

## MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS

Place: Ar Ramadi, Iraq  
 Date: 11 OCT 05

I, (b)(6),(b)(7)(C), have been  
 advised by SA (b)(6),(b)(7)(C) the Naval Criminal Investigation Service that I am  
 suspected of violation of USMT Article II, Murder.

I have also been advised that:

- (b)(6),(b)(7)(C) 1) Any prior illegal admissions or other improperly obtained evidence which incriminated me  
 (b)(6),(b)(7)(C) ~~have~~ been used against me in a trial by court-martial;  
 (b)(6),(b)(7)(C) 2) I have the right to remain silent and make no statement at all;  
 (b)(6),(b)(7)(C) 3) Any statement I do make can be used against me in a trial by court-martial or other judicial  
 (b)(6),(b)(7)(C) administrative proceeding;  
 (b)(6),(b)(7)(C) 4) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a  
 (b)(6),(b)(7)(C) civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my  
 (b)(6),(b)(7)(C) counsel at no cost to me, or both;  
 (b)(6),(b)(7)(C) 5) I have the right to have my retained civilian lawyer and/or appointed military lawyer present  
 (b)(6),(b)(7)(C) at this interview; and  
 (b)(6),(b)(7)(C) 6) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have  
 decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a  
 lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have  
 been made to me.

Signature

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

Date & Time: 11 OCT 05 1230

Witnessed:

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

Special Agent

At this time, I, (b)(6),(b)(7)(C), desire to  
 make the following voluntary statement. This statement is made with an understanding of my rights as  
 set forth above. It is made with no threats or promises having been extended to me.

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## STATEMENT

Place : Camp Ramadi, Iraq HQ Battal in 1-172Date : October 11, 2005

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

I make the following free and voluntary statement to Special Agent \_\_\_\_\_ know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of a detainee while in custody (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) purposes of identification, I am (b)(6),(b)(7)(C) male with Social Security number (b)(6),(b)(7)(C) I was born on (b)(6),(b)(7)(C) I am (b)(6) inches, weight (b)(6) pounds, and have (b)(6),(b)(7)(C) hair and (b)(6),(b)(7)(C) eyes. My current residence is (b)(6),(b)(7)(C) My current unit is Alpha Company 3rd 172nd Infantry (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 09OCT05 at approximately 1730, I was made aware of Black Opel Station wagon, traveling North on RT Jones than turned in my direction, by a tank in our patrol. I pulled my Humvee in tactical position to block the oncoming vehicle. I, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) dismounted the Humvee and approached the black Opel with weapons drawn and pointed at the occupants of the vehicle. At approximately the same time, another Humvee blocked the Opel from the direct front and approached ordering the occupants out as well. I approached the vehicle on the driver's side when the occupants dismounted their vehicle. We grouped the individuals together once we got them out of the vehicle. At this time, I noticed several AK-47s and IED making components, in the rear seats. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) The unit began to separate the occupants in order to detain them as well as conduct a quick search. The area was considered hot (b)(6),(b)(7)(C) sniper over watch, and was known to be an area where many IED's had been placed previously. My unit tried quickly to round up the occupants and obtain quick intelligence before moving out. My occupant, described as wearing a white shirt and white baggy pants. He was in his mid to late 20's with average build and a scruffy beard. As I tried to move the individual up against the vehicle, I could see he wasn't acting (b)(6) properly. The occupant would not look me in the eyes and kept looking around in all directions. I tried forcing the individual against the car when he started grabbing for my weapon. I had to move my weapon several times to keep it away from the occupant who was aggressively trying to grab it. Suddenly, the occupant fell away from the vehicle and started to run. I feared the occupant was running because he was either armed or had a detonator for the devices I saw in the vehicle. I became extremely fearful when I could not see his hand. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I initially fired two rounds in the direction of the occupant. The first one missed the occupant and the second one struck the occupant in an unknown location. The occupant fell to his knees and continued to have his hands in front of him. I then fire again, striking the occupant and killing him. I also believe (b)(6),(b)(7)(C) fired his weapon at the fleeing occupant. I don't believe anyone else fired their weapon. I approached the individual to conduct a quick search. I patted the occupant down and did not discover anything out of the ordinary. However, I did not roll the body over. I believe someone did discover a wallet on the body, however I am not sure. (b)(6),(b)(7)(C)

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(b)(6),  
(b)(7)(C) after the shooting, a report was made via radio that a MAM was engaged. We took the other occupants into custody. The occupant's hands were bound and were blindfolded and placed into (b)(6),  
(b)(6), (b)(7)(C) Humvee. I am unaware of anything that happened with the two other occupants. We then returned to Camp Ramadi. (b)(6),  
(b)(7)(C)

(b)(6),  
(b)(7)(C) During this incident I feared for my life as well as for the members of my team. We were in a known hostile territory surrounded by many high rise buildings. We left the body on the side of the road because we were told the Iraqi's will take care of the dead in their own customs. I have never been involved in an incident like this before. (b)(6),  
(b)(7)(C)

(b)(6),  
(b)(7)(C) This statement consisting of this page and 1 other page was typed for me by SA (b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. (b)(6), (b)(7)(C)

Signature

Sworn to and subscribed before me this 11th day of October 2005 at the Camp Ramadi, Iraq.  
(b)(6), (b)(7)(C)

Witness

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

Auth: Derived from Article 136, UCMJ (10 USC 936) and 5 USC 303

H-22

## MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS

Place: Ar Ramadi, Iraq  
 Date: 11 OCT 05

I, (b)(6),(b)(7)(C), have been  
 advised by (b)(6),(b)(7)(C) of Criminal Investigation Service that I am  
 suspected of violations of UCMJ Article 11b, Murder

I have also been advised that:

(b)(6),(b)(7)(C) Any prior illegal admissions or other improperly obtained evidence which incriminated me  
 (C) used against me in a trial by court-martial;

(b)(6),(b)(7)(C) I have the right to remain silent and make no statement at all;

(b)(6),(b)(7)(C) Any statement I do make can be used against me in a trial by court-martial or other judicial  
 or administrative proceeding;

(b)(6),(b)(7)(C) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a  
 (b)(6),(b)(7)(C) civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my  
 counsel at no cost to me, or both;

(b)(6),(b)(7)(C) I have the right to have my retained civilian lawyer and/or appointed military lawyer present  
 during my interview; and

(b)(6),(b)(7)(C) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have  
 decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a  
 lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have  
 been made to me.

Signature

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

Date & Time: 11 Oct 2005 1444

Witness

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

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

11 OCT 05

At this time, I, (b)(6),(b)(7)(C), desire to  
 make the following voluntary statement. This statement is made with an understanding of my rights as  
 set forth above. It is made with no threats or promises having been extended to me.

## STATEMENT

Place : Camp Ramadi, Iraq HQ Battalion 1-172Date : October 11, 2005

(b)(6),(b)(7)(C) make the following free and voluntary statement to Special Agent  
 (b)(6),(b)(7)(C) whom I know to be a Representative of the United States Naval Criminal  
 Investigative Service. I make this statement of my own free will and without any threats made to me  
 or promises extended. I fully understand that this statement is given concerning my knowledge of the  
 death of an Iraqi detainee while in custody (b)(6),  
 (b)(7)(C)

(b)(6),(b)(7)(C) purposes of identification, I am (b)(6), (b)(6),(b)(7)(C) I was  
 born on (b)(6),(b)(7)(C) in (b)(6),(b)(7)(C) I am (b)(6) tall, weight (b)(6) pounds, and have (b)(6),(b)(7)(C) hair and  
 (b)(6),(b)(7)(C) eyes. I am currently stationed at Camp Ramadi, Iraq. My current unit is Bravo Troop 1st of  
 the 104 Calvary, US Army (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 19OCT05 at approximately 1800 I was patrolling the 2 Bravo Section of Tammin, Ramadi. We  
 were heading toward Route Moore when I hear something on the radio that caused me to advance in  
 that direction. The traffic over the radio sounded that a tank in the area observed somebody on Route  
 Jones doing something suspicious in the middle of the road. After we turned on Route Moore I pulled  
 in front of the first vehicle I was which was a maroon colored Opel. As the vehicle stopped the second  
 Humvee went around my vehicle advising that I stopped the wrong vehicle. By the time that I pulled  
 around the second vehicle was already stopped and soldiers were out with their weapons drawn at the  
 passenger. The second vehicle was a black Opel station wagon and it was occupied by three male (b)(6),  
 (b)(7)(C)

(b)(6), (b)(7)(C) Once I got in front of the Opel I dismounted the Humvee and began concentrating on the rooftops of  
 the buildings on either side of the road. I hear (b)(6),(b)(7)(C) challenge the three occupants and then he  
 yelled that there was an AK-47 rifle in the Opel. The occupants were uncooperative and at first refused  
 to get out of the vehicle. This was an area of town where insurgents have attacked US Forces on  
 numerous occasions and we didn't feel safe. Once all three persons were out of the vehicle they were  
 sat down on the ground and the vehicle was searched (b)(6),  
 (b)(7)(C)

(b)(6), (b)(7)(C) Once the vehicle was searched we began searching the three occupants. In order to search one of the  
 person that I was guarding he was ordered to get down on his knees and he faced me. Within a few  
 minutes I heard (b)(6),(b)(7)(C) yell, "Let go of my rifle!" I then heard shots being fired and I raised my  
 rifle and fired two rounds at one of the detainees as he was running away from us. I really thought that  
 the detainee got away and was in possession of (b)(6),(b)(7)(C) rifle so I engaged him with my rifle. I  
 believe that at least one of my shots struck the fleeing detainee in the lower back or upper thigh. He  
 was not bound or restrained prior to running away. This was the first time that I shot someone (b)(6),  
 (b)(7)(C)

(b)(6),(b)(7)(C) Once I knew that the detainee was down I refocused my attention at the detainee in my custody. I  
 turned him around so that he was no longer facing me. I kept scanning the area and rooftops for  
 anymore insurgents. I then heard that order to get going and we tried to find (b)(7)(E)  
 detainees but couldn't. We simply pulled his shirt over his head and got him inside one of the vehicle. (b)(6),  
 (b)(7)(C)

x 24

(b)(6),(b)(7)(C) Opel driven by insurgents was towed back to Camp Ramadi. The subject who was shot was left on the street (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Once we got back to Camp Ramadi, the detainees were handed over to three persons from our platoon who later took them over to the detention facility. The vehicle was also taken over to the detention facility. Upon a more thorough search of the vehicle we recovered multiple weapons and improvised explosive device (IED) components and triggering devices (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) This statement consisting of this page and 1 other page was typed for me by (b)(6),(b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief (b)(6),(b)(7)(C)

Signature \_\_\_\_\_

Sworn to and subscribed before me this 11th day of October 2005 at the Camp Ramadi, Iraq. (b)(6),(b)(7)(C)

Witness \_\_\_\_\_

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

Auth: Derived from Article 136, UCMJ (10 USC 936) and 5 USC 303

## MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS

Place: CAMP RAMADZ, IRAQDate: 11 OCT 05

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

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

, have been

used by SA

THE NAVAL CRIMINAL INVESTIGATIVE SERVICE that I am

suspected of VIOLATION OF UCMJ ARTICLE 118, MURDER

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

(b)(6),(b)(7)(C) I have been advised that:

Any prior illegal admissions or other improper evidence which incriminated me used against me in a trial by court-martial (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I have the right to remain silent and make no statement at all (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Any statement I do make can be used against me in a trial by court-martial or other judicial (b)(6),(b)(7)(C) trative proceeding (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a (b)(6),(b)(7)(C) civilian lawyer retained by me at (b)(6),(b)(7)(C) the United States, a military lawyer appointed to act as my (b)(6),(b)(7)(C) counsel at no cost to me, or both (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I have the right to have my retained civilian lawyer and/or appointed military lawyer present (b)(6),(b)(7)(C) during the interview; (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I may terminate this interview at any time, for any reason (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I understand my rights as related to me and as set forth above. With that understanding, I have (b)(6),(b)(7)(C) decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a (b)(6),(b)(7)(C) lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have (b)(6),(b)(7)(C) been made to (b)(6),(b)(7)(C)

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

Signature

Date & Time: 11 OCT 05 1620

Witness

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

11 OCT 05 1620

At this time, I, \_\_\_\_\_, desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.



## STATEMENT

Place : Camp Ramadi, Iraq HQ Battalion 1-172Date : October 11, 2005

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

make the following free and voluntary statement to Special Agent (b)(6),(b)(7)(C)

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

whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of an Iraqi detainee while in custody (b)(6),(b)(7)(C)

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

for purposes of identification. I am a (b)(6),(b)(7)(C) male with Social Security number (b)(6),(b)(7)(C) I was born on (b)(6),(b)(7)(C) I am (b)(6),(b)(7)(C) and weight approximately (b)(6),(b)(7)(C) pounds. I live at (b)(6),(b)(7)(C) I am a (b)(6),(b)(7)(C) with United States Army (b)(6),(b)(7)(C)

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

On 09OCT05 my unit was on patrol in the Tammin area of Ramadi, Iraq. Our tank units reported seeing a black Opal acting suspiciously in our area of response. I saw the vehicle in question and had my Humvee approach the black Opal from the front. My unit dismounted and approached the Opal with weapons drawn. As soon as I dismounted my Humvee, I immediately notice a rifle barrel protruding from the back seat of the Opal (b)(6),(b)(7)(C)

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

The driver of the vehicle jumped out of the Opal and began yelling and pointing at the other two occupants. I was very suspicious of his behavior and felt very threaten knowing there were three occupants and only four dismounted soldiers. The area where we detained the occupants was a known sniper area because of the high rise apartment building located near by. I was planning to separate the occupants to interrogate but felt time was critical (b)(6),(b)(7)(C)

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

I notice my driver (b)(6),(b)(7)(C) was struggling to maintain his occupant. The occupant was wearing a white shirt and baggy with pants. I started walking in his direction when I saw the occupant (b)(6),(b)(7)(C) running away. My first thought was this occupant was going to set off an IED and blow up the vehicle, killing my soldiers. I knew the individuals had not been searched for weapons and felt this occupant who was running away constituted an immediate threat. I also could not see the occupant's hands as he ran away from me. I believe I hear (b)(6),(b)(7)(C) yell "Stop"; however I did not yell anything. I fired approximately 3 to 4 shots. I saw 1 or 2 of my rounds hit the occupant in the head. I also saw (b)(6),(b)(7)(C) engage the occupant but do not recall how many rounds he fired. I did not see anyone else engage the suspect (b)(6),(b)(7)(C)

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

I immediately returned to my Humvee and reported the incident to my command (b)(6),(b)(7)(C) I ordered (b)(6),(b)(7)(C) to approach the body and take pictures of the body. I do not recall (b)(6),(b)(7)(C) searched the body or not. My thought when getting the picture was to gather intelligence on the individual. After the shooting, I also positioned my Humvees to better provide cover from sniper fire (b)(6),(b)(7)(C)

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





**MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS**

Place: Camp Ramadi, Iraq  
Date: 11 OCT 05

I, (b)(6),(b)(7)(C), have been  
advised by Naval Criminal Investigation Service that I am  
suspected of USM 128 Assault Consummated by a Battery  
violation of

I have also been advised that:

(b)(6),(b)(7)(C) any prior illegal admissions or other improperly obtained evidence which incriminated me  
c. (b)(6),(b)(7)(C) used against me in a trial by court-martial;  
(b)(6),(b)(7)(C) have the right to remain silent and make no statement at all;  
(b)(6),(b)(7)(C) any statement I do make can be used against me in a trial by court-martial or other judicial  
or administrative proceeding;

(b)(6),(b)(7)(C) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a  
civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my  
counsel at no cost to me, or both;

(b)(6),(b)(7)(C) I have the right to have my retained civilian lawyer and/or appointed military lawyer present  
during this interview; and  
(b)(6),(b)(7)(C) may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have  
decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a  
lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have  
been made to me.

Signature

Date & Time: 11 OCT 2005 1545HRS

Witness

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

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

11 OCT 2005

At this time, I, \_\_\_\_\_, desire to  
make the following voluntary statement. This statement is made with an understanding of my rights as  
set forth above. It is made with no threats or promises having been extended to me.

## STATEMENT

Place : Camp Ramadi, Iraq HQ Battalion 1-172Date : October 11, 2005

(b)(6),(b)(7)(C) make the following free and voluntary statement to  
Special Agent A whom I know to be a Representative of the United States Naval  
 Criminal Investigative Service. I make this statement of my own free will and without any threats  
 made to me or promises extended. I fully understand that this statement is given concerning my  
 knowledge of the injuries sustained by an Iraq detainee (b)(6),  
 (b)(7)(C)

(b)(6),(b)(7)(C) purposes of identification. I am (b)(6), (b)(7)(C) male with Social Security number (b)(6),(b)(7)(C) I was  
 born on (b)(6),(b)(7)(C) I am (b)(6), (b)(7)(C) inches' tall, weigh (b)(6), (b)(7)(C) pounds, and have (b)(6), (b)(7)(C) hair  
 and (b)(6),(b)(7)(C) eyes. I am currently stationed at Camp Ramadi, Iraq. My current unit is Alpha Company  
 1st of the 172 Armor Division, US Army (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 09OCT05 at approximately 1715 radio traffic in our Humvee indicated that there were three guys  
 on the side of the road and they appeared to be rigging something. The call came from a tank that was  
 positioned at outpost "Jones." The second call came from the same tank indicating that the males  
 jumped into a black Opel and left the area. We were patrolling near the incident location and  
 responded to intercept the Opel. Once we pulled on Route Moore we stopped one vehicle and the  
 second Humvee drove around us to the second vehicle. The second vehicle was the one in question and  
 it was occupied by three Iraqi males (b)(6), (b)(7)(C)

(b)(6),(b)(7)(C) we reached the second vehicle I jumped out and pointed my weapon at the occupants. I told my  
 gunner to watch the rooftops. As I approached the vehicle the occupants were already challenged at  
 gunpoint by the soldiers from the second Humvee (b)(6),(b)(7)(C) announced to everyone that he sees  
 an AK-47 in the vehicle. The occupants were ordered to exit the vehicle and I ran around to where the  
 passenger was seated. The passenger was in the process of opening his door and I grabbed him and  
 pushed him to the ground. Because I was in an exposed position we gathered up all three detainees and  
 placed them in between the Opel and one of the Humvees. This provided us some protection from  
 potential threat (b)(6), (b)(7)(C)

(b)(6),(b)(7)(C) shortly after I heard (b)(6),(b)(7)(C) yell; "Get the fuck off!" I turned to see what was happening while  
 keeping one hand on the detainee. I then saw the detainee th (b)(6),(b)(7)(C) was talking to start  
 running off and shots were fired. As the shots were fired the detainee in my control jerked and  
 attempted to flee. In an attempt to keep him from running off I held him with one hand by the back of  
 his shirt and as he jerked I punched him in the jaw with my right fist. This was a quick reaction to keep  
 him from getting away. I then forced him to his knees and as the gunfire stopped he kept resisting. The  
 detainee began to slip out of my control and I used the buck of my rifle to strike him on the side of his  
 head. This caused him to stop resisting and no further force was used (b)(6), (b)(7)(C)

x40

(b)(6),(b)(7)(C) everything was under control the two detainees' hands were bound with cloth and a pair of handcuffs recovered from one of the home which we entered a few weeks ago. The detainees and the vehicle were searched and several apparent improvised explosive devices (IED) components were recovered. The detainees were then transported back to Camp Ramadi and their vehicle was towed by our Humvee. Once on the base, the detainees and the evidence were turned over to three persons from our platoon who took them to the detention center (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) statement consisting of this page and 1 other page was typed for me by SA (b)(6),(b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief (b)(6),(b)(7)(C)

Signature

Sworn to and subscribed before me this 11th day of October 2005 at the Camp Ramadi, Iraq. (b)(6),(b)(7)(C)

Witness

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

Representative, NCIS

Auth: Derived from Article 136, UCMJ (10 USC 936) and 5 USC 303

12/11

180316 03:45 20051104 IN:SSDEMAIL #50532 OUT:23EXLIFE #6395

## U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

13OCT05

CONTROL: 12OCT05-MEJB-0700-7HMA

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

DUSTA: ARNG TASKFORCE 1-172 ARMOR/CAMP RAMADI, IRAQ

RESULTS OF INTERVIEW OF (b)(6),(b)(7)(C)

On 11OCT05 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Alpha Company 1-172, was interviewed by Reporting Agent (RA) in Ramadi, Iraq. The interview took place aboard Camp Ramadi, Iraq at headquarters Battalion 1-172. The purpose of the interview was to gather information concerning the shooting death of V/SERHAN.

(b)(6),(b)(7)(C) stated on 09OCT05, his unit, Alpha Company 1-172, was conducting security patrol of the Tammim area of Ramadi, Iraq. Sometime during the patrol, a call came in from the tank positioned at the Observation Post (OP). The tank reported a black Opel was pulled along side the road and the occupants looked to be emplacing possible IEDs. (b)(6),(b)(7)(C) report his unit responded to the incident and block the black Opel as it started to drive away. (b)(6),(b)(7)(C) reported his unit dismounted their Humvee with guns at the ready. (b)(6),(b)(7)(C) stated he saw the barrel of an AK-47 sticking up from the back seat of the Opel. The front passenger of the Opel dismounted and began to yell something and pointing at the other two occupants of the vehicle. (b)(6),(b)(7)(C) reported as he got closer to the Opel he could see several weapons and IED components in the back seat of the OPAL. (b)(6),(b)(7)(C) stated after searching the vehicle he went back to the Humvee to monitor the radio. On the way back to the Humvee (b)(6),(b)(7)(C) reported he could see (b)(6),(b)(7)(C) on the side of the Opel. (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) was moving around a lot trying to get his guy under control. (b)(6),(b)(7)(C) reported (b)(6),(b)(7)(C) was showing more force, pushing the occupant. when the occupant appeared to start grabbing for (b)(6),(b)(7)(C) rifle. By this time (b)(6),(b)(7)(C) stated he had reached the side of the Humvee and could no longer see (b)(6),(b)(7)(C) reported he did not see the shooting, however he heard the gunshots ring out. When he looked around the side of the Humvee (b)(6),(b)(7)(C) reported seeing the occupant approximately 30 clicks away lying on the ground.

(b)(6),(b)(7)(C) reported after the shooting, he did not see anyone approach the body. When asked why he didn't try to administer first aid (b)(6),(b)(7)(C) replied he didn't approach the body because he felt the occupant could have had a weapon or some remote device that could explode. (b)(6),(b)(7)(C) reported he came to this conclusion based on the weapons and devices he witnessed in the back seat of the Opel. (b)(6),(b)(7)(C) relayed he didn't hear anyone saying much after the shooting. (b)(6),(b)(7)(C) stated the unit remained on scene for 10 to 15 minutes as they (b)(7)(E) secured the hands of the detainees. (b)(6),(b)(7)(C) reported he didn't see anyone strike the detainees the whole time they were there.

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ACLU-RDI 5794 p.13

EXHIBIT 00A

11.12

12OCT05-MEBJ-0700-7HMA

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

**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

**BIOGRAPHICAL DATA**

EMPLOYMENT: UNITED STATES ARMY NATIONAL GUARD

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

DOB:

POB:

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

REPORTED BY (b)(6),(b)(7)(C)

OFFICE: SPECIAL AGENT  
BLUE DIAMOND, IRAQ

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(b)(6),(b)(7)(C) V2 LNY

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ACLU-RDI 5794 p.14

H 43

180317 03:47 20051104 IN:SSDEMAIL #50533 OUT:23EXLIFE #6396

**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

INVESTIGATIVE ACTION

13OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

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

DUSTA: ARNG TASKFORCE 1-172 ARMOR/CAMP RAMADI, IRAQ

RESULTS OF INTERVIEW OF (b)(6),(b)(7)(C)

On 11OCT05 (b)(6),(b)(7)(C)

Alpha Company 1-172, was interviewed by Reporting Agent (RA) in Ramadi, Iraq. The interview took place aboard Camp Ramadi, Iraq at Headquarters Battalion 1-172. The purpose of the interview was to gather information concerning the shooting death of V/SERHAN.

(b)(6),(b)(7)(C) reported, on 09OCT05, his unit was on routine patrol in the Tammim area of Ramadi, Iraq. (b)(6),(b)(7)(C) reported he was the turret gunner of his Humvee. (b)(6),(b)(7)(C) stated they were alerted to a vehicle, black Opel, was acting suspiciously by a tank at the Observation Post (OP). (b)(6),(b)(7)(C) reported the unit intercepted the vehicle soon after the report. (b)(6),(b)(7)(C) stated he did not exit the Humvee but instead operated the gun turret on his Humvee. (b)(6),(b)(7)(C) reported he saw the unit members approach the black Opel but didn't see much else because he was busy manning his gun. (b)(6),(b)(7)(C) stated he moved his gun turret in the opposite direction to cover the high rise building behind where the unit was deployed. (b)(6),(b)(7)(C) stated he heard some commotion and turned to see one of the occupants running away from the Opel. (b)(6),(b)(7)(C) reported he could not see who was firing because much of what happen was behind him. (b)(6),(b)(7)(C) reported he stayed focused on the high rise building because his unit had taken fire from this building previously.

(b)(6),(b)(7)(C) reported he believes he saw someone approach the body but could not confirm who it was. (b)(6),(b)(7)(C) stated he did not see how the detainees were restrained. (b)(6),(b)(7)(C) reported the detainees were placed in the back of his Humvee and taken back to the company command post aboard Camp Ramadi. (b)(6),(b)(7)(C) stated he did not see any injuries to the detainees but stressed his attention was focused on the surrounding areas providing cover to the mounted patrol.

**BIOGRAPHICAL DATA**

EMPLOYMENT: U.S. ARMY NATIONAL GUARD

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

DOB:

POB:

RESIDENCE

REPORTED BY: (b)(6),(b)(7)(C), SPECIAL AGENT

OFFICE: MEBJ/ DET CAMP BLUE DIAMOND, IRAQ

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

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ACLU-RDI 5794 p.15

**EXHIBIT (3)**



PREVIEW OF 52875445NB.DOC IN:SSD #17094 OUT:TEMPLATE #562

//23/BJ//

**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

INVESTIGATIVE ACTION

13OCT05

CONTROL: 12OCT05-MEJB-0700-7HMA

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

DUSTA: ARNG TASKFORCE 1-172 ARMOR/CAMP RAMADI, IRAQ

RESULTS OF INTERVIEW OF (b)(6),(b)(7)(C)

On 11OCT05 (b)(6),(b)(7)(C)

Company 1-172, was interviewed by Reporting Agent (RA) in Ramadi, Iraq. The interview took place aboard Camp Ramadi, Iraq at Headquarters Battalion 1-172. The purpose of the interview was to gather information concerning the shooting death of V/SERHAN.

(b)(6),(b)(7)(C) advised on 09OCT05, his unit was working security patrol in the Tammim area of Ramadi, Iraq. During the patrol, the tank at the Observation Post (OP) advised his unit of a black Opel in the area acting suspiciously. (b)(6),(b)(7)(C) stated his unit proceeded to the area to intercept the black Opel. As they arrived in the area (b)(6),(b)(7)(C) advised the black Opel was leaving the area. (b)(6),(b)(7)(C) stated his unit intercepted the black Opel as it was driving away.

(b)(6),(b)(7)(C) stated he was the mounted gunner on his Humvee. (b)(6),(b)(7)(C) advised as soon as they blocked the Opel from leaving the Humvee team dismounted and approached the Opel. (b)(6),(b)(7)(C) stated as the units were dismounting the Humvee, he moved his turret away from the Opel to cover the rear area. (b)(6),(b)(7)(C) advised he moved his turret to watch the towers scanning the rooftops looking for threats. (b)(6),(b)(7)(C) advised he stayed in the rear seat of the Humvee to operate the "Crow" system. The Crow system was an unmanned turret operated by electronic systems from the back seat of the Humvee.

(b)(6),(b)(7)(C) relayed he didn't see anything once his unit dismounted the Humvee. (b)(6),(b)(7)(C) reported hearing gun shots outside the Humvee, but was unable to (b)(6),(b)(7)(C) (b)(2),(b)(6),(b)(7)(C) after the gunfire (b)(6),(b)(7)(C) came to the Humvee to report the incident to command. (b)(6),(b)(7)(C) stated he heard (b)(6),(b)(7)(C) report an occupant had reached for (b)(6),(b)(7)(C) weapon and then tried to run away and was shot and subsequently killed.

(b)(6),(b)(7)(C) advised he believed the detainee's hands were restrained and (b)(6),(b)(7)(C) (b)(7)(E) (b)(6),(b)(7)(C) stated he did not know what was used to restrain the detainee's hands. (b)(6),(b)(7)(C) stated he did not see any injuries or blood on the detainees, but stressed he did not have much dealings with the detainees. (b)(6),(b)(7)(C) advised the detainees were brought back to Camp Ramadi and that the Tactical Humint Team (THT) was called to interrogate the detainees. (b)(6),(b)(7)(C) advised later on he heard one of the detainees was butt stroked with a weapon when he was trying to escape during the gunfire. (b)(6),(b)(7)(C) advised he could not remember who told him this or what soldier butt stroked the detainee.

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ACLU-RDI-5794 p.16

EXHIBIT (14)

H45

12OCT05-MEBJ-0700-7HMA

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

**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

## BIOGRAPHICAL DATA

EMPLOYMENT: U.S. ARMY NATIONAL GUARD

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

DOB:

POB:

RESIDENCE:

REPORTED BY (b)(6),(b)(7)(C) SPECIAL AGENT

OFFICE: MEJ/ DET CAMP BLUE DIAMOND, IRAQ

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LAST

(b)(6),

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ACLU-RDI 5794 p.17

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PREVIEW OF 52890930RJ.DOC IN:SSD #17094 OUT:TEMPLATE #562

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

INVESTIGATIVE ACTION

12OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

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

DUSTA: ARNG TASKFORCE 1-172 ARMOR/CAMP RAMADI, IRAQ

## ACQUISITION OF PHOTOGRAPHS/11OCT05

1. On 11OCT05 Reporting Agent (RA) interviewed (b)(6),(b)(7) regarding his involvement in the shooting death of V/SERHAN. Subsequent to being advised of his UCMJ Article 31b rights (b)(6),(b)(7)(C) provided RA with five digital pictures taken on 09OCT05 depicting the deceased V/SERHAN. RA was also provided one digital picture depicting (b)(6),(b)(6),(b)(7)(C) detainee (b)(2),(b) and (b)(6),(b)(7)(C) detainee (b)(2),(b) long with the weapons and improvised explosive device (IED) components recovered from their vehicle. Enclosures (A) through (F) pertain.

## ENCLOSURE(S)

- (A) Photograph taken on 09OCT05 by (b)(6),(b)(7)(C) depicting V/SERHAN/11OCT05
- (B) Photograph taken on 09OCT05 by (b)(6),(b)(7)(C) depicting V/SERHAN/11OCT05
- (C) Photograph taken on 09OCT05 by (b)(6),(b)(7)(C) depicting V/SERHAN/11OCT05
- (D) Photograph taken on 09OCT05 by (b)(6),(b)(7)(C) depicting V/SERHAN/11OCT05
- (E) Photograph taken on 09OCT05 by (b)(6),(b)(7)(C) depicting V/SERHAN/11OCT05
- (F) Photograph taken on 09OCT05 by (b)(6),(b)(7)(C) depicting (b)(6),(b)(7)(C) detainee (b)(2),(b) and (b)(6),(b)(7)(C) detainee (b)(2),(b) long with the weapons and improvised explosive device (IED) components recovered from their vehicle/11OCT05

REPORTED BY: (b)(6),(b)(7)(C) SPECIAL AGENT  
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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ACLU-RDI-5794 p.18

EXHIBIT (15)

447

## NAVAL CRIMINAL INVESTIGATIVE SERVICE

## DELETED PAGE INFORMATION SHEET

Page(s) \* 48 - 53, Encl (A) - (F) to  
Exh. (15) - Photographs

withheld entirely at this location. One or more of the following explain this decision:

☒ Deleted under exemption(s) b6, b7C

☐ Documents originated with other government agency(ies).  
 Referred for review and direct response to you.

☐ Pages contain information furnished by other government  
 agency(ies). We will advise you of releasability of information  
 following consultation with agency(ies).

Comments: \_\_\_\_\_

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

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

PREVIEW OF 52894841SN.DOC IN:SSD #17094 OUT:TEMPLATE #562

//23/BJ//

**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

INVESTIGATIVE ACTION

13OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

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

~~DUSTA: ARNG TASKFORCE 1-172 ARMOR/CAMP RAMADI, IRAQ~~LIAISON WITH (b)(6),(b)(7)(C) CIV/INTERROGATOR CAMP RAMADI DETENTION  
CENER/11OCT05

1. On 11OCT05 Reporting Agent (RA) and Participating Agent (PA) SA (b)(6),(b)(7)(C) effected liaison with (b)(6),(b)(7)(C) CIV, a contracted Department of Defense interrogator at the Ar Ramadi Detention Center (ARDF). On 09OCT05 (b)(6),(b)(7)(C) was the first person to interrogate (b)(6),(b)(7)(C) CIV, detainee (b)(2) and (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) CIV, detainee (b)(2), (b)(6),(b)(7)(C) stated that during his interrogations the detainees gave conflicting stories of what took place on 09OCT05 prior to their apprehension by soldiers of Taskforce Saber of Alpha Company 3rd Battalion 172nd Infantry Regiment, ARNG. However, both detainees gave similar version regarding the shooting death of V/SERHAN. Both alleged that one of the soldiers (NFI) told V/SERHAN to walk away from where they were apprehended and as he was walking the soldiers shot V/SERHAN in the back killing him without reason. According to (b)(6),(b)(7)(C) both detainees were interrogated separately and based on similarities of their allegation he notified (b)(6),(b)(7)(C) USMC, Ar Ramadi Detention Facility (ARDF) Officer in Charge (OIC) of potential violations of UCMJ.

REPORTED BY: (b)(6),(b)(7)(C) SPECIAL AGENT  
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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ACLU-RDI 5794 p.26

EXHIBIT (16)

x24

PREVIEW OF 52891528TP.DOC IN:SSD #17094 OUT:TEMPLATE #562

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

INVESTIGATIVE ACTION

14OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

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

DUSTA: ARNG TASKFORCE 1-172 ARMOR/CAMP RAMADI, IRAQ

RESULTS OF INTERVIEW (b)(6),(b)(7)(C) CIV/DETAINEE

(b)(2),(b) 11OCT05

1. On 11OCT05 Reporting Agent (RA) and Participating Agent (PA) SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) CIV, Camp Ramadi detainee (b)(2),(b) The interview took place at the Camp Ramadi Detention Center (ARDF) (b)(6),(b)(7) a self proclaimed insurgent, was apprehended on 09OCT05 by members of Taskforce Saber 1-172 Armor, ARNG while patrolling the Tammin area of Ar Ramadi, Iraq. Moments prior to his capture (b)(6),(b) was observed emplacing improvised explosive devices (IEDs) in the roadway intended to kill U.S. Forces.

2. Shortly after arriving at ARDF (b)(6),(b)(7) was interrogated by (b)(6),(b)(7)(C) a civilian contracted Department of Defense interrogator. On 09OCT05 (b)(6),(b)(7) alleged that soldiers who captured them shot and killed V/SERHAN. According to (b)(6),(b)(7) the soldiers instructed V/SERHAN to walk away and as he did several soldiers shot and killed him for no apparent reason. RA requested that (b)(6),(b)(7) sit in on the interview and advise RA of any inconsistencies between the allegations voiced on 09OCT05 and 11OCT05.

3. RA and PA questioned (b)(6),(b)(7) regarding the incident and he initially gave the same account of events as previously told to (b)(6),(b)(7)(C). However, further questioning refuted his original story and he finally admitted that he was in no position to observe what took place. (b)(6),(b) ultimately stated that he heard the shooting but did not know what caused the soldiers to fire their weapons. He added that at the time V/SERHAN was shot he was at least 10 meters from the soldiers.

REPORTED BY: (b)(6),(b)(7)(C) SPECIAL AGENT  
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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Page 1 LAST (b)(6), V2 LNY

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ACLU-RDI 5794 p.27

EXHIBIT (17)

21 B

PREVIEW OF 52890717UJ.DOC IN:SSD #17094 OUT:TEMPLATE #562

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

INVESTIGATIVE ACTION

14OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

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

DUSTA: ARNG TASKFORCE 1-172 ARMOR/CAMP RAMADI, IRAQ

RESULTS OF INTERVIEW OF (b)(6),(b)(7)(C) CIV/DETAINEE

(b)(2),(b)(7)(C) 11OCT05

1. On 11OCT05 Reporting Agent (RA) and Participating Agent (PA) SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) CIV, Camp Ramadi detainee (b)(2),(b)(7)(C). The interview took place at the Camp Ramadi Detention Center (ARDF). (b)(6),(b)(7)(C) a self proclaimed insurgent, was apprehended on 09OCT05 by members of Taskforce Saber 1-172 Armor, ARNG while patrolling the Tammin area of Ar Ramadi, Iraq. Moments prior to his capture (b)(6),(b)(7)(C) was observed emplacing improvised explosive devices (IEDs) in the roadway intended to kill U.S. Forces.

2. Shortly after arriving at ARDF (b)(6),(b)(7)(C) was interrogated by (b)(6),(b)(7)(C) a civilian contracted Department of Defense interrogator. On 09OCT05 (b)(6),(b)(7)(C) alleged that soldiers who captured them shot and killed V/SERHAN. According to (b)(6),(b)(7)(C) the soldiers instructed V/SERHAN to walk away and as he did several soldiers shot and killed him for no apparent reason. RA requested that (b)(6),(b)(7)(C) sit in on the interview and advise RA of any inconsistencies between the allegations voiced on 09OCT05 and 11OCT05.

3. RA and PA questioned (b)(6),(b)(7)(C) regarding the incident and he initially gave the same account of events as previously told to (b)(6),(b)(7)(C). However, further questioning refuted his original story and he finally admitted that he was in no position to observe what took place. Moreover (b)(6),(b)(7)(C) first stated that the soldier who instructed V/SERHAN to walk away spoke in Arabic while detainee (b)(2),(b)(7)(C) claimed the soldier spoke in English. (b)(6),(b)(7)(C) ultimately stated that he heard the shooting but did not know what caused the soldiers to fire their weapons. He added that at the time V/SERHAN was shot he was at least 15 meters from the soldiers.

REPORTED BY: (b)(6),(b)(7)(C) SPECIAL AGENT  
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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LAST (b)(6), V2 LNY

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ACLU-RDI 5794 p.28

EXHIBIT (18)

420

PREVIEW OF 52892149UV.DOC IN:SSD #17094 OUT:TEMPLATE #562

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

INVESTIGATIVE ACTION

14OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

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

DUSTA: ARNG TASKFORCE 1-172 ARMOR/CAMP RAMADI, IRAQ

LIAISON WITH (b)(6),(b)(7)(C) JA 2MARDIV/12OCT05

1. On 12OCT05 RA advised (b)(6),(b)(7)(C) of the findings in the investigation. RA advised that based on multiple interrogations and interviews of the soldiers and detainees, the soldiers acted within the rules of engagement. (b)(6),(b)(7)(C) concurred with RA's findings and indicated the investigation would be endorsed by the Commanding General, 2MARDIV and forwarded to MNF-W per MNC-I LOAC reporting requirements.

REPORTED BY: (b)(6),(b)(7)(C) SPECIAL AGENT  
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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ACLU-RDI 5794 p.29

EXHIBIT (19)

457