (b)(7)(C) 3 Apr 06	TIME (b)(6), (b)(7)(C) 1146	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS PFC/AD	
ORGANIZATION OR ADDRESS C CO, 3-187th INF, 3 BCT, FOB Brassfield-Mora, IZ			

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

My patrol was driving along Hogieman Trail I was a gunner in CIA, I heard a couple of small arms rounds go off & ~~the patrol~~ ^{my HMMWV} stopped. I remained in the vehicle & pulled security. I remained pulling security up to the point that **(b)(6), (b)(7)(C)** our patrol unit had gotten all of the necessary tasks completed and made our way back to the FOB.

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

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

Q. Did you ever get out of the HMMWV at the point of capture?

A. NO

Q. Did you have line of sight to the car from your location?

A. NO

Q. When did you first see the detainee who was captured during this mission?

A. I did not see detainee during capture, possible after we left the area & stopped he might have got out to go to the bathroom, but I did not see him when we got back to the FOB & dropped him off at the BIF.

Q. Did you personally handle or ever touch the detainee from the time of capture until he was released to the BIF?

A. NO

Q. Are you aware of anyone intentionally or unintentionally kicking the detainee at the point of capture?

A. no

Q. Since the start of this investigation, has anyone told you that they kicked or hit the detainee?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE 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 INITIALIZED, THE BACK OF EACH PAGE WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU/DDI/CID ROI 26783

FILE NUMBER

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

TAKEN AT FOB BRASSFIELD-MORCA, IZ DATED 3 Apr 06

CONTINUED

STATEMENT (Continued)

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

A. NO

Q. Has anyone in your unit asked you to conceal information, or lie if questioned by CID?

A. NO

Q. If someone were to ask you to lie about this incident, would you?

A. NO

Q. How were you treated today during this interview?

A. very professional

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

A. NO /// END OF STATEMENT ///

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

INITIALS OF PERSON MAKING STATEMENT:

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

ACLU DDII CID ROI 26784

PAGES

Official Use Only - Law Enforcement Sensitive

EXHIBIT

56

SWORN STATEMENT

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

LOCATION FOB Brassfield-Mora, IZ	DATE (b)(6), (b)(7)(C) 3 April	TIME (b)(6), (b)(7)(C) 1249	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS CPL/AD	
ORGANIZATION OR ADDRESS C Co, 3-187 INF, FOB Brassfield-Mora, Samarra, IZ			

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

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

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The date when we captured the snipers in January I was the turret gunner in the third vehicle. We had pulled up on an elevated road on Hagimam trail and came to a halt. I heard gun shots fired and was told by my TC to face to the rear as the fourth truck was unable to get on the elevated road. I did look back from time to time during the approximate one hour we were there to see what was going on. I could see a black car on the side of the road and some soldiers around it. There were two trucks ahead of me spaced out approximately 50 meters so my line of sight was limited. After about an hour we started to move again and the truck on the bottom road had the black car in tow.

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

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

Q: Why did your convoy come to a halt?

A: I could not see the reason for the halt but was later informed that there was a vehicle in the road

Q: Did you ever see the driver of the black car?

A: When we returned to the FOB I saw him from a distance.

Q: Did you ever actually have hands on the sniper detainee in question?

A: NO

Q: Were you told by anyone in your unit not to answer questions by CID?

A: NO

Q: Did you witness anyone abuse (i.e. kick, punch or slap) the

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF

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

TAKEN AT FBI Brassfield-Mora, IZ

DATED 3 Apr 06

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

CONTINUED

STATEMENT (Continued)

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

Sniper detainee?

A: NO

Q: Would you tell someone or try to stop it if you did witness something like that?

A: Yes

Q: Why was the fourth truck unable to the elevated road?

A: Our truck was blocking the passage to get to the elevated road

Q: Did your unit discuss this incident at any time?

A: When we returned that day I was briefed on what happened, we had pulled up to a vehicle in the road and one man was standing outside it throwing ammo out of his pockets, the other was attempting to move the car that was stuck, the one outside the car tried to run after being told with gestures and shouting to stop, he did not stop and was then killed, the other man got out of his vehicle and froze when he was to be detained he resisted greatly and was taken down force fully.

Q: Did they specifically say the detainee resisted greatly?

A: Several people during an AAR with the few trucks that were there had described his resistance as being uncooperative such as; when he was trying to be placed on the ground he tried to stand up, when his hands were moved to his back he moved them to the front. There were other examples that I can not recall that lead me to believe he resisted greatly, However I did not see any of this first hand.

Q: Do you remember who said this during your discussion?

A: No

Q: How were you treated during this interview?

A: I was treated well.

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

A: NO /// END OF STATEMENT ///

INITIALS OF PERSON MAKING STATEMENT:

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

ACLU DDII CID ROI 26787

PAGES

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EXHIBIT

57

SWORN STATEMENT

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

LOCATION FOB Brassfield-Mora, IZ	DATE (b)(6), (b)(7)(C) 3 Apr 06	TIME (b)(6), (b)(7)(C) 14:45	FILE NUMBER (b)(6), (b)(7)(C)
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS SPC / AD	
ORGANIZATION OR ADDRESS C Co, 3/187 INF, 3d BCT, FOB Brassfield-Mora, IZ			

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

In early January, during a patrol through a backroad known as 'Hajiman Trail' in the south of our sector, my patrol came upon two insurgents setting up a firing position by the canal, with their car parked alongside. They frantically started ditching ammo and items in the reeds. Upon dismount from our vehicles, we drew our weapons and motioned and yelled for them to get hands up and comply. One of the snipers made a run for it and was shot and killed. The other hesitated and seemed to try to get back into the car or stall or something. He was approached by us and resisted being arrested. The soldiers used the appropriate force necessary to detain the struggling insurgent sniper. He was forced down on his knees or belly and then cuffed, put into the backseat of a humvee, and taken to the detention facility at FOB Brassfield-Mora.

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

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

Q. Which vehicle were you in and what was your duty position?

A. I do not definitely remember; I think it was the 2nd or 3rd in the order of movement. I was the driver of my team's vehicle.

Q. Can you explain the elevated roadway and how your vehicle got to the location where your platoon found the snipers?

A. There were two parallel roads on the canal side, one elevated next to the canal, the other exactly parallel, with intermediate connections for vehicles. We spotted the insurgents very quickly, possibly 100-125 meters, after switching up onto the elevated road.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF <u>4</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

FILE NUMBER _____

STATEMENT OF

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

TAKEN AT

FOB Brassfield-Mora, IZ

DATED

3 Apr 06

CONTINUED

STATEMENT (Continued)

Q. Did you drive your vehicle up onto the elevated roadway?

A. Yes.

Q. Did you personally see the car and the two males? IF so, please explain what you saw.

A. Yes I did, soon after we drove onto elevated road.

I remember the two insurgents looked at us approach with what must have been shock and surprise. They then seemed to possibly start to ditch whatever evidence, ammo, weaponry that they had on them into the reeds.

Q. After your patrol stopped, what did you do?

A. As the driver of my vehicle and carrying a M-249, I was a bit slow to the initial action of the detainment and shooting. As I approached the initial soldiers, I saw the two insurgents. I remember focusing on the insurgent who was trying to flee the scene, because he was the sniper that was shot and that seemed to take more of my attention than the other sniper who was being detained while struggling. I saw the killed insurgent as he ran down the road away from us and was shot and staggered.

Q. Did you see the insurgent by the car? IF so please describe what you saw and heard as he was being detained?

A. Yes, I did see him. I remember him being told to 'get down' and I remember him struggling and being overpowered and eventually cuffed. He resisted being detained by not cooperating with us by getting on his knees or putting his hands on his hands. When soldiers tried to put him on his knees, he tried to stand-up. I'm not sure exactly how it happened because it was 12 weeks ago and I have detained many since then, but I remember him not allowing us to cuff him initially.

Q. Were you personally involved in restraining this individual or in putting him in Flexicuffs?

A. No.

INITIALS OF PERSON MAKING STATEMENT:

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

ACLU DDII CID ROI 26790

PAGE

PAGES

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EXHIBIT

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STATEMENT OF SFC (b)(6), (b)(7)(C)TAKEN AT FOB Brassfield-Mora, IZ DATED 3 Apr 06

CONTINUED

STATEMENT (Continued)

Q. Did you ever physically handle this detainee in any way? If so, please describe.

A. Yes. After he was cuffed I grabbed him by his back collar and led him to my vehicle where he was put in the backseat. I then drove him to our FOB Brassfield-Mora. Once there, I led him out of the humvee into the detention facility where he was handed over to the staff there.

Q. Did he resist your commands or movement when you took him from the point of capture to your vehicle or when you unloaded him at the FOB?

A. No, the sniper insurgent did not really resist, other than dragging his feet when being walked to the vehicle and to the BIF.

Q. Did you participate in the search of the car or look inside the car?

A. I did not do the search. I did look inside it briefly out of curiosity.

Q. Was the detainee already in Flexi-cuffs when you got to the car? If so, where was he in relation to the car and what was his position?

A. Yes. Next to it, maybe on his knees or sitting.

To review:

I approached the two insurgents later than some of my other fellow soldiers. I witnessed one insurgent try to flee to fight another guy and get shot. After that I walked forward, saw the detainee being arrested, as I was also focusing in on the dead sniper and walking towards him. I set up a defense posture by the dead guy for a moment, then got up and went back to the detainee and his car. I saw that he'd been fully detained by now. I looked at him and briefly into his car.

Q. Did you see anyone kicking or hitting the detainee?

A. No. I did see in my peripheral vision that it took more than 1 soldier to eventually detain him on the ground and cuff him. I don't remember any blatant unnecessary violent acts of cruelty like kicking or punching.

INITIALS OF PERSON MAKING STATEMENT: _____

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

ACLU DDII CID ROI 26791

PAGE 3

OF

PAGES

EXHIBIT

58

FILE NUMBER _____

STATEMENT (Continued)

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

Q. Has anyone asked or told you to lie or conceal information when questioned about this?

A. No.

Q. In your opinion, do you think anyone intentionally injured the detainee or used more force than was needed?

A. No, appropriate force was used. I've seen bouncers at bars use more force on drunks than this. This detainee, I believe, is fabricating his version in order to get sympathy or treatment better than he deserves. I believe the detainee now is very regretful of his current situation and is trying anything to improve it, including making up stories. I doubt he'd be hesitant to lie about American troops if he was willing to kill them.

Q. How were you treated during this interview?

A. I was treated very well and professionally.

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

A. Yes. If my and my fellow soldiers were initially treated this well and respectfully during the first interviews, secondary interviews for further info wouldn't have been necessary.

Q. Do you have anything further to add?

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

AFFIDAVIT

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

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 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)

statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of April, 2006 at FOB Brassfield-Moray, IZ

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

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

UCMJ, Article 136 / 10 USC 936 (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

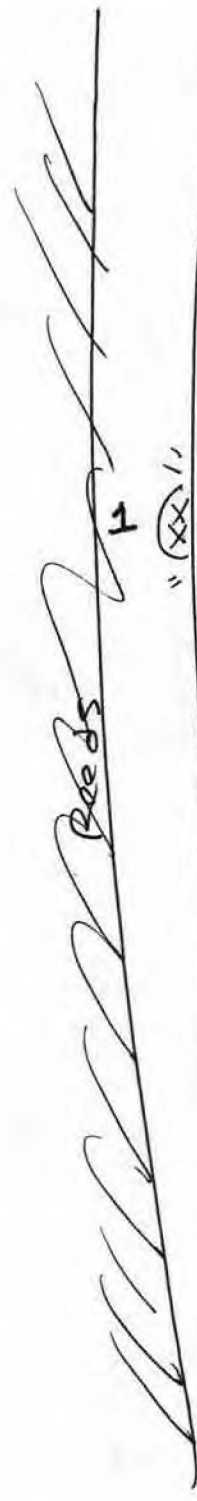
ACLU DDII CID ROL 26792 PAGES

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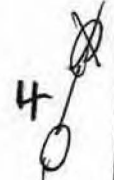
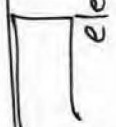
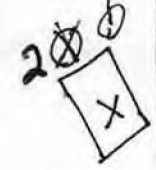
EXHIBIT 58



CANAL



oooo



connecting road way

10 m diagonal drop-off

parallel road

- 1 scene of possible sniper position.
- 2 vehicle, detainee
- 3 my initial defensive posture after shots fired
- 4 final resting place for killed sniper.

prepared by: **ACLU RDI CID ROI 26793**
SPC (b)(6), (b)(7)(C)

SWORN STATEMENT

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

LOCATION FOB Brassfield-Nora, IZ	DATE (b)(6), (b)(7)(C) 3 Apr 06	TIME (b)(6), (b)(7)(C) 1551	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS PFC / AD	
ORGANIZATION OR ADDRESS C Co, 3/187th INF, FOB Brassfield, Nora, IZ			

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

In January I was out on a patrol on Hodgeman trail. When I realized that the vehicle that I was in was on the road near the canal. I was then instructed to pull security. I did so accordingly until I was relieved and asked to search the body of one of the deceased detainees.

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

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

Q: Did you ever lay eyes on the vehicle the two men were in?

A: The time I specifically remember seeing the vehicle is when it was being seized by our patrol after the incident.

Q: Did you see the detention of any person(s) while on this patrol?

A: Not the detaining of the person. Just him being in flex cuffs being escorted into an American vehicle.

Q: Did you notice any scrapes, cuts or bruising on him at this point?

A: I noticed nothing out of the ordinary with the detainee.

Q: What do you mean "out of the ordinary?"

A: Well I did not see any bumps, scrapes, cuts or bruises on his body.

Q: Do you remember any shots being fired?

A: I remember hearing shots being fired.

Q: When did you hear the shots being fired?

A: I don't specifically remember.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [NAME] TAKEN AT [LOCATION] DATED [DATE] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [] OF [] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

FILE NUMBER _____

STATEMENT OF **(b)(6), (b)(7)(C)**TAKEN AT FOB Brassfield-Nora, IZDATED 3 Apr 06

CONTINUED

STATEMENT (Continued)

(b)(6), (b)(7)(C)
Q: Did you fire any shots that day?

A: I did not fire any shots that day.

Q: Did you witness the shooting of the other detainee?

A: I did not witness the shooting of anybody.

Q: When you searched the body of the sniper who was killed, did you find anything during the search?

A: I don't specifically remember.

Q: Did you assist with the search of the vehicle?

A: NO.

Q: Did you see any weapons which were confiscated? If so, when did you see them?

A: I saw them being put into an American vehicle when the vehicle was being towed.

Q: What vehicle were you in during this convoy and what was your position?

A: I don't remember what vehicle I was in during the convoy and I don't remember my position.

Q: Did you ever have hands on the detainee during, before or after travel to FOB Brassfield-Nora?

A: NO

Q: Did your unit ever discuss specifics of this mission upon completion?

A: I do not specifically remember

Q: Did anyone instruct you to conceal or withhold information during questioning by CID?

A: NO

Q: Did you witness anyone abuse (i.e. kick, punch or slap) the detainee in question?

A: no

Q: How were you treated today during this interview?

A: good

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

A: NO /// END OF STATEMENT ///

INITIALS OF PERSON MAKING STATEMENT: _____

PAGE 2 OF 2
ACLU DDII CID ROI 26795

GES

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EXHIBIT

60

SWORN STATEMENT

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

LOCATION FOB Brassfield-Mora, IZ	DATE (b)(6), (b)(7)(C) 3 Apr 06	TIME (b)(6), (b)(7)(C) 1636	NUMBER
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS PFC / AO	
ORGANIZATION OR ADDRESS C 60, 3/187th INF, 3rd BCT, FOB Brassfield-Mora, IZ			

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

In January I was on a mission by the canal and my truck the lead truck came up on the snipers. I was the gunner in the lead truck. The sniper outside of the car was shot. After that my truck pulled up past the dead sniper and from there I pulled front (b)(6), (b)(7)(C) security.

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

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

Q. Did you fire any rounds at the man who ran?

A. NO

Q. Did you see the Soldiers detaining the man by the car?

A. No

Q. Did you ever get out of the HMMWV?

A. No

Q. Did you have line of sight on the car from the position where you were pulling security?

A. NO I was looking away from the car

Q. Did you ever look behind you, in the direction of the car?

A. NO I had to watch the cars to our front and I would only look behind me if someone called my name.

Q. Did you see anyone hitting, kicking or otherwise mistreating the detainees by the car? (b)(6), (b)(7)(C)

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [NAME] TAKEN AT [LOCATION] DATED [DATE] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [NUMBER] OF [TOTAL] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU DPH CID ROI 26797

SWORN STATEMENT

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

LOCATION FOB Brassfield-Mora, IZ	DATE (b)(6), (b)(7)(C) 3 Apr 06	TIME (b)(6), (b)(7)(C) 1906	EMPLOYEE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-4/AD
ORGANIZATION OR ADDRESS C Co, 3/187th INF, FOB Brassfield-Mora, IZ			

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

In Jan 06 During patrol we proceeded N on hajiman where we stopped to investigate personnel on the upper berm where one man attempted to run and was shot & killed. I was in the PL's vehicle manning the radios during the detainment of the second individual. I sending up sit-rep's to the CO wanted the grid to the dead body. I gave the handmikes to the gunner and took his GPS. While walking to the dead body I passed the detainee, who was flexcutted sitting on the ground leaning up against the rear passenger tire. He was conscious and looked very depressed. I proceeded to the dead body obtained the grid. On the way back to the truck someone was still searching the car. The hand rifles and I remember hearing a comment on how clean and in good condition they were. As I was walking by I hesitated for about 2 sec and took a quick look around. I then proceeded back to the truck where I remained until we left the scene.

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

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

Q: Did you hear any shots fired?

A: Yes, as we were rolling N on hajiman.

Q: What vehicle were you in during the convoy and what seat were you sitting in?

A: 2nd or 3rd vehicle I was driving.

Q: Did you witness the detention of the second detainee?

A: NO

Q: What line of sight did you have on the detainee's vehicle?

EXHIBIT	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 _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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

TAKEN AT FOB Brassfield-Mora, IE

DATED 3 Apr 06 JFV

CONTINUED

STATEMENT (Continued)

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

A: From the front passenger side door forward.

Q: Did your vehicle ever move forward after the one detainee was shot?

A: NO

Q: Did you see another vehicle move forward?

A: I Don't think so.

Q: Did you notice any scrapes, bruises or scratches on the captured detainee at any time?

A: I think I remember seeing a scrape or something on his face.

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

Q: Did you hear anyone yelling or screaming at the detainee?

A: NO

Q: Did you see or hear the detainee crying?

A: NO

Q: Did you witness anyone abuse (ie. slap, punch or kick) the detainee in question?

A: NO

Q: Did you assist in any searches?

A: NO

Q: What happened when soldiers found the sniper rifles?

A: I heard one mention the up-keep and cleanliness of them.

Q: Do you know who discovered the rifles or who made the above mentioned comment?

A: I think one of the scouts found the rifles, do not know who made the comment.

Q: Who are the scouts?

A: SGT **(b)(6), (b)(7)(C)** do not know the others name

Q: Do you know if they had interaction with the detainee?

A: I do not know.

Q: Did anyone tell you to conceal or withhold information during questioning from CID?

A: NO

Q: Would you tell someone if you did witness any abuse?

A: Yes **(b)(6), (b)(7)(C)**

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

ACLU DDII CID ROI 26800

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

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

FILE NUMBER _____

STATEMENT (Continued)

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

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

Q: How were you treated ~~to~~ today during this interview?

A: Well

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

A: No // END OF STATEMENT //

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

AFFIDAVIT

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

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

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

31st HP DET (CID) (-), CoB Speicher 22
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of April, 20 06 at FMS Crossfield-Morgan 12

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

UCMJ, Article 136 / 10 USC 936
(Authority To Administer Oaths)

INITIALS OF PERSON ADMINISTERING OATH

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

ACLU DDII CID ROI 26801 PAGE 2 OF 11 PAGES

EXHIBIT

62

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION: FOB Brassfield-Mora, IZ
2. DATE: 3 Apr 06
3. TIME: 1943
4. FILE NO.
5. (b)(6), (b)(7)(C)
6. (b)(6), (b)(7)(C)
7. GRADE/STATUS: SGT / AD
8. ORGANIZATION OR ADDRESS: C Co, 3/187 INF, FOB Brassfield-Mora, IZ

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 (USACIDC) and wanted to question me about the following offense(s) of which I am suspected/accused: Assault consummated by Battery, Cruelty and Maltreatment

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)
3. SIGNATURE OF INTERVIEWEE: (b)(6), (b)(7)(C)
4. SIGNATURE OF INVESTIGATOR: (b)(6), (b)(7)(C)
5. SA (b)(6), (b)(7)(C)
6. ORGANIZATION OR ADDRESS AND PHONE: 31st MP DET (CID) (-), COB Speicher, Tikrit, IZ, APO AE 09393

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

ACLU DDII CID ROI 26802

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED. (63(1-5))

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?" **Yes** (b)(6), (b)(7)(C)

(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?" **No** (b)(6), (b)(7)(C)

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

"Do you want a lawyer at this time?" **No** (b)(6), (b)(7)(C)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

ACLU DDII CID ROI 26803

SWORN STATEMENT

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

LOCATION FDB Brassfield-Mora, IZ	DATE 3 Apr 06	TIME 2043	FILE NUMBER
(b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS Sgt / AD
ORGANIZATION OR ADDRESS C Co, 3/187 INF, 3rd BCT, FDB Brassfield-Mora, IZ			

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

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

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

Q. On 19 Jan 06, you invoked your legal rights regarding this investigation and elected to not be questioned or say anything. Are you now willing to waive your legal rights and discuss the matter under investigation?

A. Yes

Q. On 14 Jan 06, you provided a sworn statement concerning this incident. Can you clarify what you meant in that statement when you said the detainee resisted?

A. He did not want to be arrested he was fighting, not to put his hands in the Flex cuff. He was jerking his hands away and moving around

Q. What was your role in subduing this detainee?

A. I was holding the one side I can't remember I was there to make sure who ever was putting Flexcuff on could

Q. Do you recall putting your knees on the detainee or your feet?

A. I don't know if I was bent over or had a knee on him.

Q. Were you involved in searching the car?

A. No not that I know of I don't remember doing it

Q. Do you remember seeing the sniper rifles?

A. Yes They were put into A Hummer after that I didn't see them

Q. Did you handle the detainee or have any physical

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [redacted] OF [redacted] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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

TAKEN AT FOB Brassfield-Mora, IZ DATED 3 Apr 06

CONTINUED

STATEMENT (Continued)

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

contact with him after he was flexi-cuffed?

A. NO NOT THAT I RECALL

Q. Did you question the detainee after he was flexi-cuffed?

A. NO

Q. Did you see anyone questioning this detainee?

A. NOT THAT I RECALL

Q. What was your focus after you subdued this detainee?

A. TO MAINTAIN SECURITY AROUND PERIMETER PUTTING MY SOLDIERS INTO A PERIMETER AROUND THE SITE

Q. Did you personally hit or kick this detainee after he was flexi-cuffed?

A. NO

Q. Did you see anyone else hit or kick this detainee?

A. NO

Q. At any point in this investigation, did anyone ask or tell you to lie, conceal information or otherwise not cooperate with CID?

A. NO

Q. Do you believe anyone intentionally kicked or abused the detainee?

A. NO I THINK THE DETAINEE WAS BAD AND I THINK HE WOULD LIKE NOTHING MORE THAN TO CAUSE TROUBLE

Q. Is there any reason that anyone would say they saw you kicking or assaulting the detainee?

A. NO

Q. Is there any reason that you would not be completely honest during this investigation?

A. NO

Q. How were you treated during this interview?

A. Very good

INITIALS OF PERSON MAKING STATEMENT:

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

ACLU DDII CID RQI 26805

PAGE 2 OF 3 PAGES

EXHIBIT 63(4-5)

FILE NUMBER _____

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

Q. Do you have anything to add to this statement?
A. No /// END OF STATEMENT ///

AFFIDAVIT

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

(Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of April, 2006 at Fort Bragg - Morale II

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

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

(Typed Name of Person Administering Oath)

UCMJ, Article 136 / 10 USC 936
(Authority To Administer Oaths)

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

312 IMPDET (L1511-)
Cob Speicher, Tikrit IZ, APO AE 09393
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

ACLU DDII CID ROI 26806 PAGES

For Official Use Only - Law Enforcement Sensitive

EXHIBIT 63 (5-5)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION: FOB Brassfield-Mora, IZ
2. DATE: 3 Apr 06
3. TIME: 2054
4. FILE NO.
8. ORGANIZATION OR ADDRESS: C Co, 31187 INF
7. GRADE/STATUS: SGT / AD
FOB Brassfield-Mora, IZ

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 (USACIC) as a Special Agent and wanted to question me about the following offense(s) of which I am suspect: Assault Consummated by Battery, Cruelty and Maltreatment. Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)
7a. NAME: SA (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE: 31st MP Det (CID) (-) COB Speicher, Tikrit, IZ APO AE 09393
SIGNATURE OF INTERVIEWEE: (b)(6), (b)(7)(C)
SIGNATURE OF WITNESS: (b)(6), (b)(7)(C)
2a. NAME (Type or Print): SA (b)(6), (b)(7)(C), (b)(7)(F)
b. ORGANIZATION OR ADDRESS AND PHONE: 31st MP Det (CID) (-) COB Speicher, Tikrit, IZ

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

ACLU DDII CID ROI 26807

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?" **Yes** (b)(6), (b)(7)(C)

(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?" **No** (b)(6), (b)(7)(C)

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

"Do you want a lawyer at this time?" **No** (b)(6), (b)(7)(C)

(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?" **Yes** (b)(6), (b)(7)(C)

(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

ACLU DDII CID ROI 26808

SWORN STATEMENT

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

LOCATION FOB Brassfield-Mora, IZ	DATE (b)(6), (b)(7)(C) 3 Apr 06	TIME (b)(6), (b)(7)(C) 2151	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS SGT/AD	
ORGANIZATION OR ADDRESS C Co, 3/187 INF, 3rd BCT, FOB Brassfield-Mora, IZ			

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

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

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

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

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

Q: On 19 Jan 06, you invoked your legal rights regarding this investigation and elected to not be questioned or say anything. Are you now willing to waive your legal rights and discuss the matter under investigation?

A: ~~When you attempted to flexi cuff the detainee~~ (b)(6), (b)(7)(C)

A: Yes

Q: Did the detainee resist in any way when you attempted to flexi cuff the detainee? If so, how?

A: Upon approaching the suspect I noticed immediately that he was hesitant about what to do, maybe just confused. I was of course running to his location to get to him as fast as I could being that I had other soldiers by the other suspect past him and therefore I didn't want to leave any time or space for the suspect to do anything to cause harm to our own. When I arrived at the suspect's location I noticed he kinda hesitated as if he were trying to contemplate about what to do and what I demanded him to do. I used the excessive force necessary according to our standards on my way to him starting by hand and arm signals to show him to put his hands out where I could see and also get down low to the ground to pose me a lesser threat. As I approached him he wasn't compliant to me at all probably due to shock, so I put my hands on his arms and shoulders to direct him to turn around, also as I was saying

EXHIBIT

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 _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF

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

TAKEN AT FoB Brassfield-NavaDATED 3 Apr 06

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

CONTINUED

STATEMENT (Continued)

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

to him to turn around in Arabic. He then proceeded to resist me in turning him about two times and I noticed that he was extremely tense. I then forced him to the ground by putting my body weight against him until he went back to his knees, he was still trying to be resistant and kept trying to turn to face me. I noticed his actions to what I was attempting to do and his responses, so I then shoved him forward using my weight once again to make him lie down on his stomach. At that time I put my knee on his lower back while holding his wrists so he couldn't use his hands. I called to anybody near to hand me some flex cuffs. My platoon leader then gave me a set and I flexcuffed his wrists together.

Q: Do you recall putting your feet on the detainee?

A: Not at all no

Q: Were you involved in searching the detainee's vehicle?

A: No

Q: Do you remember the Sniper rifles?

A: vaguely

Q: When did you see or notice them?

A: maybe 20 or so minutes after the suspect was detained

Q: Did you handle the detainee or have any physical contact with him after he was flexi-cuffed?

A: no

Q: Did you question the detainee after he was flexi-cuffed?

A: no

Q: Did you see anyone questioning the detainee?

A: no

Q: What was your focus after you subdued the detainee?

A: I was going back to my truck, the third vehicle and checking on the soldiers in the gun turrets ensuring they were

INITIALS OF PERSON MAKING STATEMENT:

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

ACLU DDII CID RDI

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

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

PAGES

FILE NUMBER _____

STATEMENT OF

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

TAKEN AT

FOB Brassfield-Mura, IZ

DATED

3 Apr 06

CONTINUED

STATEMENT (Continued)

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

Pulling Security.

Q: Did you personally hit or kick this detainee after he was flexi-cuffed?

A: Not at all.

Q: Did you see anyone hit or kick this detainee after he was flexi-cuffed?

A: No

Q: At any point in this investigation did anyone ask or tell you to lie, conceal information or otherwise not cooperate with CID?

A: No

Q: Do you believe anyone intentionally kicked or abused the detainee?

A: Not at all. The soldiers are taught what escalation of force is and how to imply it.

Q: Is there any reason that anyone would say they saw you kicking or abusing the detainee?

A: No

Q: Is there any reason that you would not be completely honest during this investigation?

A: Not at all. I have nothing to hide.

Q: How were you treated during this interview?

A: Respectable

Q: Can you clarify when you said you "used the excessive force necessary according to our standards?"

A: I actually meant to write down escalation.

Q: What was the demeanor of the rest of the convoy soldiers during this incident?

A: Some guys were more less standing around the suspect killed in awe of what had happened. We made sure to snap them out of their state and put them into security posture. Others were working on searching the immediate area. and later the vehicle itself.

INITIALS OF PERSON MAKING STATEMENT: _____

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

ACLU DDII CID ROI 26811

PAGE _____

OF _____

PAGES

EXHIBIT

64(5-6)

FILE NUMBER _____

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

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

A: That in my view of the entire situation the Soldiers I witnessed were acting accordingly and maintaining their bearing. I believe the escalation of force was used properly and in which contributed to our success.

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

A: NO. /// END OF STATEMENT ///

AFFIDAVIT

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

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

(Signature)

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of April, 20 06 at FOB Brassfield-Nova, I2

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

UCMJ, Article 136 / 10 USC 936 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

ACLU DDII CID ROI 26812

For Official Use Only - Law Enforcement Sensitive

EXHIBIT 64(6-6)

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 1 OF 1 PAGES

DETAILS

About 1625, 13 Apr 06, SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) who advised (b)(6), (b)(7)(C) had returned from R&R leave and that he would determine when SGT (b)(6), (b)(7)(C) would be back from leave. CPT (b)(6), (b)(7)(C) advised they were assigned to rotations at outposts in Samarra. He will advise when they are available at FOB Brassfield-Mora for interviews. SA (b)(6), (b)(7)(C) advised CPT (b)(6), (b)(7)(C) that he had coordinated with MAJ (b)(6), (b)(7)(C) to arrange for Trial Defense Service (TDS) attorneys for (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). SA (b)(6), (b)(7)(C) reminded CPT (b)(6), (b)(7)(C) that they have not been charged and that this office was trying to arrange for them to speak with attorneys as they invoked their legal rights and requested attorneys during their initial interviews in Jan 06.

About 1415, 3 May 06, SA (b)(6), (b)(7)(C) sent an email to CPT (b)(6), (b)(7)(C) with Cc to MAJ (b)(6), (b)(7)(C), MAJ (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C), Trial Counsel, 3BCT, inquiring if SGT (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were available at Brassfield-Mora for interviews. SA (b)(6), (b)(7)(C) advised that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) previously requested attorneys, and asked if they had been given the opportunity to speak to attorneys yet. SA (b)(6), (b)(7)(C) advised CPT (b)(6), (b)(7)(C) that they needed to be given the chance to speak to attorney if they had not already done so. SA (b)(6), (b)(7)(C) also advised CPT (b)(6), (b)(7)(C) that, in light of the fact that they previously invoked their rights, if they did not want to be re-interviewed they could not be compelled and this office would make no further efforts to interview them.

About 1940, 3 May 06, SA (b)(6), (b)(7)(C) received an email from CPT (b)(6), (b)(7)(C) who confirmed the aforementioned Soldiers were available and would be present for interviews at 0730, 4 May 06.

About 0730, 4 May 06, SA (b)(6), (b)(7)(C) attempted to re-interview (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) stated they had retained legal counsel and did not want to say anything. (b)(6), (b)(7)(C) related he did not want to answer any questions or say anything and (b)(6), (b)(7)(C) was unavailable due to being on a mission.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION 31st MP DET (CID) (-)
COB Speicher, Tikrit, IZ
APO AE 09393

SIGNATURE

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

DATE

4 May 06

EXHIBIT

65

CID FOR (Automated)

USE ONLY FOR ENFORCEMENT SENSITIVE
Protective Marking Excluded Report
Automatic Termination (Para 13, AR 34-16)

ACLU DDII CID ROI 26813

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 1 OF 1 PAGES

DETAILS

About 1215, 1 Jul 06, SA (b)(6), (b)(7)(C) met with (b)(6), (b)(7)(C) who was at COB Speicher for an interview relating to CID Report of Investigation 0086-06-CID469-75447 (the murders of three detainees by members of C CO, 3-187 INF). When asked by SA (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) agreed to be interviewed regarding this incident.

About 1225, 1 Jul 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his legal rights, which he waived and provided a sworn statement denying that he assaulted the detainee. (b)(6), (b)(7)(C) stated he did not hit, kick or strike the detainee with his weapon or any other object. (b)(6), (b)(7)(C) also stated he did not witness any of his Soldiers hit, kick or strike the detainee. (b)(6), (b)(7)(C) stated after hearing the shots fired he ran forward where he observed (b)(6), (b)(7)(C) and another Soldier, possibly (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) struggling with the detainee. (b)(6), (b)(7)(C) stated he was not present when the sniper rifles were found in the detainee's car. He stated after the Soldiers subdued the detainee he went back to his vehicle to call up a situation report. When he returned the detainee was sitting beside the car and the sniper rifles were leaning against the car. (See Waiver Certificate and Sworn Statement for details)

About 1315, 1 Jul 06, SA (b)(6), (b)(7)(C) met with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) both of whom declined to be re-interviewed

About 1300, 4 Jul 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) who provided a sworn statement detailing his involvement in the shooting death of AHMED. SGT (b)(6), (b)(7)(C) stated after AHMED was confirmed as dead he returned to the car where (b)(6), (b)(7)(C) had been restrained and placed into flexi-cuffs, with his hands behind his back. (b)(6), (b)(7)(C) stated they were concerned about a possible Improvised Explosive Device (IED) in the trunk of the car so he put the keys to the car into (b)(6), (b)(7)(C) hands and tried to get him to unlock the trunk. When (b)(6), (b)(7)(C) was unable to unlock the trunk SGT (b)(6), (b)(7)(C) opened one of the rear doors, folded the back seat forward and leaned into the trunk from the back seat area. He discovered two sniper rifles, which he handed out to other Soldiers while he continued searching the trunk. SGT (b)(6), (b)(7)(C) stated when he finished searching the car he noticed that (b)(6), (b)(7)(C) appeared to be muddier than he was before he (SGT (b)(6), (b)(7)(C) began searching the car. SGT (b)(6), (b)(7)(C) stated he did not see anyone assault (b)(6), (b)(7)(C) (See sworn statement for details) ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION 31st MP DET (CID) (-) COB Speicher, Tikrit, IZ APO AE 09393
SIGNATURE (b)(6), (b)(7)(C)	DATE 4 Jul 06	EXHIBIT 66

CID FORM 94
(Automated)

PROTECTIVE MARKING - LAW ENFORCEMENT USE ONLY
Automatic Termination (Para 13, AR 34-16)

ACLU RDI CID ROI 26814

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION: Building 718, COB Speicher
2. DATE: 1 Jul 06
3. TIME: 1225
5. (b)(6), (b)(7)(C)
6. (b)(6), (b)(7)(C)
7. GRADE/STATUS: 1LT / AD
8. ORGANIZATION OR ADDRESS: C Co, 3-187 INF, FOB Brassfield-Mora, Iraq

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 and wanted to question me about the following offense(s) of which I am suspected: Assault, consummated by Battery; Dereliction

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 questions or say anything.

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.

- 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.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

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

4. SIGNATURE OF INVESTIGATOR

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

5. TYPED NAME OF INVESTIGATOR

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

6. ORGANIZATION OF INVESTIGATOR

31st MP DET (CID)
COB Speicher, Tikrit, 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

ACLU DDII CID ROI 26815

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?" *Yes* (b)(6), (b)(7)(C)
 (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?" *Yes* (b)(6), (b)(7)(C)
 (If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" *No* (b)(6), (b)(7)(C)
 (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.) *Yes* (b)(6), (b)(7)(C)

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

ACLU DDII CID ROI 26816

SWORN STATEMENT

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

LOCATION Building 718, WB Speicher	DATE 1 Jul 06	TIME 1300	FILE NUMBER (b)(6), (b)(7)(C)
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS 1LT / A0	
ORGANIZATION OR ADDRESS C Co, 3-187- INF, FOB Brassfield-Mora, Samarra, IR			

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

After hearing shots fired I called a report up to the Company CP. I then dismounted and ran forward past the two tracks in front of me. I was trying to assess the situation, and several of my men told me a sniper had been engaged, and another was being detained. As I was setting up security in the area I saw two men who I think were SPC (b)(6), (b)(7)(C) and another (either SGT (b)(6), (b)(7)(C) or SGT (b)(6), (b)(7)(C)) detain a struggling man. From what I saw the appropriate amount of force was used.

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

A. 1LT (b)(6), (b)(7)(C)

Q. Did you personally have any physical contact with the detainee?

A. Definitely not during the capture. Perhaps at some point bringing him to FOB I touched him, but not in a harmful manner.

Q. Did you ever hit or kick the detainee?

A. No.

Q. Did you ever strike the detainee with your weapon or any other object?

A. No.

Q. Did you see any of the other Soldiers hitting or kicking the detainee?

A. No, but I will elaborate on the next page.

Q. Did you see any of the other Soldiers strike the detainee with their weapons or any other objects?

A. No. (b)(6), (b)(7)(C)

EXHIBIT	INITIALS (b)(6), (b)(7)(C) MAKING STATEMENT	PAGE 1 OF 3 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 BOTTOM OF THIS PAGE WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU/ODD/CID/ROI-26817

STATEMENT OF 1LT (b)(6), (b)(7)(C)TAKEN AT Building 718, COB Speicher DATED 1 Jul 06

CONTINUED

STATEMENT (Continued)

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

Q. Please elaborate on the methods and type of force employed to subdue this detainee.

A. I remember SFC (b)(6), (b)(7)(C) and another soldier squirming in the mud with the man they were trying to detain. The man was not cooperating, and they were subduing him, but they were not ~~just~~ beating a detainee with undue force or anything like that. From what I remember of the struggle, the detainee wound up in the mud after the scuffle and then stopped struggling. When he stopped resisting, the soldiers around him backed off as well. I can't say a punch or kick wasn't thrown during the scuffle, because I didn't see it all, but from what I saw appropriate force was used.

Q. After the detainee was subdued and Flexi-cuffed did you see anyone hitting or kicking him or striking him with their weapons or other objects?

A. No, after the detainee was subdued I didn't see anyone hit or strike him with weapons or fists or other forces.

Q. Were you present when the weapons were found in the car?

A. No, I was not present when the weapons were found.

After I called another report up I came back and photographed the men and the weapons. No one was striking the detainees at this point, and the weapons were up against the car, along with the detainees.

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

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

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

ACLU DDII CID ROI 26818 PAGES 258

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EXHIBIT 67(4-5)

SWORN STATEMENT

LOCATION:

Building 718 (CID Office)
Contingency Operating Base (COB) Speicher
Tikrit, Iraq, APO AE 09393

DATE:

4 Jul 06
(b)(6), (b)(7)(C)

TIME

1831 (b)(6), (b)(7)(C)

NAME:

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

SSN:

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

GRADE/STATUS:

E-5 / Active

ORGANIZATION OR ADDRESS: HHC, 3-187 Infantry, Forward Operating Base (FOB)
Brassfield-Mora, Samarra, Iraq, APO AE 09349

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

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

About Jan 06, SGT (b)(6), (b)(7)(C) and I were involved in mounted recon mission with 1st Platoon, C CO, 3-187, to look for possible sniper hide sites. We were riding in the back seats of the first truck. We were going to recon a specific area based on the previous unit taking sniper fire from that area. They gave us the pamphlet and all the information they had. They had collected brass at a possible enemy sniper position. Right before we turned north on Hajiman Trail we heard two to three shots from the north. It sounded like a bolt-action rifle, indicating a sniper rifle. All I knew was that the possible enemy sniper location was north of where we were at the time. We drove up the road to where the pamphlet indicated the sniper position was. I pointed it out to SSG (b)(6), (b)(7)(C) who was in the truck that we were riding. There was no one there. There were two roads running parallel. One road was low and one road was high, on top of a berm, maybe five meters higher than the lower road. We were on the lower road at the time and SSG (b)(6), (b)(7)(C) said let's check the top road. There was a path going from the lower road up to the higher road about 30 meters north of where we were stopped. We drove up the path onto the high road and immediately saw a vehicle off to the right side of the road and two guys in the road to the left of the vehicle. The vehicle was 50-75 meters north from the point where we pulled up onto the high road. (b)(6), (b)(7)(C) who was the gunner, starting yelling down to all of us in the vehicle that the guy on the left threw a bag in the river. We floored it and tried to get to them as soon as possible. We stopped about ten meters from them. The guy on the left was messing with his pockets, throwing stuff out of his pockets. The second guy just froze up. We got out and pointed our weapons at them. I gestured to them to put their hands up and stop moving. Me, SSG (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) started walking toward them. During this whole time the guy on the left looked like he was getting more frightened and scared. He was messing with his pockets and backing up slowly. When we were about five meters away from them, the guy who had been messing with his pockets turned around and started running. He was still messing with his pockets. (b)(6), (b)(7)(C)

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

PAGE 1 OF 4 PAGES

DA FORM 2823 (Computer Generated)

EXHIBIT 68

ACLU RDI CID ROI 26820

STATEMENT OF SGT (b)(6), (b)(7)(C) TAKEN AT
BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 4 JULY, 2006, CONTINUED.

(b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) fired one round into his back. He went down and we directed our attention to the other guy, who sat down on the ground by the car. The first guy that was shot got up and started running again. Still not knowing what his intentions were, and because we could not see his hands, (b)(6), (b)(7)(C) and I opened fire. We fired about eight to ten rounds, until he went down. We bounded up to his location and checked him for signs of life, but he was dead. I think it was me and (b)(6), (b)(7)(C) that moved up to him. SSG (b)(6), (b)(7)(C) may have come to. I am not sure. We turned our attention to the other guy. (b)(6), (b)(7)(C) had him covered and (b)(6), (b)(7)(C) from our HMMWV, also had him covered. He was sitting there and seemed to be in shock. Someone said later that he tried to go around and get into the vehicle but I do not recall that. It happened so fast. When I turned around he was sitting by the right rear tire of the car. We gestured for him to get up and moved him away from the vehicle. Someone else flexi-cuffed him, but I am not sure who. At that point there were a lot of guys running up to us. I opened the front and back doors on the right side of the car and started looking around in the vehicle. Someone might have gone on the left side too, but I am not sure. I got up from searching the car and told the detainee we needed the keys. He just looked at me. Either somebody already had the keys or they were in his pockets. Someone handed me the keys and I put them into the detainee's hands, which were behind his back. I pulled him over to the trunk and told him to open it. I did this because of possible IED in the trunk. I told everyone to back up and let him open the trunk. The detainee tried to get the keys into the trunk but could not get them into the lock. I grabbed the keys and put them into the lock and then he tried to unlock it, but it would not open. He was just standing there, kind of limp and leaning against the trunk. Seeing that it did not work, I went over there and tried to turn the key and it would not open. SSG (b)(6), (b)(7)(C) said to try to get in through the back seat so I folded the back seat down and stuck my head into the trunk. I immediately saw the two Dragonov rifles. I reached in and handed one of them out and then reached back in and got the other one. I handed it off to someone else and then I went back into the trunk and continued searching it. I was in the back seat with my upper torso leaning into the trunk area. When I finished searching the trunk and got out of the car the detainee was standing in the road by the car.

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

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

Q. Do you believe shooting the first man was IAW the ROE?

A. Yes. When he was running away I did not have eyes on his left hand and his right hand was in his pocket. Our higher, SSG (b)(6), (b)(7)(C) had already determined the guy was a threat. Looking back on it, knowing now that he was not armed, yes, we probably could have chased him down, but at the time we did not know he was not armed. (b)(6), (b)(7)(C)

INITIALS OF PERSON
MAKING STATEMENT (b)(6), (b)(7)(C)
DA FORM 2823 (Computer Generated)

PAGE 2 OF 4 PAGES

EXHIBIT 68

ACLU DDII CID ROI 26821

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LAW ENFORCEMENT SENSITIVE

STATEMENT OF SGT (b)(6), (b)(7)(C), TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 4 JULY, 2006, CONTINUED.

(b)(6), (b)(7)(C) would not chase someone in full battle gear and then wait for him to turn around and shoot me in the face.

Q. Was the detainee's face covered with mud when you gave him the keys to open the trunk?

A. Not that I recall.

Q. I have shown you a digital image titled IMGP0206. Do you recognize this image?

A. Yes, that was the detainee.

Q. Did the detainee have the mud or marks on his face when you gave him the keys to open the trunk?

A. Not that I recall.

Q. Did you have face to face contact with the detainee when you were trying to get him to open the trunk?

A. Yes, I guess.

Q. Do you recall the front of the detainee's clothing being muddy when you were trying to get him to open the trunk?

A. They might have been.

Q. Did you ever see the detainee face down on the ground?

A. No.

Q. What did you do after you finished searching the car?

A. At some point I looked at one of the sniper rifles, the one with the scope. I handed it off to someone else and I walked over to help search for the bag that the first guy threw in the river. At some point 1LT (b)(6), (b)(7)(C) told me to go pull security. He told me to look to the east because it was a wide open area. I pulled security for a couple of minutes. I saw someone lean the rifles against the car and put the detainee against the car and take a picture. The LT ordered that but I am not sure if he took the picture.

Q. Did you see who flexi-cuffed the detainee?

A. No.

Q. The detainee appear to be resisting apprehension or hostile?

A. No, not at all. He seemed to be cooperative.

Q. Did you see anyone questioning the detainee?

A. I do remember someone questioning him. We cordoned the vehicles that were stopped on Hajiman Trail, on the lower road. The LT and the interpreter walked over to where we set up the cordon with the detainee and were going to show him to the people in the cars to see if they recognized him. They decided to take a picture instead of walking the detainee to the vehicles.

Q. Did you see anyone punch or kick the detainee, or strike him with their weapons or any other object?

A. No. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)
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PAGE 3 OF 4 PAGES

EXHIBIT 68

ACLU DDII CID ROI 26822

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

STATEMENT OF SGT (b)(6), (b)(7)(C) TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 4 JULY, 2006, CONTINUED.

(b)(6), (b)(7)(C) Q. During the preliminary investigation, did anyone tell you or suggest to you that you should not cooperate with the investigation?

A. No, no one said that to me. Just everyone was not saying anything. I did not know why you guys were there. I did not know the reason behind it and I had never been involved in an investigation before. I made a judgment and decided that not saying anything would be better.

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

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

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

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this Tuesday, July 04, 2006, at Building 718 COB Speicher, Tikrit, Iraq, APO AE 09393

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

Article 136 (b) (4) UCMJ

(Authority to Administer Oath)

Witness

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) DA FORM 2823 (Computer Generated)

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EXHIBIT 68

ACLU DDII CID ROI 26823

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 1 OF 4 PAGES

DETAILS

About 1151, 4 Jul 06, SA (b)(6), (b)(7)(C), (b)(7)(F) interviewed SFC (b)(6), (b)(7)(C) HHC, 3-187 INF, who related SGT (b)(6), (b)(7)(C) told him that (b)(6), (b)(7)(C) had assaulted an Iraqi male detainee who had his hands zip-tied behind his back. (b)(6), (b)(7)(C) allegedly pushed the detainee down and may have broken his jaw. SGT (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) to leave the guy alone and (b)(6), (b)(7)(C) related the detainee was resisting arrest. SGT (b)(6), (b)(7)(C) related he was not resisting, and to leave him alone. SGT (b)(6), (b)(7)(C) related there was an AR 15-6 Investigation, and he did not tell what he knew because he was afraid.

About 2100, 7 Jul 06, SA (b)(6), (b)(7)(C), (b)(7)(F) interviewed PFC (b)(6), (b)(7)(C) C CO, 3-187 INF, who related he had no knowledge of an incident involving (b)(6), (b)(7)(C) injuring a detainee.

About 1030, 8 Jul 06, SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C) C CO, 3-187 INF, who related he had no knowledge of an incident involving (b)(6), (b)(7)(C) injuring a detainee.

About 1031, 8 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C CO, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) pushing a detainee down and breaking his jaw.

About 1535, 8 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C CO, 3-187 INF, who related CID questioned (b)(6), (b)(7)(C) and members of 1st Platoon but he related he did not know what happened or who was there.

About 1919, 8 Jul 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) C CO, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) pushing a detainee and breaking his jaw.

About 1100, 9 Jul 06, SA (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C) HHC, 3-187 INF, who related he had not heard of an incident involving (b)(6), (b)(7)(C) breaking a detainee's jaw.

About 1130, 9 Jul 06, SA (b)(6), (b)(7)(C) interviewed MAJ (b)(6), (b)(7)(C) who related he understood (b)(6), (b)(7)(C) was under investigation by CID for allegedly abusing a detainee; however, he had no knowledge of (b)(6), (b)(7)(C) breaking a detainee's jaw.

About 1332, 9 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C CO, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) pushing a detainee and breaking his jaw.

About 1430, 9 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C CO, 3-187 INF, who related he had no knowledge of an incident involving (b)(6), (b)(7)(C) breaking a detainee's jaw.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	31st MP DET (CID) (-) COB Speicher, Tikrit, IZ APO AE 09393	
SA (b)(6), (b)(7)(C), (b)(7)(F)	SIGNATURE	DATE	EXHIBIT
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	16 Jul 06	69

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ACLU DDII CID ROI 26824

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 2 OF 4 PAGES

DETAILS

About 1630, 9 Jul 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) HHC, 3-187 INF, who related he had heard (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) talking about the incident and he believed SGT (b)(6), (b)(7)(C) may have been present during the incident.

About 1631, 9 Jul 06, SA (b)(6), (b)(7)(C), (b)(7)(F) interviewed SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C CO, 3-187 INF, who denied having any knowledge of (b)(6), (b)(7)(C) pushing a detainee down and breaking his jaw.

About 1651, 9 Jul 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) HHC, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) pushing a detainee and breaking his jaw.

About 1723, 9 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) HHC 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) pushing a detainee and breaking his jaw.

About 0940, 10 Jul 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) C CO, 3-187 INF, who related he had never heard of an incident involving (b)(6), (b)(7)(C) and a detainee.

About 1030, 10 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C CO, 3-187 INF, who denied having any knowledge of (b)(6), (b)(7)(C) breaking the jaw of an Iraqi male by pushing him down on the ground.

About 1051, 10 Jul 06, SA (b)(6), (b)(7)(C), (b)(7)(F) interviewed SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C CO, 3-187 INF, who stated he did not know anything about (b)(6), (b)(7)(C) throwing an Iraqi detainee to the ground resulting in the man sustaining a broken jaw or any other injury.

About 1320, 10 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C CO, 3-187 INF, who any knowledge of (b)(6), (b)(7)(C) pushing a detainee and breaking his jaw.

About 1330, 10 Jul 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) C CO, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) pushing a detainee down and breaking his jaw.

About 1330, 10 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C CO, 3-187 INF, who had no knowledge of an incident involving (b)(6), (b)(7)(C) and a detainee.

About 1425, 10 Jul 06, SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C) C CO, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) pushing a detainee and breaking his jaw.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION 31st MP DET (CID) (-)
COB Speicher, Tikrit, IZ
APO AE 09393

SIGNATURE

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

DATE

16 Jul 06

EXHIBIT

69

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ACLU RDI CID ROI 26825

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

PAGE 3 OF 4 PAGES

DETAILS

About 1450, 10 Jul 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C), C CO, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) pushing a detainee and breaking his jaw.

About 1730, 10 Jul 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C), C CO, 3-187 INF, who related he had no knowledge of (b)(6), (b)(7)(C) breaking a detainee's jaw.

About 1740, 10 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C), C CO, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) pushing a detainee and breaking his jaw.

About 1330, 11 Jul 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C), C CO, 3-187 INF, who related he had no knowledge of an incident involving (b)(6), (b)(7)(C) breaking a detainee's jaw.

About 1330, 12 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C), C CO, 3-187 INF, who related he had no knowledge of an incident involving (b)(6), (b)(7)(C) and a detainee.

About 1620, 12 Jul 06, SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C), C CO 3-187 INF, who related he had no knowledge regarding (b)(6), (b)(7)(C) pushing an Iraqi detainee to the ground causing his jaw to break.

About 1620, 12 Jul 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C), C CO, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) throwing an Iraqi male to the ground, resulting in a broken jaw.

About 2133, 12 Jul 06, SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C), C CO, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) throwing an Iraqi male to the ground, resulting in a broken jaw.

About 1000, 13 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C), C CO, 3-187 INF, who related he had no knowledge of an incident involving (b)(6), (b)(7)(C) injuring a detainee.

About 1110, 13 Jul 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C), C CO, 3-187 INF, who related he had no knowledge of an incident involving (b)(6), (b)(7)(C) injuring a detainee.

About 1000, 13 Jul 06, SA (b)(6), (b)(7)(C) interviewed SSC (b)(6), (b)(7)(C), C CO, 3-187 INF, who related he had no knowledge of an incident involving (b)(6), (b)(7)(C) injuring a detainee.

About 1222, 13 Jul 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C), C CO, 3-187 INF, who denied having any knowledge of (b)(6), (b)(7)(C) pushing a detainee down and breaking his jaw.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION 31st MP DET (CID) (-)
COB Speicher, Tikrit, IZ
APO AE 09393

SIGNATURE

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

DATE

16 Jul 06

EXHIBIT

69

CID FORM 94
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ACLU DDJ CID ROI 26826

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

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DETAILS

About 1420, 13 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C CO, 3-187 INF, who related he did not have any knowledge of an incident where (b)(6), (b)(7)(C) or anyone else pushed or threw an Iraqi male to the ground resulting in a broken jaw or any other injury.

About 1428, 13 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C CO, 3-187 INF, who denied any knowledge of (b)(6), (b)(7)(C) pushing a detainee down and breaking his jaw.

About 1600, 15 Jul 06, SA (b)(6), (b)(7)(C) re-interviewed SGT (b)(6), (b)(7)(C) who stated he did not tell (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) had assaulted a detainee. SGT (b)(6), (b)(7)(C) related he told (b)(6), (b)(7)(C) about an incident in which he believed a detainee was assaulted, but he was not sure who may have assaulted him.

About 1645, 15 Jul 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) HHC CO, 3-187 INF, who stated he did not have any knowledge of an incident where (b)(6), (b)(7)(C) or anyone else pushed or threw an Iraqi male to the ground resulting in a broken jaw or any other injury.

About 0925, 16 Jul 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) C CO, 3-187 INF, who stated he had no knowledge of an incident where (b)(6), (b)(7)(C) or anyone else pushed or threw an Iraqi male to the ground resulting in a broken jaw or any other injury. //LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION
SA (b)(6), (b)(7)(C), (b)(7)(F)		31st MP DET (CID) (-) COB Speicher, Tikrit, IZ APO AE 09393
SIGNATURE	DATE	EXHIBIT
(b)(6), (b)(7)(C)	16 Jul 06	69

CID FORM 9
(Automated)

PROTECTIVE MARKING IS EXCLUDED FROM AUTOMATIC TERMINATION (PARA 15, AR 34-26)
ACLU RDI CID ROI 26827

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

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DETAILS

About 0953, 18 Jul 06, SA (b)(6), (b)(7)(C) 10th MP BN (CID), Logistical Support Area Anaconda, Balad, IZ, APO AE 09391, advised (b)(6), (b)(7)(C) of his legal rights, which he waived. (See waiver certificate and polygraph examination report for details)

About 1100, 18 Jul 06, SA (b)(6), (b)(7)(C) re-interviewed (b)(6), (b)(7)(C) who continued to maintain he did not assault (b)(6), (b)(7)(C) nor did he witness anyone else assault (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated he did not want to provide another statement (verbal or written) as he was worried that investigators might compare his previous statements and charge him for making a False Official Statement based on minor discrepancies in his statements. (b)(6), (b)(7)(C) maintained he had not lied in his statements, but stated he was no longer certain of all the specific details due to the amount of time elapsed since the incident. (b)(6), (b)(7)(C) stated he did not wish to be questioned further and terminated the interview. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION 31st MP DET (CID) (-) COB Speicher, Tikrit, IZ APO AE 09393
SIGNATURE (b)(6), (b)(7)(C)	DATE 18 Jul 06	EXHIBIT 70

CID FORM 94
(Automated)

PROTECTIVE MARKING IS EXCLUDED FROM
AUTOMATIC TERMINATION (Para 11-3.3.1)

ACLU DDII CID ROI 26828

RIGHTS WAIVING PROCEDURE/WAIVER CERTIFICATE

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPLE PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security is used as an additional/alternative means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
LOCATION: Sumarra, Iraq, APO **DATE:** 18 Jul 06 **TIME:** 0953
FILE NUMBER: 0010-06-CID469-75406-5C2B/5Y2E
NAME (Last, First MI): (b)(6), (b)(7)(C) **SSAN:** (b)(6), (b)(7)(C) **GRADE / STATUS:** 1LT
ORGANIZATION OR ADDRESS: C Co, 3/187th INF, FOB Brassfiel-Mora, Sumarra, Iraq, APO, AE 09349

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command (b)(6), (b)(7)(C) Agent and wanted to question me about the following offense(s) of which I am suspected/accused. **Aggravated Assault, Cruelty and Maltreatment and False Official Statement** (b)(6), (b)(7)(C)

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

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

- or -

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

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

5. **COMMENTS:** Have you ever been advised of your legal rights and requested legal counsel? *nb* (b)(6), (b)(7)(C)

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)

Witness# (b)(6), (b)(7)(C)
 Signature of SA (b)(6), (b)(7)(C)
31st MP Det (CID)

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

Witness# 2
 Signature of Witness

(b)(6), (b)(7)(C)
 SA (b)(6), (b)(7)(C)
 Fort Riley CID Battalion
 Fort Riley, KS 66442

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

ACLU DDII CID ROI 26829

FOR OFFICIAL USE ONLY

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0010-06-CID469-75406

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DETAILS

About 1600, 1 Sep 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted face to face coordination with CPT (b)(6), (b)(7)(C) who opined there was insufficient evidence to prove or disprove US forces committed a criminal offense as it related to (b)(6), (b)(7)(C) allegation of abuse.

INVESTIGATIVE SUMMARY: Investigation established US forces used the level of force proportional to what they believed to be needed to subdue and apprehend the (b)(6), (b)(7)(C). Investigation revealed indications of excessive force that does not rise to the level of a criminal assault. The investigation into the alleged abuse was significantly impeded however, by the initial lack of cooperation by almost all members of the capturing team, including potential suspects and witnesses alike.

Investigation established the shooting of AHMED was lawful and in accordance with the ROE in place at the time of the incident. (b)(6), (b)(7)(C) the On Scene Commander (OSC) initially shot AHMED once, knocking AHMED to the ground. AHMED got back to his feet and (b)(6), (b)(7)(C) and several other members of the unit shot him again, resulting in his death. (b)(6), (b)(7)(C) reasonably believed AHMED was a threat based on AHMED's failure to comply with instructions, AHMED continually placing his hands into his pockets, the inability to tell if AHMED was armed due to his bulky clothing and AHMED's attempt to run from the scene. (b)(6), (b)(7)(C) stated he was concerned AHMED was running to a secondary sniper position, a stashed weapon or the trigger location for an IED.

Other members of the unit echoed (b)(6), (b)(7)(C) concerns and stated they also felt AHMED as a threat based on his lack of compliance and their inability to ascertain his intentions when he began running. The scene of the incident was a known historical point of origin for sniper fire, with specific intelligence data that a sniper team was operating in the area. Further, the unit was investigating gunshots at the time of the incident and their discovery of two Iraqi males at the scene matched the known Anti-Iraqi Forces (AIF) Tactics, Techniques and Procedures (TTP) for two-man sniper teams. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION 31st MP DET (CID) (-) COB Speicher, Tikrit, IZ APO AE 09393	
SA (b)(6), (b)(7)(C), (b)(7)(F)			
SIGNATURE (b)(6), (b)(7)(C)	DATE 1 Sep 06	EXHIBIT 73	

CID FORM 101
(Automated)

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Protective Markings Excluded From
Automatic Termination (Para 13, AR 34-16)

ACLU DDII CID ROI 26830