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

22 Jun 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - CORRECTED FINAL/SSI -  
0489-2004-CID056-76341 - 5H1A / 5M3C / 5X2 / 5X4 / 5X1 / 9G2W 9G2C

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004, 0100 - 03 JAN 2004, 0130; GRID COORDINATE MC 2161, NEAR BALAD, IRAQ
2. 14 JAN 2004, 1215 - 14 JAN 2004, 1215; FORWARD OPERATING BASE (FOB) PALIWODA, BALAD, AE 09323-9323
3. 02 JAN 2004, 1200 - 02 JAN 2004, 2359; FOB ATTACK, BALAD, AE 09323

DATE/TIME REPORTED: 17 NOV 2004, 1600

INVESTIGATED BY:

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

SUBJECT:

1. (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO 80913; FC ;  
[PREMEDITATED MURDER], [CONSPIRACY]
2. (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO 80913; FC ; [ASSESSORY  
AFTER THE FACT], [CONSPIRACY]
3. (b)(6),(b)(7)(C) SSG (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; A CO 4TH EN BN, FORT CARSON, CO 80913; FC ; [ASSESSORY  
AFTER THE FACT], [CONSPIRACY]
4. (b)(6),(b)(7)(C) FORMER SGT (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) FC ; [ASSESSORY AFTER THE FACT], [CONSPIRACY]

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

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5. (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO 80913; FC ;  
[ASSESSORY AFTER THE FACT], [CONSPIRACY]  
6. (b)(6),(b)(7)(C) SSG (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; HHC, 4TH ID, FORT HOOD, TX 76544; FC ;  
[PREMEDITATED MURDER], [SIGNING A FALSE STATEMENT], [ASSESSORY AFTER  
THE FACT], [CONSPIRACY]  
7. (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO  
80913; FC ; [ASSESSORY AFTER THE FACT], [CONSPIRACY]  
8. (b)(6),(b)(7)(C) CPT (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; HEADQUARTERS AND HEADQUARTERS COMPANY, 3/4  
INFANTRY BRIGADE, FORT CARSON, CO 80913; FC ; [SOLICITATION TO COMMIT  
MURDER]

VICTIM:

1. ISMAIL, NASER (DECEASED) ; CIV; MALE; IZ; ZZ ; [PREMEDITATED MURDER], [SOLICITATION TO COMMIT MURDER], [CONSPIRACY] (NFI)
2. U.S. GOVERNMENT; [SIGNING A FALSE STATEMENT], [ASSESSORY AFTER THE FACT]

INVESTIGATIVE SUMMARY:

On 17 Nov 04, this office was notified by the Office of Staff Judge Advocate (OSJA), Fort Carson, CO 80913 (FCC), PFC (b)(6),(b)(7) had reported to his psychologist that SSG (b)(6),(b)(7)(C) murdered Mr. ISMAIL during a series of raids conducted while their unit was deployed to Iraq.

Investigation established SSG (b)(6),(b)(7)(C) with the assistance of PFC (b)(6),(b)(7)(C) beat and then shot and killed Mr. ISMAIL who was unarmed and posed no immediate threat to him or members of his squad. Investigation further established SSG (b)(6),(b)(7)(C) provided false information in a sworn statement detailing the circumstances surrounding the death of Mr. ISMAIL.

Investigation established PFC (b)(6),(b)(7)(C), SSG (b)(6),(b)(7)(C), Mr. (b)(6),(b)(7)(C), SPC (b)(6),(b)(7)(C) and SPC (b)(6),(b)(7)(C) agreed upon a false account of the circumstances under which Mr. ISMAIL was shot and killed in an effort to prevent SSG (b)(6),(b)(7)(C) from being punished.

Investigation established probable cause to believe SSG (b)(6),(b)(7)(C), PFC (b)(6),(b)(7)(C), PFC (b)(6),(b)(7)(C), SSG (b)(6),(b)(7)(C), Mr. (b)(6),(b)(7)(C), SPC (b)(6),(b)(7)(C) and SPC (b)(6),(b)(7)(C) committed the offense of

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Conspiracy to Commit Accessory after the Fact when they entered into an agreement to present a false account of how Mr. ISMAIL was killed and related that false account to members of their chain of command.

Investigation established probable cause to believe CPT (b)(6),(b)(7)(C) committed the offense of Solicitation to Commit Murder when he stated in an Operations Order attended by SSG (b)(6),(b)(7)(C) that certain insurgent targets, including Mr. ISMAIL, were not to come back alive.

Further, a SAC review of the original Final Report revealed probable cause existed to believe the subjects listed above committed the offense of Conspiracy to Commit Accessory After the Fact. The review also revealed lab codes had not been entered. This Corrected Final Report was generated to document the above changes.

STATUTES:

- Article 114, UCMJ: Murder
- Article 134, UCMJ: Solicitation to Commit Murder
- Article 81, UCMJ: Conspiracy to Commit Accessory After the Fact
- Article 107, UCMJ: False Official Statement
- Article 78, UCMJ: Accessory after the Fact

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agents Investigation Report (AIR) of Special Agent (SA) (b)(6),(b)(7) 2 Dec 04, detailing the following: initial notification, coordination with COI (b)(6), interview of PFC (b)(6),(b)(7)(C) interview of Mrs. (b)(6),(b)(7), consent to search of PFC (b)(6),(b)(7)(C) collection of items from PFC (b)(6),(b)(7)(C) interview of PFC (b)(6), interview of PFC (b)(6),(b)(7)(C) interview of SSG (b)(6),(b)(7)(C) collection of rifles, interview of LTC (b)(6),(b)(7)(C) interview of CPT (b)(6),(b)(7)(C) and MAJ (b)(6),(b)(7)(C) coordination with 1LT (b)(6),(b)(7)(C) interview of 1LT (b)(6),(b)(7)(C) coordination with CPT (b)(6),(b)(7)(C) interview of SFC (b)(6),(b)(7)(C) review of Intelligence Summary, name check results, collection of documents from 1LT (b)(6),(b)(7)(C) apprehension and rights advisement to SSG (b)(6),(b)(7)(C) interview of SPC (b)(6),(b)(7)(C) and interview of Mr. (b)(6),(b)(7)(C)
2. Rights Waiver Certificate and Sworn Statements of PFC (b)(6),(b)(7)(C) 17 Nov 04, wherein he detailed his actions during the shooting of Mr. ISMAIL.
3. Rough Sketch by PFC (b)(6),(b)(7)(C) 7 Nov 04, depicting the layout of the room in which

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Mr. ISMAIL was shot and killed.

4. Sworn Statement of Mrs. (b)(6),(b)(7)(C) 17 Nov 04, wherein she detailed her knowledge of the incident under investigation.

5. Consent to Search, 17 Nov 04, granted by PFC (b)(6),(b)(7)(C) allowing CID to search his off-post apartment.

6. Rights Waiver Certificate and Sworn Statement of PFC (b)(6),(b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.

7. Rights Waiver Certificate and Sworn Statement of SPC (b)(6),(b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.

8. Rights Waiver Certificate and Sworn Statement of SSG (b)(6),(b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.

9. Rough Sketch by SSG (b)(6),(b)(7)(C) 18 Nov 04, depicting the layout of the area in which the raid were conducted.

10. Sworn Statement of 1LT (b)(6),(b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.

11. Sworn Statement of SFC (b)(6),(b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.

12. Documents provided by CPT (b)(6),(b)(7)(C) regarding the series of raids during which Mr. ISMAIL was killed.

13. Aerial photograph depicting the area in which the series of raids were conducted.

14. Topographical map depicting the city of Balad, Iraq and surrounding area.

15. Recommendation for Award, 19 Jan 04, related documents and Sworn Statement of SSG (b)(6),(b)(7)(C) wherein he detailed the circumstances under which Mr. ISMAIL was shot and killed.

16. Rights Non-Waiver Certificate of SSG (b)(6),(b)(7)(C) 20 Nov 04.

17. Rights Waiver Certificate and Sworn Statement of SPC (b)(6),(b)(7)(C) 29 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.

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

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18. AIR of SA (b)(6),(b)(7) 20 Dec 04, detailing the following: interview of 1LT (b)(6),(b)(7) interview of SSG (b)(6),(b)(7) interview of SGT (b)(6),(b)(7) interview of 1SG (b)(6),(b)(7)(C) receipt of lab report, and interview of 1LT (b)(6),(b)(7)(C)

19. Rights Waiver Certificate of 1LT (b)(6),(b)(7) 8 Dec 04.

20. Sworn Statement of SSG (b)(6),(b)(7) 113 Dec 04, wherein he detailed his knowledge of the series during which Mr. ISMAIL was killed.

21. AIR of SA (b)(6),(b)(7) 4 Feb 05, detailing the following: receipt of type-written statement purportedly made by 1LT (b)(6),(b)(7) receipt of lab report, interview of 1LT (b)(6),(b)(7) and the Request for Assistance (RFA) declination from the 37th Military Police (MP) Detachment (DET).

22. Type-written statement purportedly made by 1LT (b)(6),(b)(7) 28 Jan 05.

23. AIR of SA (b)(6),(b)(7) 2 Mar 05, detailing the following: coordination with Mr. (b)(6),(b)(7) coordination with Mr. (b)(6),(b)(7)(C) interviews of CPT (b)(6),(b)(7) coordination with SFC (b)(6),(b)(7) coordination with SFC (b)(6),(b)(7) coordination with 1LT (b)(6),(b)(7)(C) and interview of 1LT (b)(6),(b)(7)(C)

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

25. Sworn Statement of CPT (b)(6),(b)(7)(C) 2 Mar 05, clarifying his earlier sworn statement.

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

27. Sworn Statement of 1LT (b)(6),(b)(7) 13 Mar 05, wherein he detailed his knowledge of the Operations Order given by CPT (b)(6),(b)(7)(C)

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

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

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

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

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

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

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

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

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

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

37. Sworn Statement of SSG (b)(6),(b)(7)(C) 17 Mar 05, clarifying his earlier sworn statement.

38. AIR of SA (b)(6),(b)(7)  
(C) 21 Mar 05, detailing the following: interview of 1LT (b)(6),(b)(7)  
(C) receipt of cell phone records, receipt of stipulation of fact, and receipt of sworn statement made by 1LT (b)(6),(b)(7)  
(C)

39. Sworn Statement of 1LT (b)(6),(b)(7)  
(C) 7 Mar 05, clarifying his earlier sworn statement.

40. Telephone Records, Nov 04 - Feb 05, pertaining to government cell phone number (b)(6),  
(b)(7)(C) (b)(7)(C)

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

42. Sworn Statement of 1LT (b)(6),(b)(7)  
(C) 18 Mar 05, wherein he detailed his knowledge of the shooting of death of Mr. ISMAIL.

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

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44. Sworn Statement of ILT (b)(6),(b)(7) (C) 12 Apr 05, clarifying his earlier sworn statement.
45. AIR of SA (b)(6),(b)(7) (C) detailing the following: review of electronic data, collection of DVD-R, interview of ILT (b)(6),(b)(7) (C) coordination with 4th ID OSJA, and interview of CPT (b)(6),(b)(7) (C)
46. Sworn Statement of CPT (b)(6),(b)(7) (C) 17 May 05, clarifying his earlier sworn statements.
47. Crime Lab Examination Request, 22 Nov 04, requesting that the items collected from the residence of PFC (b)(6),(b)(7) (C) be examined for the presence of serological material, and that the submitted rifles be evaluated for functionality and individual characteristics. (USACRC and file copy only)
48. U.S. Army Criminal Investigation Laboratory (USACIL) Report, 10 Dec 04, indicating both submitted rifles are fully functional.
49. USACIL Report, 1 Feb 05, indicating blood had been identified on the submitted body armor.
50. (50-1 through 50-4) DA Form 4137, Evidence/Property Custody Document, document numbers (DN) 219-04, 220-04, 222-04, and 140-05.

Not Attached:

Retained in the evidence depository this office:

51. Flashlight (PFC (b)(6),(b)(7) (C)), DN 219-04.
52. Boots (PFC (b)(6),(b)(7) (C)), DN 219-04.
53. Body Armor (PFC (b)(6),(b)(7)(C)) DN 219-04.
54. Ammo Pouches (PFC (b)(6),(b)(7) (C)) DN 219-04.
55. Boots (PFC (b)(6),(b)(7)(C)) DN 219-04.
56. Rifle (CPT (b)(6),(b)(7) (C)) DN 220-04.
57. Rifle (CPT (b)(6),(b)(7) (C)) DN 220-04.

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58. Recommendation for Award (1LT (b)(6),(b)(7)(C) DN 222-04.

59. DVD-R (Case file), DN 140-05.

The originals of Exhibits 1 through 14, 16 through 19, 21, 23 through 39, and 43 through 46 are attached to the USACRC copy of this report. The original of Exhibit 20 is attached to the USACRC copy the Final (C) Report for Report of Investigation (ROI) 0498-04-CID056-76349. The originals of Exhibits 22, 41 and 42 are retained in the files of the 4th ID OSJA, Fort Hood, TX. The original of Exhibit 40 is retained in the files of the Directorate of Information Management, FCC. Originals of Exhibits 47 and 48 are attached to the USACRC copy of this report and maintained in the files of USACIL. The originals of Exhibits 15, 49 and 50 are retained in the evidence depository this office.

STATUS: This is a corrected final (C) report. This investigation is being closed in accordance with Section V, paragraph 4-17(3 and 4), CIDR 195-1, in that on 26 May 05 SSG (b)(6),(b)(7)(C) was found innocent by court martial of Obstruction of Justice and Murder and PFC (b)(6),(b)(7)(C) SSG (b)(6),(b)(7)(C) PFC (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C), PFC (b)(6),(b)(7)(C) and Mr. (b)(6),(b)(7)(C) were all granted testimonial immunity. Furthermore, the supported staff judge advocate is of the opinion that sufficient evidence exists to prosecute CPT (b)(6),(b)(7)(C) and that additional investigation would produce only cumulative and unnecessary evidence. Remaining leads include conducting interviews of Mr. ISMAIL's family members present in his residence at the time of his death. Commander's Report of Action Taken (DA Form 4833) is pending for CPT (b)(6),(b)(7)(C)

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REPORT PREPARED BY  
(b)(2), (b)(6), (b)(7)(C)

REPORT APPROVED BY  
(b)(6), (b)(7)(C)

Special Agent in Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA  
Cdr, 22d MP Bn, Ft Lewis, WA  
1 - CDR, USACIDC, ATTN: CIOP-ZA, 6010 6th Street, Ft Belvoir, VA 22060  
1 - Commander, 6th MP Group (CID), Fort Lewis, WA 98433  
CDR, 43RD ASG, FT CARSON, CO  
GARRISON COMMANDER, FT CARSON  
PMO, FORT CARSON, CO  
SAC, 48TH MP DET (CID)  
SAUSA, FORT CARSON, CO  
CHIEF OF STAFF, FT CARSON  
SJA, Fort Hood, TX (ATTN: MAJ) (b)(6), (b)(7)(C)  
FILE

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

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(b)(6),(b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO 80913; FC ; [ASSESSORY  
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(b)(6),(b)(7)(C) FC ; [ASSESSORY AFTER THE FACT], [CONSPIRACY]

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

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[ASSESSORY AFTER THE FACT], [CONSPIRACY]
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[PREMEDITATED MURDER], [SIGNING A FALSE STATEMENT], [ASSESSORY AFTER  
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MURDER]

VICTIM:

1. ISMAIL, NASER (DECEASED) ; CIV; MALE; IZ; ZZ ; [PREMEDITATED MURDER], [SOLICITATION TO COMMIT MURDER], [CONSPIRACY] (NFI)
2. U.S. GOVERNMENT; [SIGNING A FALSE STATEMENT], [ASSESSORY AFTER THE FACT]

INVESTIGATIVE SUMMARY:

On 17 Nov 04, this office was notified by the Office of Staff Judge Advocate (OSJA), Fort Carson, CO 80913 (FCC), PFC (b)(6),(b)(7) had reported to his psychologist that SSG (b)(6),(b)(7) murdered Mr. ISMAIL during a series of raids conducted while their unit was deployed to Iraq.

Investigation established SSG (b)(6),(b)(7) with the assistance of PFC (b)(6),(b)(7) beat and then shot and killed Mr. ISMAIL who was unarmed and posed no immediate threat to him or members of his squad. Investigation further established SSG (b)(6),(b)(7) provided false information in a sworn statement detailing the circumstances surrounding the death of Mr. ISMAIL.

Investigation established PFC (b)(6),(b)(7), SSG (b)(6),(b)(7), Mr. (b)(6),(b)(7), SPC (b)(6),(b)(7) and SPC (b)(6),(b)(7) agreed upon a false account of the circumstances under which Mr. ISMAIL was shot and killed in an effort to prevent SSG (b)(6),(b)(7) from being punished.

Investigation established insufficient evidence to prove or disprove SSG (b)(6),(b)(7), PFC (b)(6),(b)(7), PFC (b)(6),(b)(7), SSG (b)(6),(b)(7), Mr. (b)(6),(b)(7), SPC (b)(6),(b)(7) and SPC (b)(6),(b)(7).

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

committed the offense of Conspiracy.

Investigation established probable cause to believe CPT (b)(6),(b)(7)(C) committed the offense of Solicitation to Commit Murder when he stated in an Operations Order attended by SSG (b)(6),(b) that certain insurgent targets, including Mr. ISMAIL, were not to come back alive.

STATUTES:

- Article 114, UCMJ: Murder
- Article 134, UCMJ: Solicitation to Commit Murder
- Article 81, UCMJ: Conspiracy
- Article 107, UCMJ: False Official Statement
- Article 78, UCMJ: Accessory after the Fact

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1. Agents Investigation Report (AIR) of Special Agent (SA) (b)(6),(b)(7) 2 Dec 04, detailing the following: initial notification, coordination with COI (b)(6), interview of PFC (b)(6),(b)(7)(C) interview of Mrs. (b)(6),(b)(7) consent to search of PFC (b)(6),(b)(7) collection of items from PFC (b)(6),(b)(7) interview of PFC (b)(6), interview of PFC (b)(6),(b), interview of SSG (b)(6),(b) collection of rifles, interview of LTC (b)(6),(b)(7)(C) interview of CPT (b)(6),(b)(7)(C) CPT (b)(6),(b)(7)(C) and MAJ (b)(6),(b)(7) coordination with 1LT (b)(6),(b)(7) interview of 1LT (b)(6),(b)(7) coordination with CPT (b)(6),(b)(7)(C), interview of SFC (b)(6),(b)(7) review of Intelligence Summary, name check results, collection of documents from 1LT (b)(6),(b)(7) apprehension and rights advisement to SSG (b)(6),(b) interview of SPC (b)(6),(b) and interview of Mr. (b)(6),(b) (7)(C)
2. Rights Waiver Certificate and Sworn Statements of PFC (b)(6),(b)(7) 17 Nov 04, wherein he detailed his actions during the shooting of Mr. ISMAIL.
3. Rough Sketch by PFC (b)(6),(b)(7) 17 Nov 04, depicting the layout of the room in which Mr. ISMAIL was shot and killed.
4. Sworn Statement of Mrs. (b)(6),(b)(7) 17 Nov 04, wherein she detailed her knowledge of the incident under investigation.
5. Consent to Search, 17 Nov 04, granted by PFC (b)(6),(b)(7) allowing CID to search his off-post apartment.

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6. Rights Waiver Certificate and Sworn Statement of PFC (b)(6),(b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.
7. Rights Waiver Certificate and Sworn Statement of SPC (b)(6),(b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.
8. Rights Waiver Certificate and Sworn Statement of SSG (b)(6),(b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.
9. Rough Sketch by SSG (b)(6),(b)(7)(C) 8 Nov 04, depicting the layout of the area in which the raid were conducted.
10. Sworn Statement of 1LT (b)(6),(b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.
11. Sworn Statement of SFC (b)(6),(b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.
12. Documents provided by CPT (b)(6),(b)(7)(C) regarding the series of raids during which Mr. ISMAIL was killed.
13. Arial photograph depicting the area in which the series of raids were conducted.
14. Topographical map depicting the city of Balad, Iraq and surrounding area.
15. Recommendation for Award, 19 Jan 04, related documents and Sworn Statement of SSG (b)(6),(b)(7)(C) wherein he detailed the circumstances under which Mr. ISMAIL was shot and killed.
16. Rights Non-Waiver Certificate of SSG (b)(6),(b)(7)(C) 20 Nov 04.
17. Rights Waiver Certificate and Sworn Statement of SPC (b)(6),(b)(7)(C) 29 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.
18. AIR of SA (b)(6),(b)(7)(C) 20 Dec 04, detailing the following: interview of 1LT (b)(6),(b)(7)(C) interview of SSC (b)(6),(b)(7)(C) interview of SGT (b)(6),(b)(7)(C) interview of 1SG (b)(6),(b)(7)(C) receipt of lab report, and interview of 1LT (b)(6),(b)(7)(C)
19. Rights Waiver Certificate of 1LT (b)(6),(b)(7)(C) 8 Dec 04.

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20. Sworn Statement of SSG (b)(6),(b)(7) 113 Dec 04, wherein he detailed his knowledge of the series during which Mr. ISMAIL was killed.
21. AIR of SA (b)(6),(b)(7) 14 Feb 05, detailing the following: receipt of type-written statement purportedly made by 1LT (b)(6),(b)(7) receipt of lab report, interview of 1LT (b)(6),(b)(7) and the Request for Assistance (RFA) declination from the 37th Military Police (MP) Detachment (DET).
22. Type-written statement purportedly made by 1LT (b)(6),(b)(7) 28 Jan 05.
23. AIR of SA (b)(6),(b)(7) 2 Mar 05, detailing the following: coordination with Mr. (b)(6),(b)(7) coordination with Mr. (b)(6),(b)(7) interviews of CPT (b)(6),(b)(7) coordination with SFC (b)(6),(b)(7) coordination with SFC (b)(6),(b)(7) coordination with 1LT (b)(6),(b)(7) and interview of 1LT (b)(6),(b)(7)(C)
24. Sworn Statement of CPT (b)(6),(b)(7)(C) 2 Mar 05, wherein he detailed his knowledge of CPT (b)(6),(b)(7)(C) weapons policy.
25. Sworn Statement of CPT (b)(6),(b)(7)(C) 2 Mar 05, clarifying his earlier sworn statement.
26. AIR of SA (b)(6),(b)(7)(C) 4 Mar 05, detailing the receipt of the RFA and interview of 1LT (b)(6),(b)(7)(C)
27. Sworn Statement of 1LT (b)(6),(b)(7)(C) 3 Mar 05, wherein he detailed his knowledge of the Operations Order given by CPT (b)(6),(b)(7)(C)
28. AIR of SA (b)(6),(b)(7)(C) 7 Mar 05, detailing the receipt of the RFA and the interview of Mr. (b)(6),(b)(7)(C)
29. Sworn Statement of Mr. (b)(6),(b)(7)(C) 7 Mar 05, wherein he indicated he had no knowledge of the series of raids during which Mr. ISMAIL as killed.
30. AIR of SA (b)(6),(b)(7) 8 Mar 05, detailing the receipt of the RFA and the interview of SFC (b)(6),(b)(7)
31. Sworn Statement of SFC (b)(6),(b)(7) 8 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.
32. AIR of SA (b)(6),(b)(7) 10 Mar 05, detailing the following: receipt of the RFA, interview of Mr. (b)(6),(b)(7) and coordination with this office.

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

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33. Sworn Statement of Mr. (b)(6),(b)(7)(C) 10 Mar 05, wherein he indicated he had no knowledge of the series of raids during which Mr. ISMAIL was killed.
34. AIR of SA (b)(6),(b)(7)(C) 18 Mar 05, detailing the following: receipt of the RFA, interview of SFC (b)(6),(b)(7)(C) interview of SSG (b)(6),(b)(7)(C) and coordination with this office.
35. Sworn Statement of SFC (b)(6),(b)(7)(C) 9 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.
36. Sworn Statement of SSG (b)(6),(b)(7)(C) 10 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.
37. Sworn Statement of SSG (b)(6),(b)(7)(C) 17 Mar 05, clarifying his earlier sworn statement.
38. AIR of SA (b)(6),(b)(7)(C) 21 Mar 05, detailing the following: interview of 1LT (b)(6),(b)(7)(C) receipt of cell phone records, receipt of stipulation of fact, and receipt of sworn statement made by 1LT (b)(6),(b)(7)(C)
39. Sworn Statement of 1LT (b)(6),(b)(7)(C) 7 Mar 05, clarifying his earlier sworn statement.
40. Telenhone Records, Nov 04 - Feb 05, pertaining to government cell phone number (b)(6),(b)(7)(C)
41. Stipulation of Fact, 11 Mar 05, detailing 1LT (b)(6),(b)(7)(C) knowledge of the raids during which Mr. ISMAIL was killed.
42. Sworn Statement of 1LT (b)(6),(b)(7)(C) 18 Mar 05, wherein he detailed his knowledge of the shooting of death of Mr. ISMAIL.
43. AIR of SA (b)(6),(b)(7)(C) 12 Apr 05, detailing the following: receipt of the RFA, interview of 1LT (b)(6),(b)(7)(C) and coordination with this office.
44. Sworn Statement of 1LT (b)(6),(b)(7)(C) 12 Apr 05, clarifying his earlier sworn statement.
45. AIR of SA (b)(6),(b)(7)(C) detailing the following: review of electronic data, collection of DVD-R, interview of 1LT (b)(6),(b)(7)(C) coordination with 4th ID OSJA, and interview of CPT (b)(6),(b)(7)(C)
46. Sworn Statement of CPT (b)(6),(b)(7)(C) 17 May 05, clarifying his earlier sworn statements.

47. Crime Lab Examination Request, 22 Nov 04, requesting that the items collected from the residence of PFC (b)(6),(b)(7) be examined for the presence of serological material, and that the submitted rifles be evaluated for functionality and individual characteristics. (USACRC and file copy only)

48. U.S. Army Criminal Investigation Laboratory (USACIL) Report, 10 Dec 04, indicating both submitted rifles are fully functional.

49. USACIL Report, 1 Feb 05, indicating blood had been identified on the submitted body armor.

50. (50-1 through 50-4) DA Form 4137, Evidence/Property Custody Document, document numbers (DN) 219-04, 220-04, 222-04, and 140-05.

Not Attached:

Retained in the evidence depository this office:

51. Flashlight (PFC (b)(6),(b)(7)  
(C)) DN 219-04.

52. Boots (PFC (b)(6),(b)(7)  
(C)) DN 219-04.

53. Body Armor (PFC (b)(6),(b)(7)(C)) DN 219-04.

54. Ammo Pouches (PFC (b)(6),(b)(7)  
(C)) DN 219-04.

55. Boots (PFC (b)(6),(b)(7)(C)) DN 219-04.

56. Rifle (CPT (b)(6),(b)(7)  
(C)) DN 220-04.

57. Rifle (CPT (b)(6),(b)(7)  
(C)) DN 220-04.

58. Recommendation for Award (1LT (b)(6),(b)(7)  
(C)) DN 222-04.

59. DVD-R (Case file), DN 140-05.

The originals of Exhibits 1 through 14, 16 through 19, 21, 23 through 39, and 43 through 46 are attached to the USACRC copy of this report. The original of Exhibit 20 is attached to the USACRC copy the Final (C) Report for Report of Investigation (ROI) 0498-04-CID056-76349.

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The originals of Exhibits 22, 41 and 42 are retained in the files of the 4th ID OSJA, Fort Hood, TX. The original of Exhibit 40 is retained in the files of the Directorate of Information Management, FCC. Originals of Exhibits 47 and 48 are attached to the USACRC copy of this report and maintained in the files of USACIL. The originals of Exhibits 15, 49 and 50 are retained in the evidence depository this office.

This is a final (C) report. This investigation is being closed in accordance with Section V, paragraph 4-17(3 and 4), CIDR 195-1, in that on 26 May 05 SSG (b)(6) was found innocent by court martial of Obstruction of Justice and Murder and PFC (b)(6),(b)(7) SSG (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) PFC (b)(6),(b)(7)(C) and Mr (b)(6),(b)(7)(C) were all granted testimonial immunity. Furthermore, the supported staff judge advocate is of the opinion that sufficient evidence exists to prosecute CPT (b)(6),(b)(7)(C) and that additional investigation would produce only cumulative and unnecessary evidence. Remaining leads include conducting interviews of Mr. ISMAIL's family members present in his residence at the time of his death. Commander's Report of Action Taken (DA Form 4833) is pending for CPT (b)(6),(b)(7)(C)

REPORT PREPARED BY

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

for  
Special Agent

REPORT APPROVED BY

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

Special Agent-in-Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA  
Cdr, 22d MP Bn, Ft Lewis, WA  
1 - CDR, USACIDC, ATTN: CIOP-ZA, 6010 6th Street, Ft Belvoir, VA 22060  
1 - Commander, 6th MP Group (CID), Fort Lewis, WA 98433  
CDR, 43RD ASG, FT CARSON, CO  
GARRISON COMMANDER, FT CARSON  
PMO, FORT CARSON, CO  
SAC, 48TH MP DET (CID)  
SAUSA, FORT CARSON, CO  
CHIEF OF STAFF, FT CARSON  
SJA, Fort Hood, TX (ATTN: MAJ (b)(6),(b)(7)(C))  
FILE

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

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3 BCT OPERATIONAL SUMMARY

UNIT: 1-8 IN

As of DTG: 1200-1200 Daily(submit by 1300 daily)

1. ~~(S)~~ Combat Power:

M1		M2/M3		M109A6		MLRS		SCTs		MTRs		IN SQDs	
OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC
0	0	36	32	0	0	0	0	10	8	4	4	15	15

1. Significant Activities Last 24 Hours: In the past 12 hours in the 1-8 IN AO we conducted cordon and searches.

a. 030048Jan04 Conducted cordon searches vic grid MC 21606124, Captured 11 personnel and 2 KIA's. With a total of 30 AK-47's and propellant in house number 5. The target numbers 1 and 5 are KIA's; targets 2,4,6,7,9,10,11,12,13, 16 and 17 were detained. Names will be sent with another report by 1200 hrs. Detainees are currently at FOB Eagle. Informant notified that targets were the ones conducting mortar attacks at FOB Eagle.

2. ~~(S)~~ Future Operations (next 24 – 48 hours): Narrative or bullet format by unit or activity. In the next 12 hours the 1-8 IN.

a. The TAC- Conducted cordon searches at vic grid MC 21606124

b. A Company – Conducted cordon searches at vic grid MC 21606124

3. Key Town CMO Activities.

1-8 IN: All areas continue static site security measures, ICDC OJT, and joint operations with the IPs.

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EXHIBIT 127 17

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### 4 ID (M) MSC Commanders Update

As of DTG: 031500 JAN 04

#### 1. Combat Power:

UNIT	M1		M2		M109A6		MLRS		SCTs		MTRs		LRAS	
	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC
BCT	54	50	64	56	18	16			45	40	12	12	14	13
1-8			36	32					10	9	4	4		
1-68	20	18	14	10					10	9	4	4		
3-29			4	4	15	13								
HHC			2	2										
BRT									20	18			10	9
1-66	34	32	8	8	3	3			5	4	4	4	4	4

UNIT	M1114		STRYKERS											
	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC
BCT	57	47												
1-8	4	4												
1-68	12	12												
3-29	10	7												
HHC	7	6												
BRT														
1-66	24	18												
2-3			75	69										

#### BCT:

Operations: Within the last 12 hours TF Striker has conducted 0 raids, 1 cordon and searches, 0 counter-ambush OPs, 0 joint patrols, 25 mounted patrols, 10 dismounted patrols, and 9 checkpoints. In the last 12 hours, we have detained 0 individuals. Striker currently has 2 detainees in SAMARRA, 0 at SAMARRA East Airfield, 18 in Balad, and 22 in Tarmiya.

Update on ICDC status: 1-66 graduated 27 recruits today bringing our numbers to 653 ICDC soldiers trained currently working in 4 companies with 15 platoons across the BCT AO.

#### 2. Significant Activities Last 12 Hours:

##### 1-8 IN

##### a. Raids/Cordon and Searches:

UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A					

Final reports on raids, cordon and searches, and significant contacts in the last 12 hours:

At 0048 hours, 1-8 IN conducted a cordon and search at grid MC 2160 6124 approximately 1km south of Balad to apprehend individuals suspected of conducting mortar attacks on FOB Eagle. The intelligence

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EXH 128 12

4 ID (M) MSC Commanders Update

for this operation came from a walk-up source. Eleven individuals were apprehended and two enemy personnel were killed. The two individuals were killed when they attempted to draw weapons on the soldiers conducting the search. Their bodies were taken to Balad Hospital. 48 x AK-47's were confiscated. The detainees were taken to FOB Eagle for initial questioning.

b. Detainees:

- 1. Last 24 hours: 0
- 2. O/H total: 0
- 3. Detainees to Samarra East Airfield: 0
- 4. Detainees to DCCP/BIAP: 0

c. ICDC:

- 1. Number of ICDC platoons recruited to date: 4 (HQ-31/47, 1-31/47, 2-38/47)
- 2. Number of ICDC platoons in training: 0
- 3. Total ICDC platoons trained to date: 4 (HQ-31/47, 1-31/47, 2-38/47)
- 4. Number of ICDC platoons currently operating with US forces: 4 (HQ-31/47, 1-31/47, 2-38/47)

d. CMO:

- 1. CA Teams.
- 2. Unit CMO Teams.
- 3. Brigade assistance/Outside Agencies.
- 4. Towns/cities: NSTR

1-68 AR

a. Raids/Cordon and Searches:

UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A					

b. Final reports on raids, cordon and searches, and significant contacts in the last 12 hours.

At 1647 hours, 1-68 engaged two enemy personnel attempting to recover 3 RPG rounds vic grid MC 371 228. 1-68 set up an OP to overwatch 3XRPG rounds that were left at the site of a previous attack yesterday night. One terrorist received a GSW to the right shoulder and is currently at the 21<sup>st</sup> CSH. The other individual was detained and brought back to FOB Lion. One other terrorist was detained at 1315 hours as he attempted to retrieve the rounds earlier today.

c. Detainees

- 1. Last 12 hours: 0
- 2. O/H total: 0 (all IZ)

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**4 ID (M) MSC Commanders Update**

- 3. Detainees to SEAF:
- 4. Detainees to DCCP/BIAP:

d. ICDC.

- 1. Number of ICDC platoons recruited to date: 4 (HQ-6/47, 1-19/47, 2-19/47, 3-13/47)
- 2. Number of ICDC platoons in training: 0
- 3. Total ICDC platoons trained to date: 4 (HQ-6/47, 1-19/47, 2-19/47, 3-13/47)
- 4. Number of ICDC platoons currently operating with US forces: 4 (HQ-6/47, 1-19/47, 2-19/47, 3-13/47)
- 5. Current operations of trained ICDC PLTs/ SQDs: The majority of ICDC personnel are consolidated and are conducting 24-hour security operations at the Tarmiyah police station until further notice. They will be performing 8-hour shifts, with each shift having an officer in charge of it. They are responsible for outer perimeter security of the police station and conducted checkpoints and patrols in conjunction with the Tarmiyah police. ICDC also provides a local dismounted QRF. In addition to this task, they are conducting local security for the Mushahidah police station, the Arabachi police station, Mushaedah gas and propane stations, as well as the Tarmiyah gas station. Beginning 23 December, 5 ICDC began augmenting security at the LION FOB Gate. The next ICDC training class is scheduled to begin on 2 January and is scheduled to train an additional 45 recruits.
- 6. Current tasks ICDC recruits are training: (04JAN04 day 2 of training) ICDC trainees conduct weapons training and maintenance, vehicular searches and proper wearing of the ICDC uniform
- 7. Future operations: ICDC soldiers have started working with Animal Company and will integrate with FOB security over the next several weeks. Final turn over of Animal FOB tentatively scheduled for 22 January.

e. CMO.

- 1. CA Teams: Patriot 6
- 2. Unit CMO Teams: Lion 14 and Company FSOs
- 3. Brigade assistance/Outside Agencies: none
- 4. Towns/cities: Tarmiyah, Mushahidah, Hatim al Haththal

Tarmiyah/Mushahidah/Hatim al Haththal: Narrative description of CMO specific to towns last 24 and next 24-48 hours.

Tarmiyah: Patriot 6 and Lion 14 attend City Council meeting (031430JAN04). Animal 14 conducts CMO contact with ICDC chain of command in Tarmiyah to discuss hand over of Animal FOB to ICDC in January 04.

Mushahidah: Patriot 6 and Animal 14 attend the Sheik meeting on 4 January to discuss issues with local leaders. Animal 14 conducts daily visits to Mushahidah police station and CMO operations in Mushahidah.

Arabachi: Patriot six and Bandit six conduct a CMO mission to Arabachi in order to check on contracted school projects as well as coordinating with Arabachi police and ICDC.

Hatim al Haththal: N/A

1-66 AR

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EXHIBIT  
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a. Raids/Cordon and Searches:

UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A					

b. Summary of Raid(s):

At 1630 02 JAN 04 A/1-66 AR established a flash TCP at LC 879930. They searched a total of 65 civilian vehicles with nothing significant to report. They returned to FOB B-M at 1809.

At 1730 02 JAN 04 TF Trailblazer conducted counter IED Patrol on HWY 1 from K8 to Fallujah Road. They had negative contact and returned to FOB B-M at 2150

At 1938 02 JAN 04 B/1-66 AR established a flash TCP at LC 894874. They searched a total of 8 civilian vehicles with nothing significant to report. They returned to FOB B-M at 2130.

At 2053 02 JAN 04 TF Scouts conducted a counter IED patrol from K8 to Fallujah Road. They had negative contact and returned to FOB B-M at 2252

c. Detainees:

1. Last 12 hours: 0
2. O/H total: 16 (0 IZ, 16 Coalition, 0 foreign)
3. Detainees to Tikrit: 8
4. Detainees to DCCP/BIAP: 0

d. ICDC.

1. Number of ICDC platoons recruited to date: 4 (HQ-31/47, 1-31/47, 2-38/47)
2. Number of ICDC platoons in training: 0
3. Total ICDC platoons trained to date: 4 (HQ-31/47, 1-31/47, 2-38/47)
4. Number of ICDC platoons currently operating with US forces: 4 (HQ-31/47, 1-31/47, 2-38/47)
5. Current operations of trained ICDC PLTs/SQDs: Ivy Blizzard support
6. Current tasks ICDC recruits are training: N/A
7. Future operations: Continued recruitment and training to establish an ICDC battalion in Samarra.

e. CMO. NSTR

3-29 FA

a. Significant Activity: In the last 12 hours, TF Pacesetter conducted 6 mounted combat patrols, 1 dismounted combat patrol as well as maintained two firing platoons IPRTF ISO BCT Ops, BCCP Ops, and mission support tasks. A/3-29 remained IPRTF ISO counter mortar operations. B/3-29 continues to provide FOB security as well as conducted MSR patrols and route clearance. NSTR. C/3-29 remained IPRTF ISO counter mortar operations as well as augmented personnel for FOB perimeter security. The Moldovan troops conducted MSR patrols and route clearance and provided soldiers to support the S5/CA operations.

b. Raids/Cordon and Searches:

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4 ID (M) MSC Commanders Update

UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A	N/A	N/A	N/A	N/A	N/A

Final reports on raids, cordon and searches, and significant contacts in the last 12 Hours: none

c. Detainees:

- 1. Last 12 hours. 0
- 2. O/H total. 0
- 3. Detainees to SEAF. 0
- 4. Detainees to DCCP/BIAP. 0
- 5. Detainees Released 0

d. ICDC.

- 1. Number of ICDC soldiers recruited to date. 268
- 2. Number of ICDC platoons in training. N/A
- 3. Total ICDC platoons trained to date. 2 platoons x 48 personnel
- 4. Number of ICDC platoons currently operating with US forces. 2 platoons x 48 personnel
- 5. Current operations of trained ICDC PLTs/SQDs. Conduct fixed sight security at Gas Station, ICDC headquarters, City Government Building, and Duluiyah Medical Clinic Operation. They also participated in joint patrols, TCPs with the Moldovans, and mounted patrols around FOB Pacesetter.
- 6. Current tasks ICDC recruits are training.
- 7. Future operations - ICDC will continue to conduct fixed sight security at Gas Station, ICDC headquarters, City Government Building and Duluiyah Medical Clinic, and well as conduct joint patrols and TCPs. Furthermore, ICDC will conduct mounted patrols around FOB Pacesetter.

e. CMO.

- 1. CA Teams. SO-38, 404<sup>th</sup> CA BN; DST 4, 418<sup>th</sup> CA BN
- 2. Unit CMO Teams. BN S-5
- 3. Brigade assistance/Outside Agencies. N/A
- 4. Towns/cities: FOB Pacesetter, Hardenia, Iraq

Last 24: The CA team met with the representatives of the brick factory conglomerate at the ICDC building. We discussed contracting and the capital improvement loan for the factory at the central bank. There has been a great deal of difficulty in getting it accepted there. We also went to three schools in the area, a kindergarten, a primary, and a secondary school. At each school elements of the 534<sup>th</sup> Signal Battalion distributed school supplies that they have collected from home.

Next 24-48: On Wednesday we will conduct the weekly security force coordination meeting at the ICDC facility. Also we will attend the CPA agricultural meeting at LSA Anaconda. On Thursday we will attend the weekly city council meeting and meet with several of the local government and services directors.

4th EN

a. Raids/Cordons and Searches:

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EXHIBIT 132

4 ID (M) MSC Commanders Update

UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A					

b. Ambushes/Patrols/CPs/TCPs/OPs/Blocking Positions.

DATE	UNIT	GRID	COMPOSITION	DURATION	TYPE
03 JAN 04	A/4E	Ad Dujayl	10 US / 3wheeled	0615-0740	Presence Patrol

At 0857 hours, a 1-12 FA convoy consisting of 25 vehicles traveling south on HWY 1 to FOB Cedar encountered an IED at grid MC 309 330. One soldier suffered minor shrapnel wounds and was immediately returned to duty. A 2.5-ton truck suffered a broken windshield. The convoy continued their movement towards FOB Cedar. 4<sup>th</sup> EN responded to the site to determine the composition of the IED and to conduct a search of the immediate area. The search had negative results, but EOD will return to conduct crater analysis.

Team Assassin (HQ/A/4E, 1/A/4E, 2/A/4E, A&O/A/4E): Maintains presence at the Ad Dujayl Police Station and Gas Station. Conducts presence patrol on Highway 1 and continues FOB security. Conducts demo pit fill/ renovation operations with ACE.

Team Bulldog (HQ/B/14E, 2/B/14E, 3/B/14E, Support Platoon/B/14E): Serves as the QRF and reacts to IED and vehicle accident both on Highway 1. Serves as ACE escort for demo pit operation. Maintains FOB security and serves as EOD escort.

HHC/4E: 1/C/223<sup>rd</sup> EN BN task organized to HHC. The 223<sup>rd</sup> continues construction on a SEAhut for HHC. Two soldiers from 1/C/223<sup>rd</sup> En Bn are at FOB Eagle to provide QC for their living container project as well as assisting in other quality of life construction projects. Two more soldiers from 1/C/223<sup>rd</sup> are at FOB Mountaineer providing technical expertise on vertical construction projects. HHC continues executing LOGPAC missions, construction and supervision of local upgrades, and provides force protection for FOB Vanguard.

c. Detainees:

1. Last 12 hours: 0
2. O/H total. 0 ( 0 released)
3. Detainees to SEAF: 0 (1 total)
4. Detainees to DCCP/BIAP: 0 (12 still there)

d. ICDC.

1. Number of ICDC soldiers recruited to date: 202.
2. Number of ICDC soldiers in training: 0.
3. Total ICDC platoons trained to date: 2 (29 and 30).
4. Number of ICDC soldiers currently operating with US forces: 59
5. Current operations of trained ICDC PLTs/SQDs: Augmenting the police guarding the Ad Dujayl bank for the Iraqi Currency Exchange.
6. Current tasks ICDC recruits are training: N/A
7. Future operations: NSTR.

e. CMO.

4 ID (M) MSC Commanders Update

- 1. CA Teams: Team 6/443<sup>rd</sup> CA Bn.
- 2. Unit CMO Teams: 4<sup>th</sup> En Bn ABE section.
- 3. Brigade assistance/Outside Agencies: none.
- 4. Towns/cities: Ad Dujayl and surrounding community

Civil Affairs team meets with local civilians and officials in Ad Dujayl in order to disseminate information to postpone election of city council chief.

2-3 IN

a. Raids/Cordon and Searches: None

UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A					

b. Final reports on raids, cordon and searches, and significant contacts in the last 12 hours.

At 0944 hours, A/2-3 IN discovered 3 x IEDs spaced approximately 50 meters apart connected by wires at grid MC 2198 5711 (approximately 5km south of Balad). They have secured the area until EOD arrives to assess the IEDs.

c. Detainees:

- 1. Last 12 hours.
- 2. O/H total. 11
- 3. Detainees to Samarra East Air Field.
- 4. Detainees to DCCP/BIAP.

d. ICDC. None

- 1. Number of ICDC soldiers recruited to date.
- 2. Number of ICDC platoons in training. # of platoons (# in platoon/47)
- 3. Total ICDC platoons trained to date. # of platoons (# in platoon/47)
- 4. Number of ICDC platoons currently operating with US forces. # of platoons
- 5. Current operations of trained ICDC PLTs/SQDs.
- 6. Current tasks ICDC recruits are training.
- 7. Future operations - ICDC soldiers and ICDC recruits in training.

e. CMO.

- 1. CA Teams. ELEMENT, 96<sup>TH</sup> CA BN, TM 9 A/443 CA BN, TM 7 B/443 CA BN
- 2. Unit CMO Teams.
- 3. Brigade assistance/Outside Agencies.
- 4. Towns/cities: CA element to Isagi and Balad to meet with town council. Escorted by 3 ICVs.

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4 ID (M) MSC Commanders Update ~~LAW ENFORCEMENT SENSITIVE~~

3. Planned Operations.

1-8 IN

a. Raids/Cordon and Searches:

UNIT	CITY	DESCRIPTION	LOCATION	TOT
N/A				

b. Future Operations (next 24 – 48 hours): Narrative or bullet format by unit or activity.

A Company. – Presence patrols Samarra.

B Company. – Presence patrols Samarra.

C Company. – Presence patrols Samarra.

B Company, 1-12 IN. – Presence patrols Samarra.

c. Key Town CMO Activities.

1-8 IN: All areas continue static site security measures, ICDC OJT, and joint operations with the IPs.

1-68 AR

a. Raids/Cordon and Searches.

UNIT	CITY	DESCRIPTION	LOCATION	TOT
N/A				

Remarks on raids/cordon and searches

b. Ambushes/Patrols/CPs/TCPs/Blocking positions.

A/1-68 AR: Provide QRF for HWY 1 consisting of one section of M1s or M2s, 24 hours daily. Conducting security and counter-IED patrols along HWY 1, between CPs 31 and 43, in accordance with OPERATION IVY TYPHOON II, and on RTE Viper into Tarmiyah. These patrols conduct a minimum of three flash checkpoints daily, depending on the traffic flow and in accordance with guidance to focus on expensive vehicles and government vehicles. They maintain the HWY 1 QRF at all times. One company level deliberate CP will be conducted each day during the elevated presence on HWY 1. Grids for possible CPs include:

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EXHIB 135

12

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4 ID (M) MSC Com

- MC29002253
- MC29002310
- MC29062073
- MC29462517

Conduct counter-mortar OPs and patrols through and near the village at MC278242 during hours of anticipated mortar attack, based upon current IPB. Grids for possible ambush sites include:

- MC284243
- MC284241

Using the attached platoon from Blackhawk Company, provide a dedicated QRF and area security force for the city of Tarmiyah. Focus presence during key attack windows associated with EENT.

(04JAN04) On order A Co Tank will conduct a Check Point along RTE VIPER to detect and detain Sheik Talib, a cousin to HVT Ali Faras and suspected criminal and attack supporter in the area. Sheik Talib is the former mayor of Tarniya.

B/1-12: BDE reserve in support of operation IVY BLIZZARD

B/1-68: Lion FOB QRF. Lion Gate . ICDC Class Day 2 of training

TF Scouts: Convoy security missions daily. Escort Lion 14 and one 5 -Ton and detainees to the division prisoner holding area (04JAN04). Support UXO convoy to Arlington (040800JAN04)

TF Mortars: Conduct Local fix site security on TAA Lion to fill in for B 1-8 and B 1-12 during Operation IVY BLIZZARD.

QRF: Lion QRF performs bi-hourly patrols in conjunction with the Vanguard QRF along RTE Ginger between CPL1 and CPL5 in order deter looters from looting the ammunition stocks positioned between AA Lion and AA Vanguard, and to deter attacks on the civilian-trucking agency between TAA Lion and TAA Vanguard. These patrols occur during the hours of darkness, and finish with a final counter-IED patrol along RT Ginger from CPL5 to G1 at BMNT.

b. CMO.

A/1-68: Animal 14 continuing daily CMO coordination with Mushahidah leaders, police and ICDC.

B/1-68: Bandit 14 continues 3x weekly CMO operations with Arabachi local leaders, ICDC and police..

B/1-12: CMO operations are on stand by until the conclusion of IVY BLIZZARD.

CA/CM: Patriot 6 attends meeting with local Sheiks in Mushaedah (04JAN04)

**1-66 AR**

-TF 1-66 Scouts will conduct Counter-IED Patrol from K8 to Fallujah Road at 030100 JAN04

-B/9CAV(BRT) will conduct presence patrols from 030400-0800 JAN04 in Zone 1,4 of Samarra

-B/TF 1-66 will conduct a Flash TCP sometime between 022000-030800 JAN 04

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~~LAW ENFORCEMENT SENSITIVE~~

EXHIBIT 136

12

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~~LAW ENFORCEMENT SENSITIVE~~  
**4 ID (M) MSC Commanders Update**

-B/1-12 IN will conduct presence patrols from 030800-1200 JAN04 in Zone 3, 7 of Samarra

a. Raids/Cordon and Searches.

UNIT	CITY	DESCRIPTION	LOCATION	TOT
N/A	N/A	N/A	N/A	N/A

Remarks. No change to patrol matrix.

**PATROL MATRIX**

DATE	UNIT	GRID	COMPOSITION	DURATION		TYPE
02 JAN	A/1-66AR	LC 865901	Tank Platoon	0001	2400	FOB Security
02 JAN	B/1-66AR	LC 894895	Tank Platoon	0001	2400	Counter Mortar OP
02 JAN	A/1-66AR	LC 879930	Tank Platoon	1630	1809	Flash TCP
02 JAN	B/1-66AR	LC 894874	Tank Platoon	1938	2130	Flash TCP
02 JAN	TF Scouts	HWY 1	Scouts	2053	2252	Counter IED Patrol
02 JAN	TF TB	HWY 1	Engineers	1730	2150	Counter IED Patrol

**3-29 FA**

a. Raids/Cordon and Searches.

UNIT	DESCRIPTION	LOCATION	TOT (DTG)
N/A	N/A	N/A	N/A

Remarks on raids/cordon and searches.

b. Ambushes/Patrols/CPs/TCPs/OPs/Blocking positions.

03JAN	A/3-29	FB 109	Duluiyah	3x HMMWV	1400	1800	Mounted Logistical Patrol
03JAN	FIST	Duluiyah	Duluiyah	3x HMMWV	1400	1800	MSR Clearance

**4<sup>th</sup> EN**

a. Raids/Cordon and Searches.

UNIT	CITY	DESCRIPTION	LOCATION	TOT

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~~CLASSIFICATION AUTHORITY~~

### 4 ID (M) MSC Commanders Update

b. CMO: Maintains presence in Ad Dujayl area.

Team Assassin: Maintains presence at the Ad Dujayl Police Station and Gas Station. Conducts presence patrol on Highway 1 and continues FOB security.

Team Bulldog: Serves as the QRF, EOD escort, and IED reaction. Maintains FOB security and serves as EOD escort.

HHC/4E. Continues improvement of FOB Vanguard; assists FOB security. Continues logistical support and operations for FOB Vanguard. The QC teams from 223<sup>rd</sup> En Bn will stay at FOB Eagle and Mountaineer.

### 2-3 IN

UNIT	DESCRIPTION	LOCATION	TOT (DTG)
N/A	N/A	N/A	N/A

A Company/2-3 IN – continue to conduct patrols along Tampa focusing on the ICDC checkpoint to the Fallugah cut.

B Company/2-3 IN. – secures FOB EAGLE and conducts IED / Mortar patrols along RTE AMY and vic FOB EAGLE.

C Company/2-3 IN – manning Ops 3 and 5; 1 X PLT is the BN QRF

A Company/2-124 IN (L) – Man OPs and conduct patrols vicinity AO GATOR.

Scouts – Man OP Scout 1.

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~~CLASSIFICATION AUTHORITY~~

EXHIBIT 138

12

**ROI 04-CID056-76341-5H1**

**Exhibit(s): 15**

**Page(s): 141 thru 145**

**Referred to:**

**Freedom of Information and Privacy Office  
ATTN: FOIA Officer  
1625 Ellis Street  
Fort Carson, Colorado 80913-7106**

**10-L-0126 ACLU DD III (CID ROI) 1673**

RECOMMENDATION FOR AWARD

For use of this form for the purpose of recommending an award to a member of the Army, see AR 600-8-22.

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For valor/heroism/wartime and all awards higher than MM, refer to special instructions in Chapter 3, AR 600-8-22.

1. TO Commander, 3BCT, 4ID Balad, Iraq APO AE 09323	2. FROM Commander, B Co, 4EN, TF 1-8 IN Balad, Iraq APO AE 09323-2598	3. DATE 19 JAN 04
---	---	----------------------

PART I - SOLDIER DATA

4. NAME (b)(6)	5. RANK PFC	6. SSN (b)(6)
7. ORGANIZATION B Co, 4EN, TF 1-8 IN Balad, Iraq APO AE 09323	8. PREVIOUS AWARDS NO AWDS	
9. BRANCH OF SERVICE U.S. ARMY	10. RECOMMENDED AWARD ARCOM V	11. PERIOD OF AWARD a. FROM 03 JAN 04 b. TO 03 JAN 04
12. REASON FOR AWARD	13. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
12a. INDICATE ACH, SVC, PCS, ETS, OR RET ACH	12b. INTERIM AWARD IF YES, STATE AWARD GIVEN	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

PART II - RECOMMENDER DATA

14. NAME (b)(6)	15. ADDRESS B Co, 4EN, TF 1-8 IN Balad, Iraq APO AE 09323-2598	
16. TITLE/POSITION Platoon Leader	17. RANK ILT	18. RELATIONSHIP TO AWARDEE Platoon Leader
19. SIGNATURE (b)(6)		

PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)

20. ACHIEVEMENTS

ACHIEVEMENT #1  
While attached to 2/A/1-8 IN conducting a raid in Balad on 03 JAN 04, PFC (b)(6) entered the target home under direct fire and responded immediately by returning fire and assisting in putting down the insurgent. He continued to clear the remainder of his sector and was instrumental in gaining control over the home to begin clearance operations. His quick thinking and tactical sense saved the lives of his squad as they entered the home behind him and directly led to his squad's successful securing and clearance of all assigned targets.

ACHIEVEMENT #2

ACHIEVEMENT #3

ACHIEVEMENT #4

21. PROPOSED CITATION

FOR VALOROUS ACTIONS WHILE SERVING AS A SAPPER IN BRAVO COMPANY, 4TH ENGINEER BATTALION, IN SUPPORT OF TASK FORCE 1-8 INFANTRY. PFC PANNELL'S REACTION TO DIRECT FIRE CONTACT DURING A RAID UNDOUBTEDLY SAVED THE LIVES OF HIS SQUAD AND SUCCESSFULLY DESTROYED A KNOWN HOSTILE TARGET. HIS ACTIONS REFLECT THE ENDLESS CREW UPON HIMSELF, BRAVO COMPANY, TASK FORCE 1-8 INFANTRY, AND THE UNITED STATES.

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DA FORM 638, NOV 94

141-PC V6.00

10-L-0126 ACLU DD III (CID ROI) 1674T 15

0487 (b)(6)

NAME (b)(6)		SSN (b)(6)	
<b>PART IV - FOR OFFICIAL USE ONLY</b>			
22. I certify that this individual is eligible for an award in accordance with AR 600-8-22; and that the information contained herein is true and correct.			22b. DATE
<b>LAW ENFORCEMENT SENSITIVE</b>			
23. INTERMEDIATE AUTHORITY	a. TO Commander, Task Force 1-8 IN Balad, Iraq APO AE 09323	b. FROM Commander, B Co, 4EN, 1st 1-8 IN Balad, Iraq APO AE 09323-2598	c. DATE
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL		UPGRADE TO:	DOWNGRADE TO:
e. NAME (b)(6)		f. RANK	CPT
g. TITLE/POSITION Company Commander		h. SIGNATURE	
i. COMMENTS			
24. INTERMEDIATE AUTHORITY	a. TO Commander, 3BCT, 4ID Balad, Iraq APO AE 09323	b. FROM Commander, Task Force 1-8 IN Balad, Iraq APO AE 09323	c. DATE
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL		UPGRADE TO:	DOWNGRADE TO:
e. NAME (b)(6)		f. RANK	LTC
g. TITLE/POSITION Battalion Commander		h. SIGNATURE	
i. COMMENTS			
25. INTERMEDIATE AUTHORITY	a. TO	b. FROM	c. DATE
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL		UPGRADE TO:	DOWNGRADE TO:
e. NAME		f. RANK	
g. TITLE/POSITION		h. SIGNATURE	
i. COMMENTS			
26. APPROVAL AUTHORITY	a. TO ORDERS ISSUING AUTHORITY	b. FROM Commander, 3BCT, 4ID Balad, Iraq APO AE 09323	c. DATE
d. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		RECOMMEND UPGRADE TO:	DOWNGRADE TO:
e. NAME (b)(6)		f. RANK	COL
g. TITLE/POSITION Brigade Commander		h. SIGNATURE	
i. COMMENTS			
<b>PART V - ORDERS DATA</b>			
27a. ORDERS ISSUING HQ HQs, 3BCT, 4ID Balad, Iraq APO AE 09323		27b. PERMANENT ORDER NO.	31. DISTRIBUTION 1-Soldier 1-Company Commander 1-Records Set 1-MPRJ 1-Fiche
28a. NAME OF ORDERS APPROVAL AUTHORITY		28b. RANK	
28c. TITLE/POSITION		29. APPROVED AWARD	
SIGNATURE		30. DATE	

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**10-L-0126 ACLEU DD III (CID ROI) 1675**

EXHIBIT

142  
15

USAPPC V6.

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Narrative justification for [redacted]

(b)(6)

On 03 JAN 04, PFC (b)(6) squad was attached to 2/A/1-8 for a series of raids in Balad, Iraq. PFC (b)(6) squad, led by SSG (b)(6) was tasked to secure and clear eight separate houses; upon entering the fifth house in search of their target, the squad received direct fire from small arms from at least one person in the foyer of the house. PFC (b)(6) the second soldier to enter the house, reacted by moving to his assigned corner of the room and returned fire. Combined with the shots fired by SSG (b)(6) the first man in the house, this fire killed the target that initially opened fire. Following this action, PFC (b)(6) continued to execute his room-clearance task and assisted in securing the house. PFC (b)(6) actions—by not hesitating to return accurate fire under extremely limited visibility conditions—undoubtedly saved the lives of his squad as they entered the house behind him and enabled his squad to swiftly and successfully secure all remaining personnel and transition to new targets.

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10-L-0126 ACLU DD III (CID ROI) EXHIBIT 15

SWORN STATEMENT

For use of the Department of Defense by ODCSOPS

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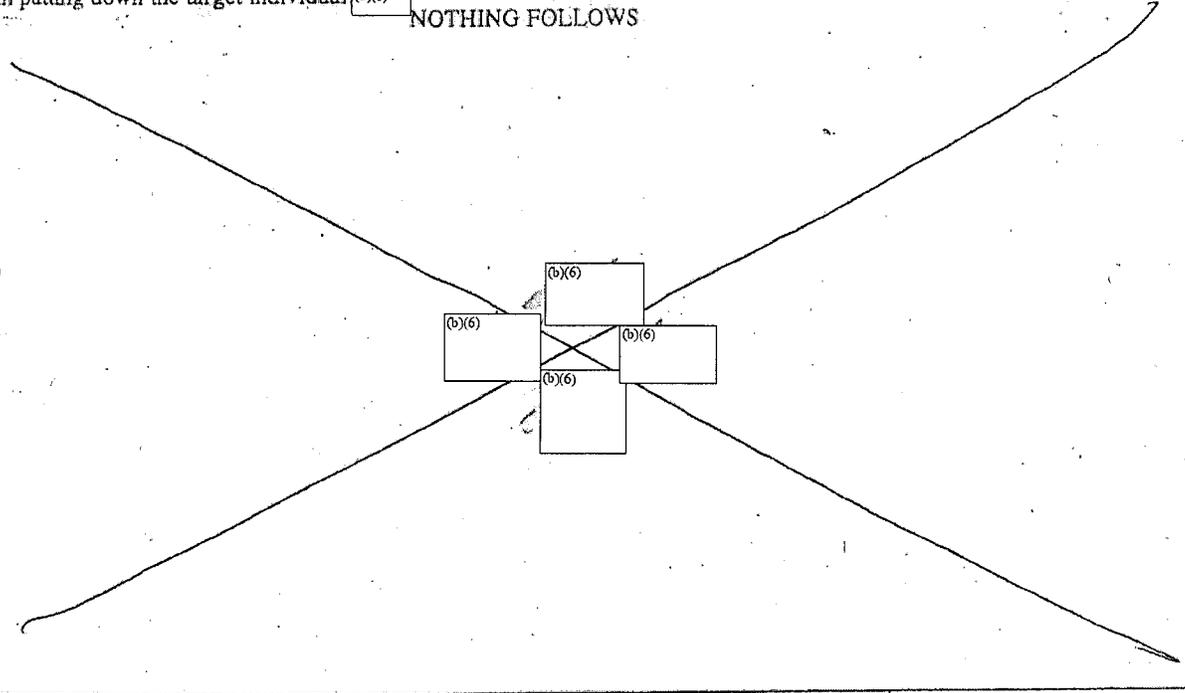
~~LAW ENFORCEMENT SENSITIVE~~

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

1. LOCATION Balad, Iraq	2. DATE (YYYYMMDD) 2004/01/14	3. TIME 1215	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-6/SSG	
8. ORGANIZATION OR ADDRESS B Co, 4 EN, TF 1-8 IN Balad, Iraq APO AE 09323-2598			

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

On 03 JAN 04, 2/1/B/4EN was attached to A Co 1-8 IN for a raid conducted in the Balad area of operations. The sector for my squad's operations included 8 houses. After clearing the first four house we then moved the fifth. I (SSG (b)(6) had my Alpha Team (SGT (b)(6)) move to cordon off the house and my Bravo Team (SGT (b)(6)) move to clear the house. PFC (b)(6) kicked in the outer gate and we entered the courtyard. The team then stacked on the wall next to the front door. I was the number one man, PFC (b)(6) was the number two man, SGT (b)(6) was the number three man, and PFC (b)(6) was the four man, the last to enter the door. PFC (b)(6) then kicked in the front door and I entered. As I entered I saw a male in the back corner coming out of a door with a pistol in his hand. I immediately fired one controlled pair that hit him in the chest. He stopped forward progress and his arm dropped a little but he didn't go down so I fired another controlled pair. By this time PFC (b)(6) had entered while hearing the firing and had cleared his area. The male had at this time tried to raise the weapon again so both he and I fired two more controlled pairs and he finally went down but during this last action he did get off at least one more round, but he fired low. I fired two more rounds into him as I approached and PFC (b)(6) then moved to pull security on the door that the male had come from. SGT (b)(6) had secured the other entrance and PFC (b)(6) secured the family members that were in the initial room in the corner. PFC (b)(6) actions were quick and aided in the safety of the entire fire team. He had entered and cleared his area which had included the women and children, entered and held his fire while hearing enemy fire until he had safely secured his area and then assisted in putting down the target individual (b)(6).  
 NOTHING FOLLOWS



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

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

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

DA FORM 2823, DEC 1998

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~~LAW ENFORCEMENT SENSITIVE~~  
 10-L-0126 ACLU DD III (CID ROI) 1677 EXHIBIT 144 V1.00 15

31211741001

31211741001

STATEMENT OF SSG (b)(6)

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TAKEN AT FOB PATIWODA DATED 2004/01/14

9. STATEMENT (Continued)

[Large area crossed out with a large X, containing several (b)(6) redaction boxes]

AFFIDAVIT

I, SSG (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:

1LT (b)(6)  
B Co, 4 EN, 1F I-8 IN  
Balad, Iraq APO AE 09323-2598  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of Jan 04 at FOB Patiwoda, Balad, Iraq APO AE 09323

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

(b)(6)  
\_\_\_\_\_  
(Typed Name of Person Administering Oath)

Commissioned Officer  
(Authority To Administer Oaths)

**COPY**

STATEMENT OF PERSON MAKING STATEMENT (b)(6)

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PAGE 2 OF 2 PAGES

DA FORM 2823, DEC 1998

~~LAW ENFORCEMENT SENSITIVE~~  
10-L-0126 ACLU DD III (CID ROI) 1678

EXHIBIT 15 145A V1.00

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE  
FOR OFFICIAL USE ONLY  
For use of this form, see DA Form 3881, The Department of Defense GOSOPS

**LAW ENFORCEMENT SENSITIVE**

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 <b>GRAND RAPIDS, MI</b>	2. DATE <b>20 Nov 04</b>	3. TIME <b>1800</b>	4. FILE NO. <b>(b)(6), (b)(7)(C)</b>
<b>(b)(6), (b)(7)(C)</b>	8. ORGANIZATION OR ADDRESS <b>HHC 4th ID FORT CARSON, CO 80913</b>		
<b>(b)(6), (b)(7)(C)</b>	7. GRADE/STATUS <b>SSG/AD</b>		

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** and wanted to question me about the following offense(s) of which I am suspect **(b)(6), (b)(7)(C) CONSPIRACY, MURDER, FALSE OFFICIAL STATEMENT (b)(6), (b)(7)(C)**

**(b)(6), (b)(7)(C)** asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

**(b)(6), (b)(7)(C)** have to answer any question or say anything.

**(b)(6), (b)(7)(C)** I say or do can be used as evidence against me in a criminal trial.

**(b)(6), (b)(7)(C)** 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>(b)(6), (b)(7)(C)</b>		<b>(b)(6), (b)(7)(C)</b>	
b. ORGANIZATION OR ADDRESS AND PHONE <b>48TH MP DET (CID) FORT CARSON, CO 80913</b>		4. <b>(b)(6), (b)(7)(C)</b>	
2a. NAME (Type or Print) <b>SA</b>		5. <b>SA</b>	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <b>48th MP Det (Rear) Fort Carson, CO 80913</b>	

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

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

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED  
DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE USAPA 2.01

**FOR OFFICIAL USE ONLY**

**LAW ENFORCEMENT SENSITIVE**

RIGHTS WAIVING PROCEDURE/WAIVER CERTIFICATE  
FOR OFFICIAL USE ONLY

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

LAW ENFORCEMENT SENSITIVE  
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 <b>FORT CARSON, CO</b>	2. DATE <b>29 Nov 04</b>	3. TIME <b>1158</b>	4. FILE NO. <b>489-04-CID056</b>
(b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS <b>E CO 1/8 INF Fort Carson, Co 80913</b>		
(b)(6), (b)(7)(C)	7. GRADE/STATUS <b>E4/AD</b>		

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**  
**Commanded as a Special Agent** and wanted to question me about the following offense(s) of which I am suspected: **Accessory After the Fact, Conspiracy**  
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject 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.
- (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)		(b)(6), (b)(7)(C)
1a. NAME (Type or Print)		(b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		(b)(6), (b)(7)(C)
2a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <b>48th MP Det (CID) Fort Carson, Co 80913</b>

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE  
10-L-0126 ACLU DD III (CID ROI) 1680

EXHIBIT 147 17

FOR OFFICIAL USE ONLY  
SWEORN STATEMENT  
LAW ENFORCEMENT SENSITIVE

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

LOCATION FORT CARSON, CO 80913	DATE 29 Nov 04	TIME 1243	FILE NUMBER (b)(6), (b)(7)(C) 489-04-CID056
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E4/A-D	
ORGANIZATION OR ADDRESS E Co 1/8 INF, FORT CARSON, CO 80913			

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

(b)(6), (b)(7)(C) On January 2, 2004, we were told we were going on a mission later that night. SSG (b)(6), (b)(7)(C) came back to brief the squad on what was going on. He gave us the usual opener and told us it was to locate and detain the Iraqis that attacked us with mortars earlier that day. About 2-3 hours after the briefing, we headed out towards the objective. When we got there, my squad pretty much split up right off the bat. We raided the first house or two together, then we split up in 2 teams. SSG (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) and PV2 (b)(6), (b)(7)(C) were on one team, and myself along with SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) were on the other team. After the teams split up, I never saw the other team until the incident had occurred. Before the incident occurred, my team was mostly just providing security and conducting a few raids on houses. One detainee had escaped and we tried to chase him down and locate him, but we didn't. We were on our way to the HUMVEE, and I heard something about SSG (b)(6), (b)(7)(C) taking contact. My team started heading towards (b)(6), (b)(7)(C) location, and when we got there, (b)(6) was outside providing security on the house. I was instructed to provide security with (b)(6) since he was new, and so I did. After about 3-5 minutes, I was called inside to search the house for any weapons or anyone else in the house. When I first walked in, I saw a few shells on the floor and a body laying on the floor. After searching the house, SSG (b)(6), (b)(7)(C) said we needed to put the body in a body bag and load it up on the HUMVEE. Since me and SGT (b)(6), (b)(7)(C) were there already, we just bled the body in a body bag and put it on the HUMVEE. I didn't see exactly where the HUMVEE went once we reached the FOB, but I know it made it to the FOB. As for the weapon that was fired at SSG (b)(6), (b)(7)(C) I never saw what happened to it. (b)(6), (b)(7)(C) was the last one I saw holding it. Nothing was ever really mentioned about it again. I just figured no one really wanted to talk about it, since every was already upset about losing our CO.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 4 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."  
 FOR OFFICIAL USE ONLY  
 LAW ENFORCEMENT SENSITIVE  
 BE ON THE BACK OF PAGE 1 WILL BE 148 OUT  
 10-L-0126 ACLU DD III (CID ROI) 168 17

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

FILE NUMBER: 0489-04-C1D056

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT Fort Carson, Co DATED 29 Nov 04 CONTINUED

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

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

Q: Did you write the above statement?

A: Yes

Q: Did you find any weapons when you searched the residence?

A: NO

Q: Where was the 9mm hand gun SSG (b)(6), (b)(7)(C) said the Iraqi used to shoot at him?

A: It was in SSG (b)(6), (b)(7)(C) hand

Q: Prior to the raid, do you know if SSG (b)(6), (b)(7)(C) was in possession of a non-U.S. 9mm?

A: No

Q: What type of injuries did the Iraqi man have?

A: Approximately 3 5.56 rounds in the chest

Q: Did SSG (b)(6), (b)(7)(C) ask you to say anything to anyone about what had happened?

A: No

Q: During the pre-mission brief, did SSG (b)(6), (b)(7)(C) mention or show you a list of target individuals?

A: No

Q: Has anyone asked you to lie about what you know regarding this incident?

A: No

Q: Do you believe what SSG (b)(6), (b)(7)(C) said happened during this incident?

A: I'm not sure

Q: What did PFC (b)(6), (b)(7)(C) say about what had happened?

A: I believe he said he was scared at first and didn't know what was going on.

Q: Who briefed SSG (b)(6), (b)(7)(C) on the mission prior

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

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EXHIBIT 149 17

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

FILE NUMBER 0499-04-CID05

STATEMENT OF (b)(6), (b)(7)(C) WITNESS AT Fort Carson, Co DATED 29 Nov 04 CONTINUED

to him briefing the squad?

A: I believe it was A CO 1/8 CO

Q: What unit were you assigned to during this incident?

A: 2nd squad, 1st platoon B CO 4EN BN

Q: Where did these raids take place?

A: A small town west or northwest of Bataf.

Q: Do you know the name of Iraqi man killed by SSG (b)(6), (b)(7)(C) or if he had any connection to the mortar attack that killed your company commander?

A: No

Q: What was SSG (b)(6), (b)(7)(C) guidance on clearing a house during a raid?

A: Usually always cleared by at least a squad sized element

Q: Was it unusual that the squad was split into two teams for these raids

A: Yes

Q: Were you aware PFC (b)(6), (b)(7)(C) was put in for an award for this incident?

A: No

Q: Could PFC (b)(6), (b)(7)(C) been with SSG (b)(6), (b)(7)(C) when he made contact with the Iraqi?

A: No

Q: Why?

A: PFC (b)(6), (b)(7)(C) was with SGT (b)(6), (b)(7)(C), SGT (b)(6), (b)(7)(C) and myself providing security and conducting our own raids.

Q: Did you hear any shots fired in relation to this incident?

A: No

Q: Is there anything else you would like to add to your statement?

A: Not right now. // End of statement. // (b)(6), (b)(7)(C)

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

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

Fort Carson, CO

FILE NUMBER: 0489-04-CID056  
DATED 29 Nov 04 CONTINUED

STATEMENT OF  
STATEMENT (Continued)

[Large redacted area with diagonal lines and handwritten text: NOT USED]

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

NOT USED

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 (b)(6), (b)(7)(C) I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED (b)(6), (b)(7)(C) TIONS 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 29th day of Nov, 2004

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

[Redacted signature area]

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

FOR OFFICIAL USE ONLY ART 136 UCMJ  
(Authority To Administer Oaths)

LAW ENFORCEMENT SENSITIVE

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

PAGE 4 OF 4 PAGES

<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0489-04-CID056-76341
CID Regulation 195-1	PAGE 1 OF 3 PAGES

About 1110, 8 Dec 04, SA (b)(6), (b)(7)(C) advised 1LT (b)(6), (b)(7)(C) Headquarters, Headquarters Company (HHC), 4th Engineer Battalion (ENG BN), Fort Carson, CO (FCC), of his legal rights which he waived and rendered a verbal statement wherein he detailed his knowledge of the incident under investigation.

1LT (b)(6), (b)(7)(C) stated he made the decision to send SSG (b)(6), (b)(7)(C), HHC, 4<sup>th</sup> Infantry Division (ID), Fort Hood, TX 76544 (FHT)(formerly assigned to B CO, 4th ENG BN) squad on the mission with A Company (CO), 1/8<sup>th</sup> Infantry (INF) BN the night of the incident. He further revealed he relinquished control of SSG (b)(6), (b)(7)(C) squad to A CO 1/8<sup>th</sup> INF BN and did not attend the pre-mission briefing. He indicated SSG (b)(6), (b)(7)(C) would likely have been the only leader from B CO 4<sup>th</sup> EN BN present for the operation order (OPORD) previous to the raid during which the incident occurred.

1LT (b)(6), (b)(7)(C) further revealed he was not with the squad during the operation of the morning of 2 Dec 04, but rather had remained at the Forward Operating Base (FOB) with the rest of the company. 1LT (b)(6), (b)(7)(C) related the first time he was informed of the incident was later in the morning during a de-briefing provided by SSG (b)(6), (b)(7)(C). 1LT (b)(6), (b)(7)(C) stated he gathered from this de-briefing that someone had been killed, but he did not know who was killed or how this person was killed.

1LT (b)(6), (b)(7)(C) also stated he did not recall having spoken with Mr. (former SGT) (b)(6), (b)(7)(C) regarding the incident or the story the squad members were told to report was false; neither could he recall speaking with Mr. (b)(6), (b)(7)(C) about the weapon Mr. (b)(6), (b)(7)(C) discovered in the gear of SSG (b)(6), (b)(7)(C). 1LT (b)(6), (b)(7)(C) further stated had anyone approached him and revealed the truth about the incident, he would have reported it to the appropriate authorities.

1LT (b)(6), (b)(7)(C) related the intelligence B CO 4<sup>th</sup> EN BN was getting from 1/8<sup>th</sup> INF BN was increasingly accurate after approximately the beginning of 2004. He remembered the intelligence officer for 1/8<sup>th</sup> INF BN was CPT (b)(6), (b)(7)(C) (NFI) and 1LT (b)(6), (b)(7)(C) platoon would typically receive a list of names of target individuals at the time of the operation-order before a mission, specific to that mission, but he never saw a master list of names of target individuals. 1LT (b)(6), (b)(7)(C) further revealed he was only ever present for one 1/8<sup>th</sup> INF BN level briefing and the battalion protocol was only company commanders and above were present for battalion level OPORDs.

1LT (b)(6), (b)(7)(C) further stated SSG (b)(6), (b)(7)(C) was not well-liked on a personal level by various members of his squad and 1LT (b)(6), (b)(7)(C) considered on more than one occasion disciplinary counseling of SSG (b)(6), (b)(7)(C) because of the tendency of SSG (b)(6), (b)(7)(C) toward insubordination to 1LT (b)(6), (b)(7)(C) leadership.

1LT (b)(6), (b)(7)(C) also related SSG (b)(6), (b)(7)(C) displayed the inclination to interact inappropriately with officers in senior leadership positions which amounted to fraternization with those officers.

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION: 48 <sup>th</sup> Military Police Detachment (CID) Fort Carson, CO 80913	
SIGNA		DATE: 20 DEC 04	EXHIBIT: 18

<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0489-04-CID056-76341
CID Regulation 195-1	PAGE <b>2</b> OF <b>3</b> PAGES

1LT (b)(6), (b)(7)(C) stated since the beginning of the current on-going investigation he has not been contacted or asked to lie about the incident by anyone from 1/8<sup>th</sup> INF BN.

About 1633, 13 Dec 04, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C), A CO 4<sup>th</sup> Ranger Training BN, Fort Benning, GA, who rendered a sworn statement wherein he detailed his knowledge of the OPORDs given in preparation for the raids outside of Balad, Iraq. (See Sworn Statement for details)

About 1210, 15 Dec 04, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C), HHC, 1/8<sup>th</sup> INF BN, FCC, who rendered a sworn statement wherein he detailed his actions as the platoon medic during this incident. (See Sworn Statement for details)

About 1450, 15 Dec 04, SA (b)(6), (b)(7)(C) interviewed 1SG (b)(6), (b)(7)(C), A CO, 1/68 Combined Arms Battalion (CAB), FCC, former 1SG of A CO 1/8 INF BN, who rendered a verbal statement detailing his involvement in the incident under investigation. 1SG (b)(6), (b)(7)(C) stated he remained at FOB Attack during the raid that resulted in the death of Mr. Nasar ISMAIL (NFI). He further stated he had no direct knowledge of the events that took place that night other than hearing later that one Iraqi had been killed.

About 0900, 16 Dec 04, SA (b)(6), (b)(7)(C) received U.S. Army Criminal Investigation Laboratory (USACIL) Report (2004-CID131-2191) from the Firearms Division, which documented the submitted M4 and M16A4 were both determined to be operational. (See USACIL Report for details)

About 1500, 20 Dec 04, SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C), A CO, 2/47<sup>th</sup> INF BN, Fort Benning, GA, who rendered a verbal statement wherein he detailed his role as the intelligence officer during the series of raids under investigation. 1LT (b)(6), (b)(7)(C) could not identify the handwritten notes provided in the Army Regulation (AR) 15-6 investigation believed to be related to the intelligence associated with his incident. Moreover, 1LT (b)(6), (b)(7)(C) related he only packaged intelligence provided to him by CPT (b)(6), (b)(7)(C), 7<sup>th</sup> Infantry Division (ID), FCC (former commander of A CO 1/8 INF BN).

1LT (b)(6), (b)(7)(C) stated CPT (b)(6), (b)(7)(C) provided him with handwritten notes from an interpreter which indicated the grid coordinates and intelligence related to the Iraqi insurgents. The targets were believed to be supporters of and participants in the mortar attacks against FOB Attack in Balad, Iraq. 1LT (b)(6), (b)(7)(C) could not remember the specific source of the intelligence, but believed he was eventually killed by Iraqi insurgents for supporting U.S. efforts in Iraq.

1LT (b)(6), (b)(7)(C) packaged the intelligence on a spreadsheet which was saved on the company computer.

TYPED AGENT'S NAME AND SEQUENCE NUMBER: <b>(b)(6), (b)(7)(C), (b)(7)(F)</b>		ORGANIZATION: 48 <sup>th</sup> Military Police Detachment (CID) Fort Carson, CO 80913	
SIGNATURE: 		DATE: <b>20 DEC 04</b>	EXHIBIT: <b>18</b>

<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0489-04-CID056-76341
<i>CID Regulation 195-1</i>	<b>PAGE 3 OF 3 PAGES</b>

He also generated maps of the area and provided a hard copy of all the information to CPT (b)(6), (b)(7)(C) to facilitate the generation of an OPORD. The intelligence package was compiled for the entire company operation; 1LT (b)(6), (b)(7)(C) had no direct involvement in the generation of the OP ORD or the designations of areas/targets of responsibility.

1LT (b)(6), (b)(7)(C) was not present for the OP ORD, but was on FOB Attack during the mortar attack which killed the B CO, 4<sup>th</sup> ENG BN Commander. He further indicated he was working with 2<sup>nd</sup> Platoon, A CO 1/8 INF BN during the raids and did not know the specific locations of any other officers during the conduct of the raids.

1LT (b)(6), (b)(7)(C) indicated he was responsible for processing all the Enemy Prisoners of War (EPWs) detained during the raids. He was also responsible for taking a minimum of two sworn statements from soldiers related to the detention or killing of an Iraqi target. 1LT (b)(6), (b)(7)(C) collected no direct statements or intelligence contradictory to the information provided in the AR 15-6 investigation. Further, 1LT (b)(6), (b)(7)(C) did not generate any of the Intelligence Summaries (INSUM) related to this incident. 1LT (b)(6), (b)(7)(C) indicated all computer information and documents of intelligence value were destroyed prior to the INF BN redeploying back to FCC.

1LT (b)(6), (b)(7)(C) stated he had no direct knowledge and no suspicion of an execution list associated with this series of raids.

1LT (b)(6), (b)(7)(C) was not aware of any contraband or weapons discovered during these raids, but indicated any would have been held at the A CO area on FOB Attack.

1LT (b)(6), (b)(7)(C) stated he had a good relationship with CPT (b)(6), (b)(7)(C) and had spoken with him the weekend prior to this interview. 1LT (b)(6), (b)(7)(C) initiated the phone conversation to provide CPT (b)(6), (b)(7)(C) with his current address and phone number. During the conversation CPT (b)(6), (b)(7)(C) asked him if he knew SSG (b)(6), (b)(7)(C) had been apprehended. 1LT (b)(6), (b)(7)(C) had heard through 1LT (b)(6), (b)(7)(C) 5th Ranger Training BN, Dahlonga, GA (former platoon leader of 2<sup>nd</sup> Platoon, A CO 1/8 INF BN), that SSG (b)(6), (b)(7)(C) had been apprehended; therefore, he did not discuss the incident further with CPT (b)(6), (b)(7)(C)

1LT (b)(6), (b)(7)(C) stated he did not believe CPT (b)(6), (b)(7)(C) treated officers who had not been through West Point any different than West Point alumni. 1LT (b)(6), (b)(7)(C) further indicated CPT (b)(6), (b)(7)(C) had given him the guidance prior to redeployment not to speak with CID without an attorney present.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION: 48 <sup>th</sup> Military Police Detachment (CID) Fort Carson, CO 80913	
	DATE: 20 DEC 04	EXHIBIT: 16

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use only in conjunction with DA Form 3881, 1 Nov 89, and DA Form 3881, 1 Nov 89, DCSOPS

**FOR OFFICIAL USE ONLY**

**LAW ENFORCEMENT SENSITIVE**

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 <b>FORT CARSON, CO</b>	2. DATE <b>8 DECOY</b>	3. TIME <b>11:19</b> (b)(6), (b)(7)(C)	4. FILE NO. <b>0489-04-CID056</b>
5. ORGANIZATION OR ADDRESS <b>S-4 48th EN BN FORT CARSON, CO 80913</b>		6. SSN <b>(b)(6), (b)(7)(C)</b>	
7. GRADE/STATUS <b>02/AD</b>		8. ORGANIZATION OR ADDRESS <b>S-4 48th EN BN FORT CARSON, CO 80913</b>	

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** and wanted to question me about the following offense(s) of which I am suspected/accused: **False official statement, obstruction of justice** (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 question or say anything (b)(6), (b)(7)(C)
  - Anything I say or do can be used as evidence against me in a criminal trial (b)(6), (b)(7)(C)
  - (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both (b)(6), (b)(7)(C)
- 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 (b)(6), (b)(7)(C)
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below (b)(6), (b)(7)(C)

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)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE	(b)(6), (b)(7)(C)
2a. NAME (Type or Print)	(b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE	<b>48th MP Det. (CID)</b>

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

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

**FOR OFFICIAL USE ONLY**  
**LAW ENFORCEMENT SENSITIVE**  
**EXHIBIT 155**  
**10-L-0126 ACLU DD III (CID ROI) 1688**  
**19**

SWORN STATEMENT #0489-04 CID056 76341

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

LOCATION <b>FORT BENNING, GA</b>	DATE <b>13 DECOY</b>	TIME <b>1633 (b)(6), (b)(7)(C)</b>	FILE NUMBER <b>498-04-CID056</b>
LAST NAME, FIRST NAME, MIDDLE NAME <b>(b)(6), (b)(7)(C)</b>	SOCIAL SECURITY NUMBER <b>(b)(6), (b)(7)(C)</b>	GRADE/STATUS <b>E6/AD</b>	
ORGANIZATION OR ADDRESS <b>A CO 4TH RANGER TRAINING BN, FT. BENNING, GA</b>			

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

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

Somewhere during the time frame of winter 03-04 while executing operation in Samarra, Iraq as a mission from Balad, Iraq I found out that we could be returning back to conduct a mission in ~~the~~ **(b)(6), (b)(7)(C)** Balad because the unit that had taken over our Company's area had ~~been~~ **(b)(6), (b)(7)(C)** been getting attacked. Within the next few days, I know for sure our platoon went back to Balad. I am not sure but think it was the Company that went back as a Company Mission. After arriving at FOB AHACK the leadership of our platoon attended a OPORD, I am not sure if this happen before or after the Mortar attack that kill one US Soldier and wound 3 or 4 others. I believe it happen before though, at this OPORD we were give our target list and our sectors. I WAS 1<sup>st</sup> Squad on the ~~my~~ right flank, 2<sup>nd</sup> Squad (my Squad) in the Center, and a Squad from the ENGINEERS. I had 4-7 names of targets in my sector with NO Division Target. The other Squad leader received there list, I believe that 1 Squad and the engineer's had division targets. After the OPorder was done I went to brief my team leaders. Later on that day around dark we did our Rock drill walk through at which time we found out about the soldiers that were wounded and died in the Mortar attack. After the rock drill I went back to work my Squad until I put them to bed. Prior to SP we got in humvees and went to the target area to conduct our Raids. Shortly after starting

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <b>(b)(6), (b)(7)(C)</b>	PAGE 1 OF <b>4</b> 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 USED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONTINUED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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

Ft. Benning, GA 13 DEC 04

I heard over the radio that 1st Squad had engaged a target. I could not tell who was reporting however, I think they asked for medic support. I continued on with the raid, after taking the EPW's to the EPW Point I found out that they let one get away. I went back through my sector a 2nd time. During this time I heard over the radio that the Engineers were trying to report something all I remember was wait one being said. The next thing over the radio was report by them that they engaged one enemy. I continued on, found the detainee and brought him back to the EPW Point. we put the EPW's in a Bus and took them back to FOB Attack. once back at FOB attack I turned in some weapons found in one house and went to bed. The next day I had heard that the ~~target~~ two men shot were both on the target list.

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

A:

Q: Did you write the above narrative?

A: yes

Q: During the OP ORDER was any specific guidance given regarding how to engage certain targets?

A: we were to engage target by R.O.E which at the time was if the enemy posed a threat you were to engage

Q: Who was present at the OP ORDER?

A: Squad leader and above know for sure, myself SSG  
SFC (b)(6), (b)(7)(C) LT (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C)

Q: Who is SSG (b)(6), (b)(7)(C) and do you remember if he was present at the OP ORDER?

A: SSG (b)(6), (b)(7)(C) is the engineer Squad leader. I am not sure if he was at the OP order but I know he was at the rock drill.

Q: Did you see the bodies of the Iraqis killed?

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

Ft. Belvoir, GA

13 DEC 04

A: NO, I saw 2 body bags with something that looked like bodies

Q: Did SFC (b)(6), (b)(7)(C) OR (b)(6)(b)(7)(C) mention anything about the raids to you after they occurred?

A: SFC (b)(6), (b)(7)(C) had told us (the leadership) that we had got a number of are targets and that the Iraqi killed (b)(6), (b)(7)(C) turned out to be a diversion target

Q: Did you hear any rumors about an execution list pertaining to these raids?

A: No, I never heard anything about an execution list.

Q: Where was CPT (b)(6), (b)(7)(C) during the raids?

A: I am not sure.

Q: Where was 1LT (b)(6), (b)(7)(C) during the raids?

A: HE WAS WITH 2ND SQUAD (MY SQUAD)

Q: Did he leave your squad at any time during the operation?

A: ONCE WE WENT THROUGH OUR SECTOR I LEFT HIM AT THE EPW POINT WHEN I WENT BACK THROUGH. DURING THE FIRST TIME THROUGH HE MOVED WITH MY SQUAD AT ALL TIMES.

Q: Where was the Battalion Commander during the OP ORDER & during the raids?

A: I am not sure

Q: Have you been contacted by anyone in your former chain of command regarding this incident?

A: NO.

Q: Do you know of any additional briefings or meetings which took place after the raid (b)(6), (b)(7)(C) OP ORDER but before the raids?

A: I'm not sure, however there would have been a back brief with Pl's and Company Commander on how the mission at our level was going to be executed

Q: Is there anything else you would like to add

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

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13 DEC 04

Benning, GA

to your statement?

A: NOT AT THIS TIME. /// end of statement /// (b)(6), (b)(7)(C)

AFFIDAVIT

I, SSA (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 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 REWARD OR WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by

to administer oaths, on this 12th day of December, 2004, at Ft. Benning, GA

SA

ART 136 UCMJ

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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 FORT CARSON, CO 80913	DATE 15 Dec 04	TIME 1210 (b)(6), (b)(7)(C)	FILE NUMBER 0498-04-CID056
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	GRADE/STATUS E5/AD	
ORGANIZATION OR ADDRESS HHC 1/8 INF BN, FORT CARSON, CO 80913			

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

(b)(6), (b)(7)(C), CO. 1/8 INF. WAS IN Samarra when we received an op order to go to Balad in January. It was due to recent mortar attacks in our camp while we were doing missions in Samarra. Approx. 1-2hr after arriving in Balad we received mortar attacks and our company quickly got ready to go into the city to find out who was firing at us. We did not find any one so we came back to our camp. An hour or two we found out that CPT (b)(6), (b)(7)(C) was dead & some injured due to the mortars coming in. Our mission wasn't changed but probably added more raids in the city. We had three platoons and engineers looking for who had done this. Prior to the mission the (b)(6), (b)(7)(C)s an op-order, rock drills, and squad preparation. Our CPT company commander CPT (b)(6), (b)(7)(C) came out and spoke to the company and attachments and told us that CPT (b)(6), (b)(7)(C) was dead. This all took place approx 3 hours before the mission. He was explaining to us that this is a very important mission just like the rest, but more important because one of our own was dead. He told us to follow the ROE, but if we found our selfs in a situation we have to retaliate shoot to kill. It is no different from any other mission we did, it just hit closer to home. We had about 20 to 40 High value targets and we accomplished our goal. Unfortunately 2 in the area we were in died, but that is war. Our first target I think was HVT #1 and it was the first house target. SSG (b)(6), (b)(7)(C) and his team went in and SFC (b)(6), (b)(7)(C) and myself Sgt (b)(6), (b)(7)(C) followed. I was in charge of taking care of the females and their babies if they had any.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 4 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 UNED OUT, AND THE STATEMENT WILL BE CONCLUDED BY THE SIGNATURE AND COPY OF THIS FORM.

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0498-04-CID05

(b)(6), (b)(7)(C) Fort Carson, CO 15 Dec 04  
SFC (b)(6), (b)(7)(C) soon followed SSG (b)(6), (b)(7)(C) went in the house after all the females and babies were found and brought out. 5 to 10 minutes after searching for the HVT I heard chaos in the radio and I think I heard SSG (b)(6), (b)(7)(C) voice. I cannot exactly remember what it was but probably like his got a gun, watch out. You can't quote me on this, but it was something like that. After that I heard 2 shots. I was called in to verify if the body was dead. He was and I saw 1 bullet in the forehead and the other in the torso. Approx. 30 to 40 minutes later I was called in to verify another body. It was probably 300 to 500 meters away. When I got there the body was dead and getting it ready to put it in a body bag. I ~~to~~ left quickly after to my team. (b)(6), (b)(7)(C)

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

A:

Q: Do you remember who was present for the OP ORDER?

A: Team leader or Squad leader and above including myself.

Q: Was it just the platoon or the entire company that went to Balad for the raids?

A: Entire company

Q: Did you see any weapons on or near the bodies before they were moved?

A: Yes, but I don't remember what type

Q: How were the bodies transported & where were they taken?

A: body bags in a civilian car that I drove and taken to our FOB.

Q: What type of target list were you given?

A: specific to the mission and it was typed in English

Q: Where were 1LT (b)(6), (b)(7)(C) & CPT (b)(6), (b)(7)(C) during the raids?

A: 1LT (b)(6), (b)(7)(C) was with the Platoon and CPT (b)(6), (b)(7)(C) came later. CPT (b)(6), (b)(7)(C) was supervising and going around

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

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INTERVIEW (b)(6), (b)(7)(C) [REDACTED] AT Fort Carson, CO DATED 15 Dec 04

every platoon.

Q: Did you see either of them at the incident locations where the Iraqis were killed?

A: No.

Q: Do you know where the Battalion Commander, LTC (b)(6), (b)(7)(C) was during, before & after the raids?

A: I saw him after the raid at the EPW collection point.

Q: Was the Battalion XO with LTC (b)(6), (b)(7)(C)? If so, who was the XO?

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

Q: Was there a platoon rock drill done before the raids? If so, who gave the rock drill?

A: Yes, CPT, Lt's, PSG, SGLDRS, TMLDR'S

Q: Have you been contacted by anyone in your chain of command regarding these incidents? If so, were you asked to lie about what you know remember?

A: NO.

Q: Where was the body when you entered the house & who was present in the residence?

A: Somewhere in the house and SFC (b)(6), (b)(7)(C) was with me.

Q: Based on your experience as a medic, would you estimate it was a close contact shooting? Also, do you believe the wounds penetrated & exited the body?

A: IT WAS NOT A close contact shooting and yes the bullets penetrated the body.

Q: What did the first man who was shot look like? What was he wearing?

A: big tall fat old man and wearing a white man gown.

Q: Who was present at the second residence when you examined the second body?

A: Engineers and the rank (b)(6), (b)(7)(C) SSG, sgt and below.

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Fort Carson, CO 15 Dec 04

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

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

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

Q: ~~Do~~ Do you ~~remember~~ remember what the second man looked like? What was he wearing?

A: Skinny and I don't remember what he was wearing

Q: Is there anything else you would like to add to your statement?

A: NO. SFC (b)(6), (b)(7)(C) is one of the best NCO's I ever worked with. He was strict and fair to every situation.

Q: Is there anything else you would like to add to your 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 (b)(6), (b)(7)(C) 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

to act as a Notary Public in and for the State of Colorado on 15th day of Dec 2004 at Fort Carson, CO (b)(6), (b)(7)(C)

ART 136, UCMJ

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

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<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0489-04-CID056-76341
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About 1440, 31 Jan 05, SA (b)(6), (b)(7)(C) received from CPT (b)(6), (b)(7)(C) Office of the Staff Judge Advocate (OSJA), 4<sup>th</sup> Infantry Division (ID), Fort Hood, TX (FHT), a type-written statement purportedly made by 1LT (b)(6), (b)(7)(C), S4, 3<sup>rd</sup> Brigade Combat Team, Fort Carson, CO (FCC). The statement was acquired by CPT (b)(6), (b)(7)(C) through plea negotiations between 1LT (b)(6), (b)(7)(C) and the 4<sup>th</sup> ID OSJA in an unrelated investigation. The statement details 1LT (b)(6), (b)(7)(C) knowledge of the actions taken by SSG (b)(6), (b)(7)(C), Headquarters and Headquarters Company (HHC), 4<sup>th</sup> ID, FHT, during the raids under investigation. The statement also indicates CPT (b)(6), (b)(7)(C), 372-98-0227, U.S. Army Garrison, FCC and former commander of A Company 1/8 Infantry (INF) Battalion (BN), FCC, gave the order to murder Mr. Naser ISMAIL (NFI) if located. (See type written statement for details)

On 7 Feb 05, this office received a U.S. Army Criminal Investigation Laboratory (USACIL), Serology/DNA Division, report which indicated chemical testing conducted on the body armor worn by PFC (b)(6), (b)(7)(C) during the shooting revealed the possible presence of blood. The report further indicated chemical testing on the flashlight, boots, ammunition pouches and rifles submitted for evaluation did not revealed the presence of blood. (See USACIL Report for details)

About 1000, 10 Feb 05, SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C), HHC, 1/8 INF BN, FCC, who provided a verbal statement wherein he detailed his knowledge of CPT (b)(6), (b)(7)(C) and the incident under investigation.

1LT (b)(6), (b)(7)(C) confirmed he was the 3<sup>rd</sup> Platoon Leader and identified 1LT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 5th Ranger Training BN, Dahlonaga, GA, as the 2<sup>nd</sup> Platoon Leader. He further confirmed SFC (b)(6), (b)(7)(C), 1/310th INF BN, Fort Bragg, NC, and SFC (b)(6), (b)(7)(C) 9449, Operations Group, National Training Center (NTC), Fort Irwin, CA, as being Platoon Sergeants. 1LT (b)(6), (b)(7)(C) stated he was unaware of the criminal investigation involving SSG (b)(6), (b)(7)(C) and was unaware of the Army Regulation (AR) 15-6 investigation conducted into the shooting of Mr. HASSAN. 1LT (b)(6), (b)(7)(C) could offer no information to corroborate the statement made by 1LT (b)(6), (b)(7)(C) implicating CPT (b)(6), (b)(7)(C) ordered the shooting of Mr. ISMAIL.

1LT (b)(6), (b)(7)(C) stated CPT (b)(6), (b)(7)(C) often provided individual Platoon Leaders and Platoon Sergeants with Operations Orders due to the varying availability of each individual platoon. 1LT (b)(6), (b)(7)(C) further indicated he had made it clear to CPT (b)(6), (b)(7)(C) he disagreed with his aggressive operational style. 1LT (b)(6), (b)(7)(C) believes CPT (b)(6), (b)(7)(C) preferred to keep him and his platoon away from more sensitive operations.

1LT (b)(6), (b)(7)(C) cited an incident during which CPT (b)(6), (b)(7)(C) shot the tires out of civilian vehicle when it failed to move in a timely fashion. 1LT (b)(6), (b)(7)(C) could not, however, cite any specific violations

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION: 48 <sup>th</sup> Military Police Detachment (CID) Fort Carson, CO 80913	
SIGNATURE		DATE: 14 FEB 05	EXHIBIT: 21

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of the Rules of Engagement (ROE) by CPT (b)(6), (b)(7)(C)

On 14 Feb 05, this office received a final notification from the 37<sup>th</sup> Military Police Detachment (CID) (FWD), LSA Anaconda, Iraq, indicating they would be unable to complete the Request for Assistance due to security and logistical issues.///LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION: 48 <sup>th</sup> Military Police Detachment (CID) Fort Carson, CO 80913	
	DATE: 14 FEB 05	EXHIBIT: 21

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281430JAN05

The following outlines the information I know regarding to the incidents on 2-3 JAN 04 involving SSG (b)(6), (b)(7)(C)

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

During our planning phase, FOB Eagle received numerous enemy mortar fires. One round impacted vicinity of CPT (b)(6), (b)(7)(C) and B/4 EN platoon leaders, killing CPT (b)(6), (b)(7)(C) and injuring 3 others. After reacting to a Q36 acquisition and not finding those responsible, we returned to FOB Attack and continued planning phase. During the planning phase, A/1-8 platoon leaders, platoon sergeants, and squad leaders (to include SSG (b)(6), (b)(7)(C)) received the following briefing from CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

(Under distress from the death of his friend and classmate, CPT (b)(6), (b)(7)(C) stated the following:)

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

Because we had received this type of order before (i.e. in reference to the capture of Nadem Marsumi - 4ID HVT #1), we perceived it as severe, but not out of the ordinary. In subsequent meetings with my squad leaders, I relayed what CPT (b)(6), (b)(7)(C) had stated, not giving the order myself, while also emphasizing not to do anything "you feel is wrong" (implying the ROE is still in effect). In addition, I stated that upon capturing any of the 5 HVTs listed, that the squad leaders should notify me via ICOM radio. Each squad leader and team leader had this list, with the five names circled, emphasizing that these individuals were the most dangerous/most likely to make contact with.

SSG (b)(6), (b)(7)(C) was the squad leader for the Sapper squad attached to my platoon. The remaining 2 Sapper squads, feeling they were unable to perform combat operations resulting from the death of CPT (b)(6), (b)(7)(C) did not accompany A/1-8 on the mission that night.

1/A/1-8, with CPT (b)(6), (b)(7)(C) began conducting a cordon and search at 030200JAN04 on a group of roughly 20 houses. During this time, we captured about 8 of the individuals on the target list (the remainder were in other platoons' areas of responsibilities). SFC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) searched one house, identifying an elderly male reaching for a weapon. SFC (b)(6), (b)(7)(C) engaged, resulting in the death of this individual. He and SSG (b)(6), (b)(7)(C) seized the weapon, removing it from the house.

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About 0855, 1 Mar 05, SA (b)(6), (b)(7)(C) telephonically interviewed Mr. (former CPT) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) who served as a Platoon Leader and as the Executive Officer (XO) under CPT (b)(6), (b)(7)(C) former Commander of A Company (CO) 1/8<sup>th</sup> Infantry (INF) Battalion (BN), Fort Carson, CO 80913 (FCC). Mr. (b)(6), (b)(7)(C) related he had no direct knowledge of CPT (b)(6), (b)(7)(C) committing any violations of the Rules of Engagement (ROE) or ordering others to commit violations while A CO 1/8<sup>th</sup> INF BN was deployed to Iraq in 2003 and 2004.

About 1400, 1 Mar 05, SAC (b)(6), (b)(7)(C) this office, telephonically interviewed former CPT (b)(6), (b)(7)(C) (formerly C CO, 1/8<sup>th</sup> INF BN, FCC), who related he was assigned to A CO, 1/8<sup>th</sup> INF BN from 2001 to Jul 2003. He related in July 2003, he assumed command of C CO. CPT (b)(6), (b)(7)(C) related he had no knowledge of any murders involving 1/8<sup>th</sup> INF BN personnel killing unarmed Iraqis. He also denied being present at any operations orders (OPORDs) wherein an illegal order was given to specifically locate and kill the Iraqis who planned and executed the attack against 1/8<sup>th</sup> INF BN which resulted in the death of a unit commander.

About 1405, 1 Mar 05, SA (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C), Headquarters and Headquarters Company (HHC), 1/8 INF BN, FCC, and former XO of A CO 1/8 INF BN under CPT (b)(6), (b)(7)(C). CPT (b)(6), (b)(7)(C) related he was present for the OPORD given by CPT (b)(6), (b)(7)(C) prior to the series of raids under investigation. CPT (b)(6), (b)(7)(C) stated he did not recall CPT (b)(6), (b)(7)(C) giving any orders in violation of the ROE, nor did he recall an order by CPT (b)(6), (b)(7)(C) to execute specific High Value Targets (HVTs) if located.

CPT (b)(6), (b)(7)(C) further indicated personnel present at the OP ORD may have misinterpreted the guidance given by CPT (b)(6), (b)(7)(C). CPT (b)(6), (b)(7)(C) stated CPT (b)(6), (b)(7)(C) went over the specific ROE related to engaging targets with deadly force if weapons or force were presented against U.S. Army elements or individuals. CPT (b)(6), (b)(7)(C) believes CPT (b)(6), (b)(7)(C) may have used the word "kill" in his discussion of the ROE during the OP ORD.

CPT (b)(6), (b)(7)(C) described CPT (b)(6), (b)(7)(C) as a difficult commander to work for, due to his demanding nature. CPT (b)(6), (b)(7)(C) further indicated his role as the XO was limited to logistics and was rarely involved in the planning or execution of operations in theater. He described CPT (b)(6), (b)(7)(C) as being occasionally domineering with subordinates.

CPT (b)(6), (b)(7)(C) stated all confiscated weapons were documented and accounted for prior to being stored at a central location within the Forward Operating Base (FOB). CPT (b)(6), (b)(7)(C) further stated the weapons were destroyed prior to 1/8 INF BN redeployment or turned over to the Iraqi Police. CPT (b)(6), (b)(7)(C) did not know if any paperwork still existed regarding the collection of confiscated weapons. CPT (b)(6), (b)(7)(C) further indicated CPT (b)(6), (b)(7)(C) approved the carrying and use of confiscated Iraqi pistols by Platoon Sergeants and

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION: 48 <sup>th</sup> Military Police Detachment (CID) Fort Carson, CO 80913	
SI		DATE: 2 MAR 05	EXHIBIT: 23

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Platoon Leaders assigned to A CO 1/8 INF BN. (See Sworn Statement for details)

About 0800, 2 Mar 05, SAC (b)(6), (b)(7)(C) telephonically interviewed SFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) /310th INF BN, Fort Bragg, NC 28307, (formerly assigned to A CO, 1/8th INF BN, FCC), who related he was the 3rd Platoon Sergeant, 1/8th INF BN, FCC, from July 2001 to June 2004. He related his Platoon Leader while deployed to Iraq was LT (b)(6), (b)(7)(C). He related he had no knowledge of any murders that involving 1/8th INF BN personnel killing unarmed Iraqis. He also denied being present at any OPODs wherein an illegal order was given to specifically locate and kill the Iraqis who planned and executed the attack against 1/8th INF BN which resulted in the death of a unit commander. SFC (b)(6), (b)(7)(C) related if the Platoon Leader was present during the operation order, he was normally checking on the soldier ensuring they were properly preparing for the operation and conducting his normal Platoon Sergeant duties. He related on the night of this questioned operation, his platoon was responsible for check-point security and the platoon was not directly involved in the search and cordon operation.

About 0835, 2 Mar 05, SA (b)(6), (b)(7)(C) telephonically interviewed SFC (b)(6), (b)(7)(C) Operations Group, National Training Center (NTC), Fort Irwin, CA, who served as the 2<sup>nd</sup> Platoon Sergeant for A Co 1/8 INF BN under CPT (b)(6), (b)(7)(C). SFC (b)(6), (b)(7)(C) stated he did not hear CPT (b)(6), (b)(7)(C) give any orders in violation of the ROE, nor did he hear CPT (b)(6), (b)(7)(C) order anyone to execute specific HVTs. SFC (b)(6), (b)(7)(C) further indicated, however, he believed CPT (b)(6), (b)(7)(C) used aggressive tactics frequently when conducting raids.

SFC (b)(6), (b)(7)(C) corroborated CPT (b)(6), (b)(7)(C) statement wherein he indicated CPT (b)(6), (b)(7)(C) authorized the carrying and use of confiscated Iraqi pistols by senior NCOs assigned to A CO 1/8 INF BN. SFC (b)(6), (b)(7)(C) further indicated he was uncomfortable with the use of a cell on the Forward Operating Base (FOB) to interrogate detainees. He had no direct knowledge of any beatings or other unlawful interrogation techniques being used by 1/8 INF BN personnel.

About 1046, 2 Mar 05, SA (b)(6), (b)(7)(C) telephonically interviewed 1LT (b)(6), (b)(7)(C), 5<sup>th</sup> Ranger Training BN, Infantry School, Dahlonga, GA, who confirmed he had been assigned to A CO 1/8 INF BN as the 2<sup>nd</sup> Platoon Leader. 1LT (b)(6), (b)(7)(C) further indicated he was present for the OP ORD given prior to the raids under investigation and recalls CPT (b)(6), (b)(7)(C) making a statement that certain HVTs responsible for the mortar attack which killed a unit commander on FOB Attack shouldn't come back alive if located. 1LT (b)(6), (b)(7)(C) could not recall if the statement was made during the general OP ORD or during a smaller meeting presented to a limited number of personnel. 1LT (b)(6), (b)(7)(C) further related he could only confirm he and 1LT (b)(6), (b)(7)(C) 3<sup>rd</sup> Brigade Combat Team, FCC, former 1<sup>st</sup> Platoon Leader, A CO 1/8 INF BN, were present to hear the statement made by CPT (b)(6), (b)(7)(C). He did not recall if SSG (b)(6), (b)(7)(C) 4<sup>th</sup> Infantry Division (ID), Fort Hood, TX 76544 (FHT) was present for the OP ORD.

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION: 48 <sup>th</sup> Military Police Detachment (CID) Fort Carson, CO 80913	
SIG		DATE: 2 MAR 05	EXHIBIT: 23

**AGENT'S INVESTIGATION REPORT**

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PAGE **3** OF **3** PAGES

1LT (b)(6), (b)(7)(C) further indicated he did not take the comment to be a direct order to locate and execute the HVTs; rather, he understood CPT (b)(6), (b)(7)(C) to mean the HVTs were likely armed and would be resistant to apprehension. He then stated he felt the need to clarify the intent of the comment. He questioned CPT (b)(6), (b)(7)(C) who restated his original comment that the HVTs should not come back alive.

About 1120, 2 Mar 05, SA (b)(6), (b)(7)(C) telephonically interviewed 1LT (b)(6), (b)(7)(C) to further ascertain the substance of the OP ORD. 1LT (b)(6), (b)(7)(C) did not know the specific informants used to develop the intelligence which identified the HVTs, nor did he remember any of the names on the list provided in the OP ORD. 1LT (b)(6), (b)(7)(C) described the list of HVTs as being computer generated and containing approximately 10-20 names, 6 to 8 of which were considered HVTs. He did not remember if the HVTs were highlighted in any way; however, he did recall each name had a comment indicating the intelligence related to the target. He further indicated that was typical procedure at the CO level.

1LT (b)(6), (b)(7)(C) further indicated CPT (b)(6), (b)(7)(C) would have known NCOs in A CO 1/8 INF BN were carrying and using confiscated Iraqi pistols, but denied knowledge it was sanctioned or approved by CPT (b)(6), (b)(7)(C)

About 1345, 2 Mar 05, SA (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C) who rendered two sworn statements regarding the carrying of confiscated Iraqi pistols by NCOs assigned to A CO 1/8 INF BN if approved by CPT (b)(6), (b)(7)(C) (See Sworn Statements for details)

About 1530, 2 Mar 05, SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C), HHC 1/8 INF BN, FCC, regarding the carrying of confiscated Iraqi pistols by NCOs assigned to A CO 1/8 INF BN. 1LT (b)(6), (b)(7)(C) could not confirm CPT (b)(6), (b)(7)(C) statement wherein he indicated CPT (b)(6), (b)(7)(C) approved the carrying of the Iraqi pistols.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER:

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

ORGANIZATION:

48<sup>th</sup> Military Police Detachment (CID)  
Fort Carson, CO 80913

DATE:

2 MAR 05

EXHIBIT:

23

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION FORT CARSON, CO 80913	2. DATE (YYYYMMDD) 20050307	3. TIME 1339	4. FILE NUMBER (b)(6), (b)(7)(C) 489-04-CID056
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS O3/AD	

8. ORGANIZATION OR ADDRESS  
THE 1/8th INF BN, FORT CARSON, CO 80913

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

During combat operations in and around Balad Iraq I served as the XO for A/1-8 IN. We had an <sup>(b)(6), (b)(7)(C)</sup> written policy in A co that the carrying of a confiscated pistol was authorized for a platoon leader or platoon sergeant only if that platoon leader or platoon sergeant had permission from the CO. The purpose, which the CO made clear to the company leadership, was to provide the leader on the ground with a more portable weapon system to make it easier for that leader to command, control, and direct the operation and talk on the radios & etc. The only person that I remember that used the policy was SFC (b)(6), (b)(7)(C) - the 3rd PLT PSG. He is the only one I remember that carried a pistol.

Nothing

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

handle maps, graphics, EPSs, etc.

Follows

10. EXHIBIT	11. INITI (b)(6), (b)(7)(C) SON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT FORT CARSON, CO 80913 DATED 2 MAR 05

9. STATEMENT (Continued)

[Redacted statement area with large X]

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

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to

ad **(b)(6), (b)(7)(C)** 2ND MARCH 2 2005  
at \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
ART 136 UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT **(b)(6), (b)(7)(C)** 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 retrieval.  
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FORT CARSON CO 80913	2. DATE (YYYYMMDD) 20050302	3. TIME 1349	(b)(6), (b)(7)(C) FILE NUMBER 189-04-C10056
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	7. GRADE/STATUS 03/AD	

8. ORGANIZATION OR ADDRESS  
HHC 1/8th INF BN, FORT CARSON, CO 80913

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

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

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

Q: Pertaining to your earlier sworn statement made today at 1334 HRS, did you write that statement?

A: Yes.

Q: Who was your company commander while deployed with A Co 1/8 INF BN?

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

Q: Were all the Platoon Leaders & Sergeants aware of the unwritten policy?

A: I don't know.

Q: Do you know if the 1/8 INF BN leadership was aware of the policy?

A: I don't know.

Q: Is there anything else you would like to add to your statement?

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

10. EXHIBIT	11. 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 \_\_\_\_\_ 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.

EXHIBIT 17225

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

TAKEN AT Fort Carson, CO 80913 DATED 2 MAR 05

9. STATEMENT (Continued)

[Redacted statement area with large X]

(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 (b)(6), (b)(7)(C) UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE SIGNED EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR (b)(6), b(7)(C) OUT

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of Mar 2005 at (b)(6), (b)(7)(C)

[Redacted signature area]

ART 136, UCMJ  
(Typed Name of Person Administering Oath)  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

**FOR OFFICIAL USE ONLY**  
**LAW ENFORCEMENT SENSITIVE**

DETAILS:

About 1515, 2 Mar 05, this office received a Request for Assistance (RFA) (0489-04-CID056-76431 and 0498-04-CID056-76349) from the Ft Carson Resident Agency (RA), CID, requesting this office to locate, fully ID and interview 1LT (b)(6), (b)(7)(C) HHC, 5<sup>th</sup> Ranger Training Battalion, Camp Merrill, Dahlonga, GA 30533, about his knowledge of murders committed in Iraq.

About 1254, 3 Mar 05, SA (b)(6), (b)(7) interviewed 1LT (b)(6), (b)(7) who provided a Sworn Statement detailing his knowledge of the briefings and events surrounding the incidents.///LAST ENTRY///

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

Ft McPherson Resident Agency  
Benning CID Battalion  
Fort McPherson, GA 30330

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

Date: 3/4/2005

Exhibit:

CID Form 94

FOR OFFICIAL USE ONLY

**EXHIBIT**

FOR OFFICIAL USE ONLY

174<sup>26</sup>

FOR OFFICIAL USE ONLY

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

LAW ENFORCEMENT SENSITIVE

LOCATION <i>Camp Merrill, Dahlonega, GA</i>	DATE <i>3 Mar 05</i>	TIME <i>1257</i>	FILE NUMBER <i>29-05-CID 07</i>
LAST NAME, FIRST NAME, MIDDLE NAME <i>(b)(6), (b)(7)(C)</i>	SOCIAL SECURITY NUMBER <i>(b)(6), (b)(7)(C)</i>	GRADE/STATUS <i>0-2</i>	

ORGANIZATION OR ADDRESS  
*HHC, 5th Ranger Training Bn, Camp Merrill, Dahlonega GA 30533*

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

The first week of January 2004, to the best of my knowledge  
 Sometime around 2 January 2004 I attended a briefing from  
 CPT *(b)(6), (b)(7)(C)*, commander of A-1/8 IN, at Attack FOB, Balad  
 Iraq. This briefing was in reference to a company mission that  
 was to be executed either that night or the following night. This  
 briefing was a sort of informal OPORD that relied on satellite  
 imagery provided by Falconview computer program, to give a situation and  
 concept diagram of the company mission. The mission was to Raid a  
 series of houses in a small village just South of the city of Balad  
 in order to kill or capture an insurgent cell that had carried out a  
 series of mortar attacks against Eagle FOB, the Battalion HQ FOB. One of these  
 mortar attacks resulted in CPT *(b)(6), (b)(7)(C)* being KIA. This specific  
 attack occurred, to the best of my knowledge, just days before our mission  
 to capture the insurgent cell. CPT *(b)(6), (b)(7)(C)* was a close friend of my *(b)(6), (b)(7)(C)*  
 CO CPT *(b)(6), (b)(7)(C)* A target list was handed out which had the ~~names~~  
 names of the insurgents we were after, a small sentence stating how they  
 were involved in the cell, and the house number they were believed to be staying  
 in. A satellite imagery printout was also handed out which showed the  
 village and numbered the houses we were going after. These numbers corresponded  
 to the numbers next to the names on the target list. The imagery also  
 assigned specific houses and targets to each platoon. This method of planning  
 and briefing company missions was SOP and happened several times a week.  
 The target list was 10-20 names total to the best of my memory. Perhaps  
 6-8 of the names on the list were designated as having had a direct  
 action in the attack that killed CPT *(b)(6), (b)(7)(C)*, these names were higher priority  
 targets. I don't remember any names on the list with the exception of one.  
 The individual whose name I do recall was Fowzy Younes. I believe to  
 the best of my knowledge that he was named as the primary planner and  
 leader of the group. I remember his name because our Battalion conducted *(b)(6), (b)(7)(C)*

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>(b)(6), (b)(7)(C)</i>	PAGE 1 OF <u>6</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.

DA FORM 2823 JUL 72

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

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

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

*Not Used*

AFFIDAVIT

I, \_\_\_\_\_ 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:

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

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

at \_\_\_\_\_

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

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

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

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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

TAKEN AT: Camp Merrill, GA

0029-05-CID

DATED: 3 Mar 05 CONTINUED:

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LAW ENFORCEMENT SENSITIVE

(b)(6), (b)(7)(C) multiple operations to try and capture or kill him, all of which were unsuccessful. My platoon was given a group of houses on the west side of the village along with the names of the individuals in those houses we were looking for. Fowzy Younes was one of my targets along with 1-3 of the individuals that actually carried out the attack that killed CPT (b)(6), (b)(7)(C). I was also to detain any others whose names were on the list. Sometime during the preparation for this mission, to the best of my memory it was during the briefing, CPT (b)(6), (b)(7)(C) made a statement to the effect of, "these guys probably shouldn't come back alive." I'm not sure that was the exact verbiage he used, but it was something to that effect. The statement struck me as odd and later on ILT (b)(6), (b)(7)(C) and I (ILT (b)(6), (b)(7)(C) was 1st Platoon leader I was 2nd Platoon leader) discussed, to the best of my memory, what CPT (b)(6), (b)(7)(C) meant by that statement. I believe that ILT (b)(6), (b)(7)(C) and I went to CPT (b)(6), (b)(7)(C) to ask for clarification of the statement. When we talked to CPT (b)(6), (b)(7)(C) he seemed to me to be a little upset about CPT (b)(6), (b)(7)(C) death but he didn't seem to me to be either angry, excited, or depressed. I think he was just sad about his friend's death. When ILT (b)(6), (b)(7)(C) and I asked him to clarify his statement to the best of my memory he said something similar to his first statement that "these guys probably shouldn't come back alive." By "these guys" he meant the target individuals who had actually carried out the mortar attack that killed CPT (b)(6), (b)(7)(C). I asked him who he meant and he made it clear. CPT (b)(6), (b)(7)(C) also said that he was not going to get on the ground during the mission as he usually did, but that he would stay on his Bradley Fighting Vehicle. He said he was too upset about his friend's death to be able to deal impartially with the target individuals who killed him. I did not believe CPT (b)(6), (b)(7)(C) statement to be an order to execute or murder the individuals that killed CPT (b)(6), (b)(7)(C) but rather that it was a statement of an upset man whose friend had just been killed and that it was a statement of what "these guys" probably deserved, that was my understanding of what he meant. CPT (b)(6), (b)(7)(C) made no statement about being upset at all if "these guys" did come back alive, nor did he outline any consequences for us if we did bring them back alive. After talking to him I was convinced that CPT (b)(6), (b)(7)(C) statement was not an order, but rather that he was just upset and didn't really mean what he said. I believe that ILT (b)(6), (b)(7)(C) concurred with me and we both agreed that CPT (b)(6), (b)(7)(C) didn't mean it. The 3rd Platoon Leader, (b)(6), (b)(7)(C) was not around when ILT (b)(6), (b)(7)(C) and I were discussing this. I don't know where LT 177 (b)(6), (b)(7)(C)

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

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2 OF 6 PAGES

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

TAKEN AT: Camp Merrill, GA

DATED: 3 MAR 05 CONTINUED:

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LAW ENFORCEMENT SENSITIVE

(b)(6), (b)(7)(C) was, he may have been on patrol or something like that. When I briefed my platoon on the mission I told them what we were doing, who we were going after, and to make sure they followed the Rules of Engagement. We completed our mission and captured 3-5 individuals on the target list including one who had actually participated in the attack on Eagle FOB that killed CPT (b)(6), (b)(7)(C). None of these individuals posed a threat to my soldiers so in accordance with Rules of Engagement we secured them, detained them and brought them back to FOB Paliwoda to be processed as EPW's. FOB Eagle was renamed FOB (b)(6), (b)(7)(C) in honor of CPT (b)(6), (b)(7)(C). After the mission I heard, from who I don't remember, that two 1st Platoons target individuals had brandished weapons as 1st Platoon attempted to detain them and that they were killed. I had no reason to question this report because these were dangerous men who attacked americans and who in many cases would rather die than be captured by the americans, this is a generalization of my understanding of the Iraqi insurgent mindset. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) In reference to the practice of NCOs carrying confiscated Iraqi pistols, I don't remember any written policy allowing that practice although from time to time I do remember some NCOs, who specifically I don't remember, carrying Iraqi pistols. CPT (b)(6), (b)(7)(C) I don't believe actually forbade the practice but I do think I remember telling some NCO's that it wasn't a good idea since the pistols were not well maintained and the potential of an accidental discharge made them a safety hazard. I don't remember anyone in my platoon carrying an Iraqi pistol as a backup or primary weapon or otherwise. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) In reference to who was at the company mission briefing when CPT (b)(6), (b)(7)(C) made the statement in question, I believe it was a significant portion of the company leadership from (b)(6), (b)(7)(C) Platoon Sergeant and up, possibly including some squad leaders who may have been listening in, but I don't know for sure. I do know that I was there, 1LT (b)(6), (b)(7)(C) was there, CPT (b)(6), (b)(7)(C) was there, and that no one above the Company Chain of Command was there.

(b)(6), (b)(7)(C) I also remember asking CPT (b)(6), (b)(7)(C) at some point during mission preparation about where the intelligence for the target list came from. He said that it came from several independent informants. This made the intelligence more reliable since it ruled out the chance of just one informant being mad at the inhabitants of this village and using us to take out his anger on them. I do not know who

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

TAKEN AT: Camp Merril, CA

DATED: 3 Apr 05 CONTINUED:

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LAW ENFORCEMENT SENSITIVE

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

informants were, nor do I know who ~~handled~~ (b)(6), (b)(7)(C) handled the informants, or how the informants collected the intelligence. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) This statement represents the best memory of these events that I have. I have attempted to be as accurate as I can remember and any (b)(6), (b)(7)(C) inaccuracies are not intentional. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I would also like to add that had I felt CPT (b)(6), (b)(7)(C) statement to be an (b)(6), (b)(7)(C) order I would have done my duty to refuse to obey it, and to report it to my Battalion Commander. As I didn't believe CPT (b)(6), (b)(7)(C) statement to be an order but rather just an offhand comment made by an upset man whose friend had been killed, I accomplished my mission in accordance with the Rules of engagement and since my target individuals posed no threat when they were detained I brought them in to FOB Eagle Alive and unharmed.

Q. Who made the list of targets?

A. I don't know for sure but if I had to guess I would say probably the Battalion S-2 section.

Q. Do you know who identified the individuals involved in the earlier attack that resulted in CPT (b)(6), (b)(7)(C) death as a higher priority target?

A. No, I do not know who did, the list was just given to me with (b)(6), (b)(7)(C) the higher priority targets already identified.

Q. Specifically, by name, who was at the briefing?

A. For sure I know that myself, 1LT (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C) were at the briefing. There were perhaps 6 to 10 other people at that briefing. Individuals who probably were there or should have been there are; SFC (b)(6), (b)(7)(C) who was my Platoon Sergeant, SFC (b)(6), (b)(7)(C) the 1st Platoon Platoon Sergeant, LT (b)(6), (b)(7)(C) the 3rd Platoon leader, SFC (b)(6), (b)(7)(C) the 3rd Platoon Sergeant, CPT (b)(6), (b)(7)(C) the Company Executive officer, and 1SG (b)(6), (b)(7)(C) the Company First Sergeant.

Q. Do you know if anyone maintained copies of the OPORD's or target lists?

A. I do not know if anyone else did, but I do know that I don't have them. Before we came back to the U.S. we turned in all operational information and were not allowed to bring any of that stuff back in our personal belongings. Also, this mission was not a written opord but was briefed off a satellite imagery "concept sketch." 1-8 IN Battalion S-2 may have some kinds of records.

Q. Did you or anyone else ask CPT (b)(6), (b)(7)(C) if he was asking or directing your units to kill the individuals involved in the earlier attack. (b)(6), (b)(7)(C)

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

U029-05-CID 073  
TAKEN AT: Camp Merrill, GA

DATED: 3 MAR 05 CONTINUED:

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

When I went to clarify the statement that CPT (b)(6), (b)(7) made I believe that I asked him if he was asking us to kill these individuals although the wording that I or 1LT (b)(6), (b) used escapes my memory, but I do believe we did ask him something along those lines. His answer also I cannot remember exactly but I do know that he did not say something like "yes I want you to kill them". When I walked out of his room there was not a doubt in my mind that (b)(6), (b)(7)(C) had not been ordered to do something illegal.

Q. Did CPT (b)(6), (b)(7)(C) go out on the missions that night and if so, who was he with?

A. CPT (b)(6), (b)(7)(C) did go out on the mission but to my knowledge he stayed on his Bradley Fighting Vehicle. I'm not sure where his vehicle was located but I believe it was a couple hundred meters north of the village.

Q. How did CPT (b)(6), (b)(7)(C) react to the killings?

A. I did not talk to him about it but his demeanor did not change any after the mission.

Q. To what degree did CPT (b)(6), (b)(7)(C) authorize or sanction NCO's and Officers to carry confiscated Iraqi weapons?

A. He allowed NCO's and officers to carry confiscated Iraqi weapons as back up weapons but this practice was commonplace among all the units in Iraq that I dealt with at the time and did not seem odd or out of place.

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

A. I have attempted to be as helpful as possible and I can't think of anything else at this time. // END OF STATEMENT // (b)(6), (b)(7)(C)

**FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE**

STATEMENT (Continued)

**FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE**

*Not used*

(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 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of March, 2005 at Camp Merrill, GA

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)  
Administering Oath)

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT

(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	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:

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



*Not used*

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	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.

DA FORM 2823 1 JUL 72

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

0050-07-018205

AGENT'S INVESTIGATION REPORT **FOR OFFICIAL USE ONLY** 0032-05-CID073

**LAW ENFORCEMENT SENSITIVE**

CID Regulation 195-1

Page 1 of 1 Pages

About 1029, 7 Mar 05, this office received a Request for Assistance (RFA) (0489-04-CID056-76431 and 0498-04-CID056-76349) from the Ft Carson Resident Agency (RA), CID, requesting this office to locate, fully ID and interview Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) about his knowledge of murders committed in Iraq.

About 1538, 7 Mar 05, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) who provided a sworn statement denying witnessing or hearing of any inappropriate commands or actions taken while he was assigned to A Co, 1/8th Infantry. Mr. (b)(6), (b)(7)(C) stated he heard about some of the publicized incidents on the news when he got back to the U.S., but denied hearing of or witnessing any actions which violated the Rules of Engagement while in Iraq.///Last Entry///

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

Fort McPherson Resident Agency  
Fort Benning CID Battalion  
Fort McPherson, GA 30330

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

Date: 7 Mar 05

Exhibit:

CI (b)(6), (b)(7)(C) FOR OFFICIAL USE ONLY

**FOR OFFICIAL USE ONLY**

For use of this form, see PAR 104-41 Opened Agency Office Chief of Staff for Personnel.

SWORN STATEMENT

LAW ENFORCEMENT SENSITIVE

LOCATION FT. McPherson GA.	DATE 7 MAR 05	TIME 15 38	NUMBER (b)(6), (b)(7)(C)
FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER. (b)(6), (b)(7)(C)		GRADE/STATUS Civ.
(b)(6), (b)(7)(C)			

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

I WAS ASSIGNED TO C Co 1-BIN 4<sup>th</sup> ID DURING THE PERIOD ENCOMPASSING 3 JAN 2004. I HAVE NO KNOWLEDGE OF ANY ORDERS GIVEN BY ANY ATTACK CO. (A-1/8 IN) PERSONNEL ON THIS DATE. (b)(6), (b)(7)(C) DURING MY TIME IN IRAQ I DID NOT WITNESS CPT (b)(6), (b)(7)(C) GIVE AN ILLEGAL ORDER.

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

Q: SA

A: MR.

Q: Were you ever assigned to A Y8 int?

A: 15 JUL 02 - 15 JUL 03

Q: Were you assigned to A Co. Y8 int while in Iraq?

A: YES (b)(6), (b)(7)(C) - JUL 03

Q: What was your position within A Co. during that time?

A: EXECUTIVE OFFICER

Q: Who was the commander for A Co. during that time?

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

Q: While in Iraq with A Co Y8 INT, did you ever observe anyone in the company, to include the Command, give any orders or take any actions that seemed to be in violation of the Rules for Engagement?

A: No, I DID NOT OBSERVE ANY ACTION THAT VIOLATED THE RULES OF ENGAGEMENT

Q: Did you observe any orders or actions that seemed to be questionable?

A: No

Q: How long were you working with CPT (b)(6)(b)(7)(C)?

A: ~ 6 WEEKS

EXHIBIT	INITIALS OF F(b)(6), (b)(7)(C)NG 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 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 1 JUL 72

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

NOT USED.  
(b)(6), (b)(7)(C)

AFFIDAVIT

I, \_\_\_\_\_ 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:

\_\_\_\_\_  
(Signature of Person Making Statement)

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

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

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

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

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

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

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

PAGE OF PAGES

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

TAKEN AT: Home Depot inc, ATLANTA, GA

DATED: 7 Mar 05 CONTINUED:

Q: Did you spend much personal time with CPT (b)(6), (b)(7)(C) while you were in Iraq?

A: No

Q: Did you hear any Rumors about actions taken by members of A Co. while you were in Iraq?

A: Not while I was in Iraq

Q: Did you hear of any questionable actions taken by A Co since you returned from Iraq?

A: YES. I HAVE FOLLOWED THE ACCOUNTS AND TRIAL OF SFC (b)(6), (b)(7)(C) AND THE INCIDENT ON THE BRIDGE IN SAMARRA.

RECENTLY, CID INFORMED ME THAT CPT (b)(6), (b)(7)(C) AND LTC (b)(6), (b)(7)(C) WERE BEING INVESTIGATED FOR AN ILLEGAL ORDER IN CONNECTION WITH THE DEATH OF CPT. (b)(6), (b)(7)(C) (ACTIONS AGAINST IRAQI'S FOLLOWING HIS DEATH).

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

A: I WAS AN EXECUTIVE OFFICER FOR MY ENTIRE 10 MOS. IN IRAQ. AS A LEADER OF SOLDIERS I RAN HONORABLE UNITS. I DID NOT WITNESS ANY ILLEGAL ACTIVITY IN MY UNITS. I HAVE HEARD STORIES AS INDICATED ABOVE BUT I DO NOT HAVE ANY PERSONAL (b)(6), (b)(7)(C) KNOWLEDGE OF THESE (b)(6), (b)(7)(C) ACTS.

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

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

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

FOR OFFICIAL USE ONLY

STATEMENT (Continued)

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

*NOT USED*  
(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 (b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7th day of March, 2004 at Home Depot Inc. 2455 Peachtree RD, Atlanta, GA (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

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

SA

(Typed Name of Person Administering Oath)

Title S USC.

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

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

PAGE 3 OF 3 PAGES

**SWORN STATEMENT**

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

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:

*NOT USED.*

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	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.

DA FORM 2823 1 JUL 72

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

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LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT

ROI NUMBER RFA 0489-04-CID056-76341

(0197-05-CID023)

CID Regulation 195-1

Page 1 of 1

BASIS FOR INVESTIGATION:

On 7 Mar 05, this office received a CAT I Request For Assistance from the 48<sup>th</sup> Military Police (MP) Detachment (Det) (CID) Rear, 6<sup>th</sup> MP Group (CID), Fort Carson, CO 80913 (FCC), requesting this office locate, fully identify and obtain a sworn statement from SFC (b)(6), (b)(7)(C) 1st Battalion (Bn), 310th Infantry (In), Fort Bragg, NC 28310 (FBNC), regarding his knowledge of the operation order given by CPT (b)(6), (b)(7)(C) 7<sup>th</sup> Infantry Division (ID), FCC, former commander, Alpha Company (A Co.) 1<sup>st</sup> Bn 8<sup>th</sup> In, Fort Hood, TX 76544 (FHT), prior to an operation that took place while deployed to Iraq.

Details:

About 1506, 8 Mar 05, SA (b)(6), (b)(7) interviewed SFC (b)(6), (b)(7) who rendered a sworn statement wherein he claimed he had no knowledge of the murders of Mr. Zaidan K. HASSAN (NFI) and Mr. Nasar ISMAIL (NFI). SFC (b)(6), (b)(7) further stated there were no orders issued to shoot or abuse detainees during of the operational briefings given by CPT (b)(6), (b)(7)(C) (See Sworn Statement for details)//Last Entry//

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA (b)(6), (b)(7)(C), (b)(7)(F) (b)(6), (b)(7)(C)		87th Military Police Detachment (CID) (ABN) 3d MP Group, Fort Bragg, NC 28310-5000	
		DATE	EXHIBIT
		8 March 2005	30

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

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

LOCATION Fort Bragg, NC 28310	DATE 8 Mar 2005	TIME 1806	FILE NUMBER 0197-05-CID023
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL (b)(6), (b)(7)(C)	GRADE/STATUS SFC/ AD	

ORGANIZATION OR ADDRESS  
1/310 In Bn, Fort Bragg, NC 28310

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

I SFC (b)(6), (b)(7)(C) was assigned to A Company, 1<sup>st</sup> Battalion, 8<sup>th</sup> Infantry as a Platoon Sergeant for 3<sup>rd</sup> Platoon. On 4 Jan 04 the Company received an operations order for all three platoons to conduct a raid in three different locations. I can not recall what any of the grid coordinates or the names of the high value targets at this time. The mission was a standard combat mission that we had conducted numerous times before. CPT (b)(6), (b)(7)(C) issued the operations order and then supervised the rock drill rehearsal on Attack Forward Observation Base. After rehearsal CPT (b)(6), (b)(7)(C) reemphasized the Rules Of Engagement (ROE) to the unit. The ROE was that we had the right to protect ourselves and other soldiers and equipment. Anyone with a weapon is to be treated as hostile. Approximately 5 to ten minutes later we started receiving incoming mortar rounds. As for our Standard Operating Procedures (SOP) the company rolled all vehicles and platoons out of the FOB to set up check points throughout the city. We stayed out there for about two hours checking all vehicles in sector. We then returned to the FOB and stayed there until time for our combat mission. During this time, I did not receive any further information or orders from anyone from higher. At approximately 0100 hrs 5 Jan 04, the company rolled out the gate and each platoon went in three different directions. A few hours later 3<sup>rd</sup> platoon returned to Attack FOB with one detainee. Once the detainee was turned over to the guard at the FOB holding cell my platoon went to sleep. This ends my statement. (b)(6), (b)(7)(C)

- Q. (b)(6), (b)(7)(C)  
A. (b)(6), (b)(7)(C)
- Q. Where in Iraq where you stationed?  
A. Balac (b)(6), (b)(7)(C)
- Q. What was your job assignment? (b)(6), (b)(7)(C)  
A. Platoon Sergeant for 3<sup>rd</sup> Platoon.
- Q. Where you involved in a shooting or mistreatment of a Mr. HASSAN or Mr. ISMAIL?  
A. No, I do not know who they are. (b)(6), (b)(7)(C)
- Q. What do you know about the shooting or mistreatment of a Mr. HASSAN or Mr. ISMAIL?  
A. All I know that a platoon came back with a body. I did not know who it was? (b)(6), (b)(7)(C)
- Q. Do you know if any soldiers where involved in shoots or mistreatment of high value targets?  
A. No. (b)(6), (b)(7)(C)
- Q. What guidance was giving in the treatment of prisoners?  
A. Use the minimum amount of force to subdue the individual. (b)(6), (b)(7)(C)
- Q. Was this stated in the OP ORD?  
A. CPT (b)(6), (b)(7)(C) would state the ROE before entering (b)(6), (b)(7)(C) mission to the troops verbally. Whether it was written in the OP ORD or not it was always stated before the mission. (b)(6), (b)(7)(C)
- Q. Did CPT (b)(6), (b)(7)(C) ever issue the orders to allow troops to shoot or abuse detainees?  
A. Never got that. (b)(6), (b)(7)(C)
- Q. Where you ever allowed to carry confiscated Iraqi pistols?  
A. Yes. When weapons where obtained in raids we where allowed to take control of the weapons and then turned them in once returned from the mission. If an Iraqi weapon was kept it would only be use during a mission. The Commander would allow the Platoon leader or Platoon Sergeant in the Bradley convoy to use the pistol as warning shots during hostile movements. (b)(6), (b)(7)(C)
- Q. At any time did (b)(6), (b)(7)(C) issue orders to shoot or abuse detainees?  
A. No. (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."  
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LAW ENFORCEMENT SENSITIVE

0197-05-CID023

STATEMENT OF John Fitzgerald STAPLES TAKEN AT Fort Bragg, NC 28310 DATED 8 March 2005 CONTINUED:

STATEMENT (Continued)

Q. Do you have anything else to add to your statement at this time?

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

////////////////////////////////////// END OF STATEMENT //

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

AFFIDAVIT

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of March, 2005

ORGANIZATION OR ADDRESS (b)(6), (b)(7)(C)

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

ORGANIZATION OR ADDRESS Art 136, UCMJ (Authority To Administer Oaths)

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

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0066-05-CID053

CID Regulation 195-1  
FOR OFFICIAL USE ONLY

PAGE 1 OF 1 PAGE

LAW ENFORCEMENT SENSITIVE

DETAILS

BASIS FOR INVESTIGATION: On 7 Mar 05, this office received a Request for Assistance (RFA) from SA (b)(6), (b)(7)(C) 48th Military Police Detachment (CID) rear, 6th Military Police Group (CID), United States Army Criminal Investigation Command, 6525 Specker Avenue, Building 1816, Fort Carson, CO 80913-4203, requesting this office locate, fully identify, interview and obtain a sworn statement from (b)(6), (b)(7)(C) 28226 regarding his knowledge of any violations of the Rules of Engagement by CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), Commander, 7th Infantry Division (ID), Fort Carson, CO (FCC) or other personnel assigned or attached to Alpha Company (CO), 1/8th Infantry (INF) Battalion (BN).

About 1240, 8 Mar 05, SA (b)(6), (b)(7)(C) coordinated with Mr (b)(6), (b)(7)(C) who related he would be at the Fort Jackson CID office at 0900, 10 Mar 05 for an interview regarding his knowledge of any violations of the ROE by CPT (b)(6), (b)(7)(C) or other personnel assigned or attached to A Co 1/8 INF BN.

AGENT'S COMMENT: Mr (b)(6), (b)(7)(C) related 10 Mar 05 was the earliest time he has available for the interview.

About 0958, 10 Mar 05, SA (b)(6), (b)(7)(C) interviewed Mr (b)(6), (b)(7)(C) who provided a sworn statement regarding his knowledge of any violations of the ROE by CPT (b)(6), (b)(7)(C) or other personnel assigned or attached to A Co., 1/8 INF BN. Mr (b)(6), (b)(7)(C) stated he was the Executive Officer (XO) for A Co., 1/8 INF BN for about one month in December 2003 and was reassigned to HHC 1/8 INF BN in Jan 2004 to assume duties as a support platoon leader. Mr (b)(6), (b)(7)(C) stated he had no knowledge of any violations by CPT (b)(6), (b)(7)(C) or other personnel assigned or attached to A Co., 1/8 INF BN. Mr (b)(6), (b)(7) related he did not accompany A Co., 1/8 INF BN to Balad, Iraq during the month of January 2004 and remained in Samarra, Iraq with HHC 1/8 INF BN. (See sworn statement for details)

About 1235, 10 Mar 05, SA (b)(6), (b)(7) coordinated with SA (b)(6), (b)(7)(C) Special Agent-in-Charge, Fort Carson CID, who related no further investigative assistance was required from this office and the RFA can be closed.

STATUS: This action was closed in the files of this office, as no further investigative activity was anticipated.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA (b)(6), (b)(7)(C), (b)(7)(F) (b)(6), (b)(7)(C)		37 <sup>th</sup> MP Det CASE (CID), 3rd MP Grp (CID), USACIDC Fort Jackson, SC 29207	
		DATE	EXHIBIT
		10 Mar 05	32

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

LAW ENFORCEMENT SENSITIVE (b)(6), (b)(7)(C)

LOCATION 37th MP Det (CID) FORT JACKSON, SC	DATE 10 MAR 05	TIME 0958	FILE NUMBER 0066-05-CID053
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS CIV

ORGANIZATION AND ADDRESS  
(b)(6), (b)(7)(C)

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

I WAS DEPLOYED TO CENTRAL COMMAND AREA OF OPERATIONS AS THE 2ND PLATOON LEADER OF ALPHA COMPANY, 1-8 IN, 3RD BCT, 4TH ID, ON OR ABOUT 10 APR 2003. I SERVED AS PLATOON LEADER UNTIL DECEMBER 2003 AT WHICH TIME I ASSUMED EXECUTIVE OFFICER DUTIES FOR APPROXIMATELY ONE MONTH. EFFECTIVE 01 JAN 2004 I WAS MADE THE SUPPORT PLATOON LEADER OF 1-8 IN. ON 01 JAN 2004 I MOVED OVER TO HHC 1-8 IN TO ASSUME MY DUTIES AS SUPPORT PLATOON LEADER. I DID NOT ACCOMPANY ALPHA COMPANY TO BALAD, DURING THE MONTH OF JANUARY. I REMAINED IN SAMARRA WITH HHC UNTIL FEBRUARY (APPROX.) AT WHICH TIME I REDEPLOYED WITH HHC TO LSA ANACONDA. AT NO TIME DID I SEE RULES OF ENGAGEMENT VIOLATED. PRIOR TO MISSIONS, R.O.E. WAS ALWAYS REEMPHASIZED FOR CLARITY FOR THE SOLDIERS. R.O.E. WAS STRESSED BECAUSE SOLDIERS WOULD OFTEN BE HESITANT TO ENGAGE ENEMY EVEN THOUGH IT WOULD BE AN ENGAGEMENT WHEN WITHIN R.O.E. STANDARDS. SOLDIERS WERE OFTEN WORRIED ABOUT HAVING THEIR ENGAGEMENTS INVESTIGATED AND WERE THEREFORE RELUCTANT TO SHOOT. CAPTAIN (b)(6), (b)(7)(C) NEVER GAVE ME AN UNLAWFUL ORDER NOR DID I HEAR HIM GIVE AN UNLAWFUL ORDER. (b)(6), (b)(7)(C)

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

Q. DID YOU WRITE THE ABOVE STATEMENT?  
A. YES, I DID (b)(6), (b)(7)(C)

Q. WHO IS CPT (b)(6), (b)(7)(C)  
A. CAPT. (b)(6), (b)(7)(C) WAS ALPHA COMPANY'S COMMANDER FROM APPROX. JUN 03 UNTIL MAY 04. (b)(6), (b)(7)(C)

EXHIBIT	INITIALS (b)(6), (b)(7)(C)	ON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE FOLLOWING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED."  
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(b)(6), (b)(7)(C)

ENFORCEMENT SENSITIVE

FILE NUMBER: 0066-05-CID-053

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FORT JACKSON, SC DATED 10 MAR 05 CONTINUED:

STATEMENT (Continued)

Q. DO YOU HAVE ANY KNOWLEDGE OF ANY VIOLATIONS OF THE ROE BY OTHER PERSONNEL ASSIGNED OR ATTACHED TO ALPHA COMPANY 1/8 INF BN?

A. I DO NOT HAVE ANY PERSONAL KNOWLEDGE ABOUT ANY VIOLATIONS OF THE ROE. I NEVER SAW ANY VIOLATIONS NOR HEARD EVIDENCE OF VIOLATIONS OVER THE RADIO. THERE WAS NEVER ANY EVIDENCE OF SUCH VIOLATIONS. I NEVER WAS MADE AWARE OF ANY VIOLATIONS BY SOLDIERS, NCOs OR OFFICERS WHO OBSERVED ROE VIOLATIONS

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

Q. WHAT WAS YOUR RANK WHEN YOU LEFT THE U.S. ARMY?

A. I WAS A FIRST LIEUTENANT AT THE TIME OF MY SEPARATION

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

Q. DO YOU WANT TO ADD ANYTHING TO THIS STATEMENT?

A. NO, I DO NOT. // END OF STATEMENT //

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

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

AFFIDAVIT

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

law

(statement)

Subscribed and sworn to before me, a person authorized by

to administer oaths, this 10<sup>th</sup> day of March, 2005 at Fort Jackson, SC

ORGANIZATION OR ADDRESS

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

(Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Article 136 UCMJ (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0055-05-CID146

PAGE 1 OF 1 PAGES

DETAILS

**BASIS FOR INVESTIGATION:** At 0600, 7 Mar 05, SA (b)(2), (b)(6), (b)(7)(C) this office, received a Category I Request For Assistance (RFA)(0489-04-CID056-76341 and 0498-04-CID056-76349) from the 48<sup>th</sup> Military Police (MP) Detachment (Det), USACIDC, Fort Carson, CO, 80913 (FCCO), requesting this office to locate, fully identify and interview SFC (b)(6), (b)(7)(C) Operations (OPS) Group (Grp), National Training Center (NTC), Fort Irwin, CA 92310 (FICA), in reference to ongoing detainee abuse investigations.

At 0800, 9 Mar 05, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) SFC (b)(6), (b)(7)(C) provided a sworn statement detailing his knowledge of an Operations Order (OPORD) briefing given by his company commander, CPT (b)(6), (b)(7)(C) 7<sup>th</sup> Infantry (Inf) Division, Fort Carson, CO (formerly commander of A Company (Co), 1/8<sup>th</sup> Inf Battalion (Bn), Iraq) and NCOs in the unit carrying Iraqi Firearms. (See Sworn Statement of SFC (b)(6), (b)(7)(C) for details)

**AGENT'S COMMENT:** SFC (b)(6), (b)(7)(C) refused to undergo a polygraph examination to attest to the truthfulness of his statement. Additionally, SFC (b)(6), (b)(7)(C) identifies a SSG (b)(6), (b)(7)(C) (NFI), who works at the Installation Emergency Operations Center (EOC), FICA, as being his squad leader at the time the OPORD briefing was given.

At 0750, 10 Mar 05, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) Material Management Center (MMC), Theater Support Command (TSC), FICA. SSG (b)(6), (b)(7)(C) provided a sworn statement detailing his knowledge of the OPORD briefing given by CPT (b)(6), (b)(7)(C) and NCOs in the unit carrying Iraqi Firearms. (See Sworn Statement of SSG (b)(6), (b)(7)(C) for details)

**AGENT'S COMMENT:** SSG (b)(6), (b)(7)(C) refused to undergo a polygraph examination to attest to the truthfulness of his statement.

At 1135, 17 Mar 05, SA (b)(6), (b)(7)(C) re-interviewed SSG (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) provided a sworn statement detailing specific information about a list of High Value Targets (HVT) that he was given before a mission. (See Sworn Statement of SSG (b)(6), (b)(7)(C) for details)

On 18 Mar 05, SA (b)(6), (b)(7)(C) received an information report from SA (b)(6), (b)(7)(C) 48<sup>th</sup> MP Det (CID), FCCO. The information report detailed no further investigative activity is requested or required from this office.

//////////////////////////////////////LAST ENTRY//////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F) (b)(6), (b)(7)(C)		ORGANIZATION Fort Irwin Resident Agency (CID) Fort Irwin, CA 92310	
		DATE 18 Mar 05	EXHIBIT 34

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 195

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Fort Irwin, CA
2. DATE (YYYYMMDD): 2005/03/09
3. TIME: 1146
4. GRADE/STATUS: SFC/AD
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)

8. ORGANIZATION OR ADDRESS: Operations Group (OPS Grp), National Training Center (NTC), Fort Irwin, CA 92310

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

Seargeant EN Aco 1-8 INF (M) in Balad, IRAQ for 1 year last of duty. My company commander was captain (b)(6), (b)(7)(C) + platoon leader was 1LT (b)(6), (b)(7)(C) I might have met (b)(6), (b)(7)(C) once or twice in passing. The mission in question or raid, IT was sometime in early months of 2004. As platoon sergeant of second platoon we had the mission to go to one house. The individual Fuzzy Oooves was NOT home. Then my platoon moved to a second house and detained one detainee. I do NOT know his name. After detaining this individual my platoon gave him to/handed over this detainee to LTC (b)(6), (b)(7)(C) & CPT (b)(6), (b)(7)(C) for questioning. I do NOT remember any OPORDER before the mission & their was it was done at SAMARRA IRAQ or IN Balad, IRAQ but my platoon did NOT get to Balad, IRAQ. for five or six hours after the company got there. My platoon had mechanical problems with two Bradleys. I remember a list of HUT's but there was a lot of list of HUT names in our AREA of (b)(6), (b)(7)(C) operations. I can't say for sure if CPT (b)(6), (b)(7)(C) let platoon sergeant and (b)(6), (b)(7)(C) carry side arms (IRAQ pistols). They meaning platoon leaders I carry British made steralings and CPT (b)(6), (b)(7)(C) on some missions carry you mps. These weapons were taken from the local Sherik's Body Guard. I carried a IRAQ 9mm pistol for 1/2 (b)(6), (b)(7)(C) or at 2 months before I left country. I used it for protection (b)(6), (b)(7)(C) off the turret of the Bradley. By reading my statement about carrying IRAQ pistols it would lead me to believe (b)(6), (b)(7)(C) we could carry IRAQ pistols or it was just solatated by CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

( continued next page ) (b)(6), (b)(7)(C)

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

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

STATEMENT OF: SFC (b)(6), (b)(7)(C) Operations Group, NTC, Fort Irwin, CA  
92310; TAKEN AT: Fort Irwin, CA; DATED: March 9, 2005 CONTINUED:

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

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

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

Q: What base or installation were you at in Balad, Iraq?

A: We were at a Forward Operating Base or FOB. After a while the FOB was called FOB (b)(6), (b)(7)(C) in memory of CPT (b)(6), (b)(7)(C) was assigned as a company commander for the Engineers.

Q: In this statement you talk about a mission where you and your soldiers were tasked for find an individual by the name of Fazzy Oonnes (SP?). Did you physically conduct this mission with either a SSG (b)(6), (b)(7)(C) SFC (b)(6), (b)(7)(C) or SSG (b)(6), (b)(7)(C)?

A: No we were not physically with them. The way it worked was that each platoon had different objectives on each missions or raids. My platoons missions or duties included finding weapons caches, locating and capturing HVTs, provide protection for the Balad Iraq Police while they policed the streets, establishing and securing TCPs, conducting counter ambushes against identified terrorists, and force presence patrols in the Balad, Iraq area. For instance, the whole company could go out to a particular area or village, but do different missions or raids.

Q: What are HVTs?

A: High Value Targets.

Q: What are High Value Targets?

A: They are terrorists, Iraqi insurgents, or people identified as important people.

Q: Who classifies people to be High Value Targets?

A: I don't know. It's got to be someone higher than me.

Q: Who informs you that people have been identified as High Value Targets?

A: The company commander.

Q: Who was your company commander?

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

Q: What company did he command?

A: A Co, 1-8<sup>th</sup> Infantry (Mechanized), 3<sup>rd</sup> BCT, 4<sup>th</sup> Infantry Division (ID), Fort Carson, CO.

Q: Explain to me this process. Basically how a mission is planned.

A: Basically what occurs is that CPT (b)(6), (b)(7)(C) gets information from the Iraqis that comes to the gate, that either HVTs, insurgents, or terrorist are in a particular area. We would give our interpreter a plugger and they would go out alone to get a grid coordinate for the house the individual was at. The interpreter would come back and give us the grid coordinate for the house to CPT (b)(6), (b)(7)(C). Then CPT (b)(6), (b)(7)(C) would pass along this information to the Platoon Leader of the mission platoon. Then the Platoon Leader would sit down with the Platoon SGT and plan a mission to go and capture that individual. Then we would brief CPT (b)(6), (b)(7)(C) on the mission. CPT (b)(6), (b)(7)(C) would then go out on the mission with us.

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

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EXHIBIT 25 ENCL 2

STATEMENT OF: SFC (b)(6), (b)(7)(C) Operations Group, NTC, Fort Irwin, CA  
92310; TAKEN AT: Fort Irwin, CA; DATED: March 9, 2005 CONTINUED:

Q: What are TCPs?  
A: Traffic Control Points.  
Q: What are Traffic Control Points?  
A: Check points on certain roads where we check vehicles for weapons, or explosives.  
Q: Do you remember conducting any missions or raids involving locating and capturing either Mr. Saidan K. HASSAN or Mr. Nasar ISMAIL?  
Q: No.  
A: Do you remember conducting any missions or raids where any of the individuals you were supposed to capture got killed?  
Q: No not any of the mission my platoon was personally responsible for. However, the mission I was talking about in this statement where we were looking for Fuzzy OONNES. After we handed that individual over to LTC (b)(6), (b)(7) and CPT (b)(6), (b)(7)(C), my platoon and myself went back to our camp. The next morning there were body bags on the ground by the front gate. I remember asking somebody in passing who got the kills. Somebody said the engineers.  
Q: Were these "kills" from that mission or raid?  
A: Yes.  
Q: Do you know the names of these individuals who where in the body bags?  
A: No.  
Q: Did you physically see the bodies?  
A: No.  
Q: You also mentioned in your statement that there was a list of High Value Targets. Who had this list?  
Q: The battalion had the list. I think it was generated from the S-2.  
Q: Did you physically see a list or High Value Targets?  
A: No. We would be told by CPT (b)(6), (b)(7)(C) of an HVT in our area. Like he would say that HVT #5 is in our area and we would plan a mission to get him.  
Q: You also mentioned in this statement that you can not say if CPT (b)(6), (b)(7)(C) let the NCOs carry Iraqi firearms. Did anyone ever physically tell you it was OK to carry the Iraqi firearm?  
A: No, no one ever told me that it was not OK to carry the Iraqi firearm. Like I said in the statement the platoon leaders carried Iraqi firearms in addition to their own issued government firearm and CPT (b)(6), (b)(7)(C) had a the MP5.  
Q: Who are these Platoon Leaders you are talking about?  
A: 3d Platoon Leader, 1LT (b)(6), (b)(7) who carried a Sterling. I believe the 2<sup>d</sup> Platoon Leader, 1LT (b)(6), (b) carried a Sterling also. I can't remember if the 1<sup>st</sup> Platoon Leader, 1LT (b)(6), (b) carried one or not. The Platoon SGTs SFC (b)(6), (b) 3d Platoon, I know he carried a pistol, I believe it was an Iraqi 9 mm; myself, I had an Iraqi 9mm for

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STATEMENT OF: SFC (b)(6), (b)(7)(C) Operations Group, NTC, Fort Irwin, CA  
92310; TAKEN AT: Fort Irwin, CA; DATED: March 9, 2005 CONTINUED:

only a month and a half to two months prior to me leaving. Those are the only NCOs I knew of.

Q: Did CPT (b)(6), (b)(7)(C) carry the MP5?

A: Sometimes he would carry it and sometimes he did not.

Q: So in other words, no one physically said to you it was OK to carry the Iraqi firearms?

A: No.

Q: And basically the soldiers who carried the Iraqi firearms were not told they could not carry it?

A: No.

Q: Where did these weapons come from?

A: We confiscated them from different vehicles from TCPs, raids on weapons cache houses or facilities. We also got the weapons from raids or missions we conducted on the homes of suspected terrorists, Iraqi insurgents and HVTs.

Q: Once you get these weapons, where were they kept? i.e. an arms room or some other room.

A: They were kept in a room in one of the buildings on the FOB. In this room was rifles like AK-47s, RPGs, motar rounds, etc.. The pistols were kept in a safe in the company headquarters.

Q: Was this room in the FOB guarded by anyone?

A: No.

Q: Who had access to the safe in the company headquarters where the pistols were kept?

A: Whoever had the key.

Q: Do you know who had key?

A: No.

Q: Did CPT (b)(6), (b)(7)(C) ever inform anyone, during a mission Operations Order briefing or in any kind of forum, that during any of the missions or raids, any High Value Targets or any individuals were not to come back alive?

A: He never said that to me.

Q: Did you ever hear of anyone ever say CPT (b)(6), (b)(7)(C) made the statement that any High Value Targets or individuals were not to come back alive, during a mission Operations Order briefing or in any kind of forum?

A: No. But my believe is that he was upset after his good friend, CPT (b)(6), (b)(7) the Engineer Company Commander, was just killed by motars. That same day he was killed, the company with CPT (b)(6), (b)(7)(C) conducted the mission I was just talking about, looking for individuals who were responsible for the motor attack. The mood or feeling around the company area was that we were to put more emphasis on the raid itself because they killed CPT (b)(6), (b)(7)(C) in that we need to find these individuals. CPT (b)(6), (b)(7)(C) might have gave an ora or persona to kill these individuals. But I never heard him physically say that or hear anyone ever say he said to kill them. Also, if

EXHIBIT \_\_\_\_\_ INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 4 OF 7 PAGES

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EXHIBIT 199 05

STATEMENT OF: SFC (b)(6), (b)(7)(C) Operations Group, NTC, Fort Irwin, CA  
92310; TAKEN AT: Fort Irwin, CA; DATED: March 9, 2005 CONTINUED:

someone ever took that to be an order, then they should have talked to CPT (b)(6), (b)(7)(C) to clarify what he meant.

Q: Did CPT (b)(6), (b)(7)(C) give any kind of Operations Order or kind of briefing before the mission was conducted to find the individuals responsible for the mortar attack?

A: I don't remember any formal Operations Order or briefing that was given before that mission, but CPT (b)(6), (b)(7)(C) brought the company together on the basketball court in the FOB. CPT (b)(6), (b)(7)(C) informed everybody that CPT (b)(6), (b)(7) passed away from the mortar attack. He told us why it was important to do this mission for CPT (b)(6), (b)(7)(C). He said something to the extent that this was a mission to find the individuals suspected of launching the mortars at the FOB which killed CPT (b)(6), (b)(7).

Q: What did CPT (b)(6), (b)(7)(C) say was the importance of the mission?

A: To go capture the individuals responsible for the attack.

Q: You mentioned that CPT (b)(6), (b)(7)(C) was upset. How do you know that?

A: By his facial expression and demeanor. I was of the opinion that he was upset.

Q: Did anyone give any names or descriptive physical features of the individuals suspected to be responsible for the attack?

A: For this mission each platoon was responsible for different areas or sectors where the suspected the individuals responsible for the attack were located. My platoon was responsible for the location and capture of Fuzzy OONNES.

Q: During the briefing or gathering that CPT (b)(6), (b)(7)(C) had on the basketball court, did he ever say that these individuals suspected to be responsible for the attack were not to be come back alive?

A: No.

Q: During this briefing or gathering, did CPT (b)(6), (b)(7)(C) ever give the perception that these suspected individuals were not to come back alive?

A: No.

Q: Do you know or heard of other soldiers who attended this briefing or gathering, get the perception from CPT (b)(6), (b)(7)(C) that these suspected individuals were not to be captured, but to be killed or not to come back alive?

A: Right after the briefing, my squad leader, SSG (b)(6), (b)(7) came up to me and said something to the effect of what does CPT (b)(6), (b)(7)(C) mean when he put the emphasis on the mission. He wanted to know exactly what he meant. I told him that we will do everything by the ROE and if the individual with whom we were to capture, Fuzzy OONEES, shoots at us then we would kill him. This is according to the ROE.

Q: What is the ROE?

A: The Rules of Engagement.

Q: What were the Rules of Engagement?

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STATEMENT OF: SFC (b)(6), (b)(7)(C) Operations Group, NTC, Fort Irwin, CA  
92310; TAKEN AT: Fort Irwin, CA; DATED: March 9, 2005 CONTINUED:

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AFFIDAVIT  
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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 7. 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)

Subscribed and sworn to before me, a person authorized by law to administer oath, this March 9, 2005, at Ft. Irwin, CA.

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

SPECIAL (b)(6), (b)(7)(C), (b)(7)(F)  
FORT IRWIN RESIDENT AGENCY (CID)  
FORT IRWIN, CA 92310

-----  
(Typed Name of Person Administering Oath)

ARTICLE 136 (b) UCMJ

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(Authority to Administer Oath)

WITNESS:

WITNESS:

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EXHIBIT \_\_\_\_\_ INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 7 OF 7 PAGES

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LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Fort Irwin, CA
2. DATE (YYYYMMDD): 2005/03/10
3. TIME: 0905
4. FILE NUMBER: (b)(6), (b)(7)(C)
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: SSG/AD
8. ORGANIZATION OR ADDRESS: Material Management Center, Theater Support Command, Fort Irwin, CA 92310

(b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I, SSG (b)(6), (b)(7)(C) BELONGED TO A B-8 INF. WHILE SERVING IN IRAQ, THERE WAS A BRIEFING. I CANNOT REMEMBER WHO WAS AT THE BRIEFING OR WHAT WAS SAID AT THE BRIEFING. I RECALL LEAVING THE BRIEFING WITH A PERCEPTION THAT I WAS SUPPOSED TO KILL THE TARGET NO MATTER WHAT. AFTER THE BRIEFING AND AFTER THINKING ABOUT HOW I PERCEIVED WHAT THE COMMANDER HAD SAID, I WENT TO TALK WITH MY PLATOON SERGEANT (SFC (b)(6), (b)(7)(C)). I CANNOT REMEMBER OUR EXACT EXCHANGE OF WORDS BUT IT WAS SOMETHING TO THE EFFECT OF: IF I AM SUPPOSED TO KILL THE TARGET NO MATTER WHAT THEN I AM NOT GOING TO DO IT. ME AND SFC (b)(6), (b)(7)(C) AGREED THAT THE BEST THING TO DO IS FOLLOW THE RULES OF ENGAGEMENT WHICH IS BASICALLY IF YOU ENTER THE HOUSE AND THE OCCUPANT IS HOLDING A WEAPON IN A MANNER THAT IS LIFE THREATENING, THEN YOU USE DEADLY FORCE. THAT IS HOW I UNDERSTOOD THE R.O.E. AGAIN, I CANNOT REMEMBER WHAT THE COMMANDER SAID, THE ONLY REASON I CAN REMEMBER PERCEIVING WHAT I DID WAS BECAUSE I REMEMBER TALKING TO MY PLATOON SERGEANT ABOUT IT. (b)(6), (b)(7)(C)
NOTHING FOLLOWS (b)(6), (b)(7)(C)

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

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

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

STATEMENT OF: SSG (b)(6), (b)(7)(C), Material Management Center (MMC), Theater Support Command (TSC, Fort Irwin, CA 92310; TAKEN AT: Fort Irwin, CA; DATED: March 10, 2005 CONTINUED:

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

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

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

Q: What base or installation were you at in Balad, Iraq?

A: First it was named Forward Operating Base (FOB) Attack, then renamed to FOB (b)(6), (b)(7)(C)

Q: Who was your company commander?

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

Q: In this statement you talk about a briefing. Who held that briefing and why was it held?

A: CPT (b)(6), (b)(7)(C). I know it was before a mission to capture a target.

Q: Who was the target?

A: His name was Fazzy. I think his last name was Younus or something like that.

Q: Was this briefing an Operations Order?

A: I can't remember.

Q: Who was at this briefing?

A: Who attended this briefing?

Q: I know it was a group of people. I can't remember exactly who was there. My guess was that it was with the company.

Q: In this statement you talk about your perception at the briefing that you were supposed to kill the target no matter what. What gave you that perception?

A: I can't remember exactly what he said, but I left that briefing with the perception that I was supposed to take out the target no matter what.

Q: What do you mean "take out"?

A: To kill.

Q: Did CPT (b)(6), (b)(7)(C) ever tell anyone, during the briefing that these target(s) were not to come back alive or to be killed?

A: I can not recall.

Q: Did you ever hear of anyone ever say CPT (b)(6), (b)(7)(C) made the statement that these target(s) were not to come back alive or to be killed?

A: Not that I can recall.

Q: What gave you that perception like these target(s) were supposed to be "taken out" or killed?

A: I can't remember. I can't remember what his mood was. It was something he said to give me that perception.

Q: Then what was said?

A: I don't know. I can't remember this briefing like it was yesterday. I just remember something was said. I can't remember exactly what was said. I don't know if he said the words that he wanted these target(s) dead not, but I remember something was said that gave me that perception.

STATEMENT OF: SSG (b)(6), (b)(7)(C), Material Management Center (MMC), Theater Support Command (TSC, Fort Irwin, CA 92310; TAKEN AT: Fort Irwin, CA; DATED: March 10, 2005 CONTINUED:

Q: Well did he use the words "kill" or "not to be taken back alive" during his briefing?

A: I can't remember that.

Q: Did anyone else get that perception besides you?

A: I have no idea.

Q: Was this the first time CPT (b)(6), (b)(7)(C) gave you that perception that these targets should be killed?

A: This was the first time.

Q: Do you remember conducting any missions or raids involving locating and capturing either Mr. Saidan K. HASSAN or Mr. Nasar ISMAIL?

A: No.

Q: Do you remember conducting any missions or raids where any of the individuals you were supposed to capture got killed?

A: No not any of the missions me and my squad was on.

Q: Was there a list of High Value Targets or individuals with whom you were supposed to capture?

A: I don't know if there was a list, but during our Operations Order briefings before each mission, the Platoon Leader held these briefings for our platoon. He would tell us whom we would be looking for. Sometimes he had names and sometimes he had vehicle information.

Q: What was your Platoon Leaders name?

A: 1LT (b)(6), (b)(7)(C) I can't remember his first name.

Q: Did any of the soldiers or NCOs carry Iraqi firearms?

A: Yes.

Q: Who authorize this?

A: Don't' know if anyone authorized it. Throughout the compound, I say personnel with Iraqi sidearms.

Q: Did anyone specifically say that it was OK to carry the firearms?

A: I don't know.

Q: Is there anything you would like to add to this statement concerning this investigation?

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

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EXHIBIT 20576  
ENCLOSURE

STATEMENT OF: SSG (b)(6), (b)(7)(C), Material Management Center (MMC), Theater Support Command (TSC, Fort Irwin, CA 92310; TAKEN AT: Fort Irwin, CA; DATED: March 10, 2005 CONTINUED:

AFFIDAVIT

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

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

Subscribed and sworn to before me, a person authorized by law to administer oath, this March 10, 2005, at Ft. Irwin, CA.

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

SPECIAL AGENT (b)(6), (b)(7)(C), (b)(7)(F) FORT IRWIN RESIDENT AGENCY (CID) FORT IRWIN, CA 92310

(Typed Name of Person Administering Oath)

ARTICLE 136 (b) UCMJ

(Authority to Administer Oath)

WITNESS:

WITNESS:

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

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LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

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

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: Fort Irwin, CA 92310
2. DATE (YYYYMMDD): 2005/03/17
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: SSG/AD

8. ORGANIZATION OR ADDRESS: Material Management Center, Theater Support Command, Fort Irwin, CA 92310

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

I WOULD LIKE TO ADD INFORMATION TO THE STATEMENT I WROTE EARLIER AND THAT INFORMATION IS THAT I DO REMEMBER ON ONE MISSION I HAD A LIST OF NAMES OF INDIVIDUALS WHO I WAS SUPPOSED TO DETAIN. I CANT REMEMBER HOW MANY NAMES THERE WERE OR WHAT THEIR NAMES WERE. I CANT REMEMBER WHO GAVE ME THE LIST OR WHERE THE LIST WAS GENERATED ALL I CAN REMEMBER IS THAT I DID HAVE A LIST OF NAMES ON A MISSION. (CONTINUED ON NEXT PAGE)

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

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

STATEMENT OF: SSG (b)(6), (b)(7)(C) Material Management Center (MMC), Theater Support Command (TSC, Fort Irwin, CA 92310; TAKEN AT: Fort Irwin, CA; DATED: March 17, 2005 CONTINUED:

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

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

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

Q: What was the purpose of this list?

A: The purpose of this list was to find the individuals on this list and detain them.

Q: Did you have this list for just one of the missions you conducted?

A: I remember having a list that had mainly cars or vehicles on it. The cars on this list had descriptive features that we were supposed to look for. Once these vehicles have been identified, then we were to detain the individuals in the vehicle. Sometimes we did not have a list. We were just told to pull over a certain kind of vehicle. This list was just for when we did TCPs.

Q: What are TCPs?

A: Traffic Control Points.

Q: Was this list different than the list you detailed in this statement?

A: Yes.

Q: Was this list detailed in this statement labeled or titled in any way?

A: I can't remember that.

Q: Did you get this list from someone higher in rank than you?

A: Yes, but I can't remember who gave me the list. It had to have been someone higher in rank than me.

Q: Do you know what kind of criteria or intelligence was used to generate this list?

A: No, I have no idea.

Q: What occurred on this mission?

A: I can't remember. I know it was for to look for individuals, but again I can't remember who exactly was on this list.

Q: Do you remember capturing anyone detailed on this list?

A: Yes. I don't know how many, but I remember detaining people on the list.

Q: Was CPT (b)(6), (b)(7)(C) on this mission with you?

A: I don't know.

Q: Was any kind of briefing or Operations Order given at the time you had this list?

A: I can't remember.

Q: Can you remember who was on the mission with you?

A: No.

Q: Do you remember the time frame of this mission?

A: I can't remember if was before or after the motar attack that killed CPT (b)(6), (b)(7)(C). But I know it was not during that mission I stated earlier where we was to capture Fazzy Oinezz.

Q: Do you remember anyone getting killed as a result of that mission where you had the list?

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

STATEMENT OF: SSG (b)(6), (b)(7)(C) Material Management Center (MMC),  
Theater Support Command (TSC, Fort Irwin, CA 92310; TAKEN AT: Fort Irwin, CA; DATED:  
March 17, 2005 CONTINUED:

A: No, I can't remember anybody getting killed.  
Q: Is there anything you would like to add to this statement  
concerning this investigation? (b)(6), (b)(7)(C)  
A: No:///END OF STATEMENT///

EXHIBIT \_\_\_\_\_ INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 3 OF 4 PAGES

EXHIBIT 20937  
PAGE 4

STATEMENT OF: SSG (b)(6), (b)(7)(C), Material Management Center (MMC), Theater Support Command (TSC, Fort Irwin, CA 92310; TAKEN AT: Fort Irwin, CA; DATED: March 17, 2005 CONTINUED:

AFFIDAVIT

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

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

(Signature)

Subscribed and sworn to before me, a person authorized by law to administer oath, this March 17, 2005, at Ft. Irwin, CA.

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

(Signature)

SPECIAL AGENT (b)(6), (b)(7)(C), (b)(7)(F) FORT IRWIN RESIDENT AGENCY (CID) FORT IRWIN, CA 92310

(Typed Name of Person Administering Oath)

ARTICLE 136 (b) UCMJ

(Authority to Administer Oath)

WITNESS:

WITNESS:

EXHIBIT INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 4 PAGES

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 37

4/25/14

<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0489-04-CID056-76341
<i>CID Regulation 195-1</i>	PAGE 1 OF 1 PAGES

On 7 Mar 05, SAC (b)(6), (b)(7)(C) this office, interviewed 1LT (b)(6), (b)(7)(C) 5<sup>th</sup> Ranger Training BN, Infantry School, Dahlonga, GA. 1LT (b)(6), (b)(7)(C) related when he and 1LT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) S4, 3<sup>rd</sup> Brigade Combat Team, Fort Carson, CO 80913 (FCC), approached CPT (b)(6), (b)(7)(C) Headquarters and Headquarters Company (HHC), 3<sup>rd</sup> Brigade Combat Team, FCC, for clarification regarding the illegal order, CPT (b)(6), (b)(7)(C) told them not to do anything stupid or illegal. 1LT (b)(6), (b)(7)(C) stated he felt that CPT (b)(6), (b)(7)(C) did not intend for anyone to violate the Rules of Engagement (ROE). (See Sworn Statement for details)

On 9 Mar 05, SAC (b)(6), (b)(7)(C) received the official cellular telephone records pertaining to telephone number (b)(6), (b)(7)(C) from Mrs. (b)(6), (b)(7)(C) Communications Representative, DOIM, Fort Carson, CO. A review of the telephone records (Nov 04 - Feb 05) did not disclose any telephone calls to SSG (b)(6), (b)(7)(C)

On 14 Mar 05, SAC (b)(6), (b)(7)(C) received a Stipulation of Fact, 11 Mar 05, from LTC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Deputy Staff Judge Advocate, Office of the Staff Judge Advocate (OSJA) Fort Carson, CO 80913 (FCC), which documented 1LT (b)(6), (b)(7)(C) intended to cooperate with the U.S. Government and provide detailed information regarding the illegal order given by CPT (b)(6), (b)(7)(C) to kill the Iraqis responsible for the mortar attacks against Forward Operating Base (FOB) Attack. (See Stipulation of Fact for details)

On 21 Mar 05, SAC (b)(6), (b)(7)(C) received a Sworn Statement rendered by 1LT (b)(6), (b)(7)(C) from LTC (b)(6), (b)(7)(C) 1LT (b)(6), (b)(7)(C) related that during an operations order in the presence of A CO 1/8 INF BN Platoon Leaders and Sergeants, CPT (b)(6), (b)(7)(C) stated five high profile targets were not to come back alive. 1LT (b)(6), (b)(7)(C) indicated after the operations orders he and 1LT (b)(6), (b)(7)(C) approached CPT (b)(6), (b)(7)(C) to obtain clarification as they felt the statement was an illegal order. CPT (b)(6), (b)(7)(C) re-stated his original order without further clarification. (See Sworn Statement for details)///LAST ENTRY///

(b)(6), (b)(7)(C), (b)(7)(F) AND SEQUENCE NUMBER: [REDACTED]	ORGANIZATION: 48 <sup>th</sup> Military Police Detachment (CID) Fort Carson, CO 80913	
	DATE: 21 MAR 05	EXHIBIT: 38



LAW ENFORCEMENT SENSITIVE

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 2005/03/07

9. STATEMENT (continued)

Q: DO YOU HAVE ANY KNOWLEDGE THAT CPT [REDACTED] AND [REDACTED] WERE FRIENDS?

A: CPT [REDACTED] TOLD ME THAT HE WAS FRIENDS WITH CPT [REDACTED], SO YES [REDACTED]

Q: YOU SAID IN YOUR PREVIOUS STATEMENT THAT CPT [REDACTED] WAS KILLED ONE OR TWO DAYS BEFORE THE OPERATION'S ORDER WAS GIVEN, ARE YOU SURE?

A: AFTER THE MORTAR ATTACK THAT KILLED CPT [REDACTED] I ATTENDED AN OPERATION ORDER THAT I DON'T WITH A MISSION TO LOCATE AND CAPTURE THE MANGRETS RESPONSIBLY FOR THE MORTAR ATTACK. AS FAR AS THE AMMUNITION OF TIME BETWEEN CPT [REDACTED] AND THE OPERATION ORDER I DON'T REMEMBER FOR [REDACTED]

Q: IN YOUR PREVIOUS STATEMENT, YOU MENTIONED A TARGET LIST THAT WAS PROVIDED, WHO PROVIDED THIS LIST?

A: CPT [REDACTED] GAVE IT TO ME. [REDACTED] I DON'T REMEMBER ANY NAMES ON THE LIST?

Q: WAS THERE AN ASTERISK OR WERE THERE ANY KIND OF MARKS NEXT TO THE NAMES ON THE LIST?

A: THERE MIGHT HAVE BEEN AN ASTERISK OR STAR TO THE LEFT OF NAMES OF INDIVIDUALS WHO HAD TAKEN PART IN THE MORTAR ATTACK THAT KILLED CPT [REDACTED]. THERE ALSO WAS A LITTLE [REDACTED]

Q: CAN YOU DESCRIBE THIS LIST?

A: IT WAS A LIST OF NAMES THAT WERE IDENTIFIED AS [REDACTED]

Q: AND YOU DO YOU REMEMBER ANY NAMES ON THE LIST?

A: YES [REDACTED] I REMEMBER THAT FEWZY YOUNG WAS ON THE [REDACTED]

Q: WAS THERE AN ASTERISK OR WERE THERE ANY KIND OF MARKS NEXT TO THE NAMES ON THE LIST?

A: THERE MIGHT HAVE BEEN AN ASTERISK OR STAR TO THE LEFT OF NAMES OF INDIVIDUALS WHO HAD TAKEN PART IN THE MORTAR ATTACK THAT KILLED CPT [REDACTED]. THERE ALSO WAS A LITTLE [REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

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PAGE 3 OF 10 PAGES

INITIALS OF PERSON MAKING STATEMENT

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

A: During the opord that I attended I felt very uneasy at the statement that CPT (b)(6), (b)(7)(C) made

Q: For which killed CPT (b)(6), (b)(7)(C)?

A: I don't know the names of the dead Iraqis. I give the names of the dead Iraqis. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) give the names of the dead Iraqis.

Q: Did CPT (b)(6), (b)(7)(C) know the names of the dead Iraqis?

A: I don't know the names of the dead Iraqis. I give the names of the dead Iraqis. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) give the names of the dead Iraqis.

Q: Were these Iraqis who participated in the normal attack when 1st platoon entered their houses?

A: Yes, I heard in the CP after the mission from someone in the CP that 1st platoon had killed two Iraqis and that the Iraqis had brandished weapons

Q: Do you have any knowledge if any Iraqis were killed during the operation of the small village, just south of Brad mentioned in your previous statement?

A: Yes, I heard in the CP after the mission from someone in the CP that 1st platoon had killed two Iraqis and that the Iraqis had brandished weapons

Q: Do you have any knowledge if any Iraqis were killed during the operation of the small village, just south of Brad mentioned in your previous statement?

A: No, with the exception of Fezzy Younes who I believe had a marking next to his name because he was the primary planner for this insurgent cell.

Q: Can you remember the names that were marked on the attack that killed CPT (b)(6), (b)(7)(C) in the attack that killed CPT (b)(6), (b)(7)(C)?

A: The names with the asterisk or marking were identified as the individuals who actually had a direct action in the attack that killed CPT (b)(6), (b)(7)(C).

Q: Why were the names labeled with an asterisk or markings?

A: The names with the asterisk or marking were identified as the individuals who actually had a direct action in the attack that killed CPT (b)(6), (b)(7)(C).

Q: Why were the names labeled with an asterisk or markings?

A: The names with the asterisk or marking were identified as the individuals who actually had a direct action in the attack that killed CPT (b)(6), (b)(7)(C).

9. STATEMENT (Continued)

STATEMENT OF

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

TAKEN AT

DAHLONEGA

DATED

00510807

PAGES OF 10 #

INITIALS OF PERSON STATEMENT

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

A: Yes

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

Smart town south of BROAD?

Q: Was your platoon involved in the mission of the

with the rest of the 800th at the

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

not tell me that he would

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

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

he was not giving me an illegal order. He did

what he said because I wanted to make sure

he had given an illegal order, I went to clarify

that I felt

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

A: I never told CPT

ILUEN ORDER?

WAS SINCE YOU RECEIVED THE STATEMENT TO BE AN

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

THE REST OF THE 800th MEMBERS WHAT HIS STATEMENT

Q: Did CPT TELL YOU HE WOULD INFORM

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

to everyone.

A: No, I did not ask him to clarify it

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

PREPARED TO BE AN ILUEN ORDER?

WHO ALSO ATTENDED THE 800th SINCE THE STATEMENT WAS

NOT COME BACK ALIVE, " TO THE REST OF THE MEMBERS

STATEMENT WHEN REFERRING TO "THOSE GUYS PROBABLY SHOULD

Q: Did you ask CPT TO CLARIFY HIS

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

anything illegal.

they knew we were not going to do

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

my 800th to them but instead made sure that

did not report his statement to my address during

later event back to clarify what he said. I also

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

felt uneasy about what CPT said I

threat at the time they were killed. Because I

he illegal, if the target was unarmed and not a

and I felt that if someone did what he

9. STATEMENT (Continued)

STATEMENT OF

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

TAKEN AT

DALLONGBA CA

DATED 2005103107

LAW ENFORCEMENT SENSITIVE

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LAW ENFORCEMENT SENSITIVE

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT DALLONEGA, GA DATED 2005 12 07

9. STATEMENT (Continued)

Q: WHAT WAS YOUR PLATOON'S MISSION REGARDING THE OPERATION?

A: My platoon's mission was to raid several houses on the west side of the village and kill or capture the insurgents that were assigned to my platoon from the target list (b)(6), (b)(7)(C)

Q: YOU RELATED IN YOUR PREVIOUS STATEMENT, THAT A SMALL SENTENCE WAS MENTIONED IN THE OPERATION'S ORDER DESCRIBING HOW THE INSURGENTS (P) WAS INVOLVED IN THE ATTACK AGAINST 48TH INF FOB THAT KILLED CPT (b)(6), (b)(7)(C). CAN YOU DESCRIBE, TO THE BEST OF YOUR MEMORY, THAT SMALL SENTENCE?

A: The sentence identified the role of each target on the list according to their role within the insurgent cell. (b)(6), (b)(7)(C)

Q: YOU MENTIONED IN YOUR STATEMENT THAT EACH PLATOON WAS ASSIGNED A HOUSE NUMBER THAT WAS TARGETED. WERE ANY OF THE HOUSES PRIORITY TARGETS OF THE INDIVIDUALS WHO PLANNED THE ATTACK AGAINST THE 48TH INF?

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

Q: WERE ANY OF THESE TARGETS ASSIGNED TO YOUR PLATOON?

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

Q: YOU MENTIONED IN YOUR STATEMENT THAT CPT (b)(6), (b)(7)(C) REFERRING TO THE INDIVIDUALS WHO PLANNED THE ATTACK AND KILLED CPT (b)(6), (b)(7)(C) SHOULDN'T COME BACK ALIVE. YOU THEN MENTIONED THAT YOU AND LT (b)(6), (b)(7)(C) DISCUSSED, AFTER THE OPORD, WHAT YOU BELIEVED CPT (b)(6), (b)(7)(C) MEANT BY THE STATEMENT WHAT DID YOU AND LT (b)(6), (b)(7)(C) DETERMINE CPT (b)(6), (b)(7)(C) MEANT?

A: ILT (b)(6), (b)(7)(C) and I felt that CPT (b)(6), (b)(7)(C) statement

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 5 OF 10 PAGES

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

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LAW ENFORCEMENT SENSITIVE

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT DALLONELA GA DATED 2005/03/07

9. STATEMENT (Continued) (b)(6), (b)(7)(C)

sounded (b)(6), (b)(7)(C) bad and that we were uneasy about what he said. Because we were uneasy about what he said and unsure about what he meant we went to clarify the statement. (b)(6), (b)(7)(C)

Q: WHAT EXACTLY, TO THE BEST OF YOUR MEMORY, DID CPT (b)(6), (b)(7)(C) TELL YOU AND LT (b)(6), (b)(7)(C) CLARIFYING HIS STATEMENT, "THOSE GUYS PROBABLY SHOULD NOT COME BACK ALIVE?"

A: To the best of my memory, I asked CPT (b)(6), (b)(7)(C) what he meant by that statement. He (b)(6), (b)(7)(C) replied something to this effect: "These guys shouldn't come back alive, but don't do anything stupid, don't get anybody in (b)(6), (b)(7)(C) trouble." When I left his room after talking to him I felt like he had stated what he felt about these guys, that they didn't deserve to live for attacking and killing americans that were trying to help them, but I did not feel that his statement was an order, nor did I feel any pressure to do anything illegal. I felt that he was sad about the death of his friend and was just making a statement about what these guys deserved. I did not feel I had been given an illegal order, and I felt like I was fully expected to accomplish my mission without any pressure to do anything illegal. (b)(6), (b)(7)(C)

Q: DURING THE OPERATION ORDER REGARDING THE QUESTIONED ALLEGED ILLEGAL ORDER, DESCRIBE CPT (b)(6), (b)(7)(C) DEMEANOR?

A: He seemed to me to be himself although I could tell that he was a bit sad about his friend's death, but he

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

PAGE 6 OF 10 PAGES

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LAW ENFORCEMENT SENSITIVE

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT DAHLONEGA GA DATED 2005/03/07

9. STATEMENT (Continued)

was not depressed, to my perception. (b)(6), (b)(7)(C)

Q: CPT (b)(6), (b)(7)(C) SAID, ACCORDING TO YOUR STATEMENT, THAT HE WOULD NOT BE ABLE TO ACT IMPARTIALLY; THEREFORE, HE WOULD NOT BE INVOLVED IN THIS MISSION. BUT HE WAS PRESENT IN THE TOWN DURING THE MISSION WITH THE BATTALION COMMANDER, LTC SASSAMAN. WHY WAS HE INVOLVED AND DID ASSIST DURING THE OPERATION?

A: Normally CPT (b)(6), (b)(7)(C) was very involved in the missions, he would dismount from his Bradley Fighting Vehicle and move with the main effort Platoon on foot. During this mission he stated that he was going to stay out of the actual capturing of the prisoners because he felt he was too emotionally involved to be objective. He stayed on his Bradley Fighting Vehicle on the North Canal Road, which was north of the village. This was not his usual practice and I believe it showed good judgement on his part. (b)(6), (b)(7)(C)

Q: WERE YOU AND LT (b)(6), (b)(7)(C) THREATENED BY CPT (b)(6), (b)(7)(C) IF THE INDIVIDUALS RESPONSIBLE FOR THE DEATH OF CPT DRUWADA RETURNED ALIVE?

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

Q: WHAT WAS THE NAME OF THE INDIVIDUAL WHO WAS CAPTURED BY YOUR PLATOON AND RESPONSIBLE FOR CPT (b)(6), (b)(7)(C) DEATH?

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

Q: WHERE WAS THE CAPTURED IRAQI PROCESSED?

A: AT FOB Eagle. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 7 OF 10 PAGES

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STATEMENT OF (b)(6), (b)(7)(C) LAW ENFORCEMENT SENSITIVE TAKEN AT DAHLONEGA GA DATED 2005 03 07

9. STATEMENT (Continued)

Q: WHO RENAMED THE 1/8 INF FOB FROM EAGLE TO (b)(6), (b)(7)(C)?

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

Q: WAS LTC (b)(6), (b)(7)(C) EVER PRESENT DURING ANY BRIEFINGS OR DURING THE OPORD REGARDING THE MISSION OF THE TOWN SOUTH OF BALAD TO LOCATE THE INDIVIDUALS RESPONSIBLE FOR THE DEATH OF CPT (b)(6), (b)(7)(C)?

A: No, to the best of my memory he was not present. (b)(6), (b)(7)(C)

Q: DID ANYONE DURING THE OPERATIONS ORDER CPT (b)(6), (b)(7)(C) ABOUT WHAT HE MEANT BY "THOSE GUYS PROBABLE SHOULD NOT COME BACK ALIVE?" EXCLUDING THE CONVERSATION YOU AND (b)(6), (b)(7)(C) HAD WITH CPT (b)(6), (b)(7)(C)?

A: I'm not sure one way or the other, someone may have, but I can't remember for sure. (b)(6), (b)(7)(C)

Q: DO YOU KNOW SSG (b)(6), (b)(7)(C)?

A: I know him in the sense that I met him when his squad worked with our company (b)(6), (b)(7)(C) company in Samarra but I did not ever have a conversation with him except for professional questions regarding demolitions and breaching charges (he is a combat engineer) (b)(6), (b)(7)(C)

Q: DO YOU HAVE ANY KNOWLEDGE THAT HE CARRIED ANY ITRAC CAPTURED WEAPONS?

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

Q: ARE YOU SCARED OF RETRIBUTION IF YOU TELL THE TRUTH TODAY?

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

Q: WOULD YOU LIE OR CLOUD THE TRUTH, IF CPT (b)(6), (b)(7)(C) TRULY MEANT TO KILL THE ITRAC'S, BECAUSE OF YOUR LOYALTY TO HIM?

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

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

my wife was doing. The call was also in reference to  
 own conversation of clarification with CPT [redacted] (b)(6), (b)(7)(C)  
 1LT [redacted] (b)(6), (b)(7)(C) just wanted to confirm his memory that  
 we indeed had approached CPT [redacted] (b)(6), (b)(7)(C) for  
 clarification regarding his statement. I also remember  
 remembered us talking to CPT [redacted] (b)(6), (b)(7)(C) and continued  
 with his memory. He did not ask me to say anything  
 untruthful or to hide anything, nor did he coach  
 me on what to say if questioned. He only seemed  
 interested in telling the truth and of confirming his  
 memory of the events. [redacted] (b)(6), (b)(7)(C)

A: 1LT [redacted] (b)(6), (b)(7) called me approximately 4 weeks ago. That  
 call was a verbal call to ask how I was doing and how  
 my wife was doing. The call was also in reference to  
 own conversation of clarification with CPT [redacted] (b)(6), (b)(7)(C)  
 1LT [redacted] (b)(6), (b)(7)(C) just wanted to confirm his memory that  
 we indeed had approached CPT [redacted] (b)(6), (b)(7)(C) for  
 clarification regarding his statement. I also remember  
 remembered us talking to CPT [redacted] (b)(6), (b)(7)(C) and continued  
 with his memory. He did not ask me to say anything  
 untruthful or to hide anything, nor did he coach  
 me on what to say if questioned. He only seemed  
 interested in telling the truth and of confirming his  
 memory of the events. [redacted] (b)(6), (b)(7)(C)

Q: HAVE YOU BEEN CONTACTED BY ANYONE ELSE BESIDES  
 CID REGARDING THIS INVESTIGATION? IF SO, PLEASE  
 EXPLAIN IN DETAIL?

A: No. [redacted] (b)(6), (b)(7)(C)  
 COOPERATED WITH CID?

Q: WERE YOU THREATENED BY ANYONE IF YOU  
 COOPERATED WITH CID?

A: No. [redacted] (b)(6), (b)(7)(C)  
 STAFF?

Q: ARE YOU IN FEAR OF YOUR LIFE OR SAFETY IF  
 YOU COOPERATE OR TELL THE TRUTH ABOUT THE  
 OPERATION RESULTING IN THE DEATH OF THE TWO  
 STAFF?

A: No. [redacted] (b)(6), (b)(7)(C)  
 INFORMATIVE?

Q: PERFORMING THIS INVESTIGATION, IS THERE ANYTHING I  
 HAVEN'T ASKED YOU THAT YOU BELIEVE WOULD BE

A: No. [redacted] (b)(6), (b)(7)(C)  
 STATEMENT (Continued)

STATEMENT OF [redacted] (b)(6), (b)(7)(C) TAKEN AT DALLONETVA GA DATED 0005/03/07

LAW ENFORCEMENT SENSITIVE

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

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

TAKEN AT DAHLONEGA GA DATED 2005/03/07

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9. STATEMENT (Continued)

LAW ENFORCEMENT SENSITIVE

Q: HOW WERE YOU TREATED TODAY?

A: I was treated very well

Q: WERE YOU COERCED OR INFLUENCED TO PROVIDE THIS STATEMENT?

A: No

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

A: Just that I have tried to be helpful and truthful and I have been truthful

END OF STATEMENT

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

AFFIDAVIT

..., HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 10. 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...

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7TH day of MARCH 2005 at CAMP MERRILL, DAHLONEGA, GA.

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

ARTILCE 136, UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 10 OF 10 PAGES

**ROI 04-CID056-76341-5H1**

**Exhibit(s): 40**

**Page(s): 222 thru 245**

**Referred to:**

**Freedom of Information and Privacy Office  
ATTN: FOIA Officer  
1625 Ellis Street  
Fort Carson, Colorado 80913-7106**

**10-L-0126 ACLU DD III (CID ROI) 1755**

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~~LAW ENFORCEMENT SENSITIVE~~

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
PAGE2902.0  
FT CARSON (b)(6) (b)(6) NOV 4, 2004

SUMMARY OF CHARGES

MONTHLY SERVICE CHARGES

10/03/04 Through 11/02/04  
MONTHLY SE - DIGITAL ONE RATE \$59.99 59.99  
THREE WAY CALLING .00  
CALL WAITING .00  
CALLER ID .00  
PCS VOICEMAIL W/NUMERIC .00  
AT&T 2-WAY TEXT MSG \$0.00 .00  
MOBILE TO MOBILE NATL 9.99  
REGULATORY PROGRAMS FEE 1.75  
TOTAL MONTHLY SERVICE CHARGES 71.73

HOME AIRTIME CHARGES

10/03/04 Through 11/02/04 - DIGITAL ONE RATE \$59.99  
Category Minutes Rate Charge  
UNLIM MOBILE TO MOBILE 237.0 .000 .00  
INCLUDED IN PLAN 450.0 .000 .00  
ADDITIONAL MINUTES 67.0 .350 23.45  
754.0 23.45

TOTAL HOME AIRTIME CHARGES 23.45  
OTHER CHARGES AND CREDITS

DETAIL BILLING .00  
AUTO DROPPED CALL CR(S) - 1 CALL .35CR  
TOTAL OTHER CHARGES AND CREDITS .35CR  
TOTAL CURRENT MONTHLY CHARGES 94.83

HOME AIRTIME AND LONG DISTANCE CHARGES

CALL LONG  
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0001 10/03 2:42P M INCOMING CS 2.0  
0002 10/04 9:18A (b)(6) COLUMBUS GA CS 1.0  
0003 10/04 10:10A (b)(6) EL PASO CO CS 1.0  
0004 10/04 12:47P M (b)(6) COLO SP MA CO CS 1.0  
0005 10/04 12:56P M (b)(6) COLO SP MA CO CS 1.0  
0006 10/04 12:57P (b)(6) COLO SP MA CO CS 1.0  
0007 10/04 12:59P MRET/CELLULAR LOCAL CS 2.0  
0008 10/04 1:11P M INCOMING CS 1.0  
0009 10/04 1:20P M (b)(6) COLO SP MA CO CS 2.0

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10-L-0128 ACLU DD II (CID ROI) 1 EXHIBIT 40

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

ACCOUNT NAME      ACCOUNT NUMBER      MOBILE NUMBER      BILL DATE  
PAGE2903.0  
FT CARSON      (b)(6)      (b)(6)      NOV 4, 2004

CALL      LONG  
REF DATE      TIME      NUMBER CALLED      CALLS TO FROM      MIN      AIR      DISTANCE

0010 10/04 1:27P      INCOMING      CS      3.0  
0011 10/04 1:34P (b)(6)      COLO SP SM CO CS      2.0  
0012 10/04 1:58P M      INCOMING      CS      1.0  
0013 10/04 2:07P (b)(6)      EL PASO      CO CS      2.0  
0014 10/04 2:09P M (b)(6)      COLO SP MA CO CS      2.0  
0015 10/04 2:16P M      INCOMING      CS      2.0  
0016 10/04 3:22P M (b)(6)      COLO SP MA CO CS      2.0  
0017 10/04 3:26P M (b)(6)      COLO SP MA CO CS      3.0  
0018 10/04 3:33P      INCOMING      CS      5.0  
0019 10/04 5:13P      INCOMING      CS      1.0  
0020 10/04 5:51P      INCOMING      CS      1.0  
0021 10/04 6:18P (b)(6)      COLO SP MA CO CS      1.0  
0022 10/05 9:23A      INCOMING      CS      1.0  
0023 10/05 9:37A (b)(6)      COLO SP SM CO CS      1.0  
0024 10/05 9:38A (b)(6)      COLO SP SM CO CS      4.0  
0025 10/05 9:55A (b)(6)      COLO SP SM CO CS      1.0  
0026 10/05 9:56A (b)(6)      COLO SP SM CO CS      4.0  
0027 10/05 10:10A (b)(6)      COLO SP SM CO CS      6.0  
0028 10/05 10:26A (b)(6)      COLO SP SM CO CS      1.0  
0029 10/05 11:27A (b)(6)      COLO SP MA CO CS      1.0  
0030 10/05 2:39P      INCOMING      CS      3.0  
0031 10/05 2:41P      INCOMING      CS      1.0  
0032 10/05 2:54P      INCOMING      CS      4.0  
0033 10/05 3:01P (b)(6)      COLO SP PV CO CS      1.0  
0034 10/05 3:45P M      INCOMING      CS      2.0  
0035 10/05 4:15P      INCOMING      CS      10.0  
0036 10/05 4:25P MRET/CELLULAR LOCAL      CS      2.0  
0037 10/05 6:06P      INCOMING      CS      1.0  
0038 10/06 6:41A M (b)(6)      COLO SP MA CO CS      1.0  
0039 10/06 8:05A M      INCOMING      CS      2.0  
0040 10/06 10:35A M (b)(6)      COLO SP MA CO CS      1.0  
0041 10/06 10:44A      INCOMING      CS      3.0  
0042 10/06 11:21A (b)(6)      COLO SP PV CO CS      1.0  
0043 10/06 11:27A M (b)(6)      COLO SP MA CO CS      1.0  
0044 10/06 11:28A      INCOMING      CS      1.0  
0045 10/06 11:29A (b)(6)      COLO SP EA CO CS      1.0  
0046 10/06 11:30A (b)(6)      COLO SP MA CO CS      1.0  
0047 10/06 11:30A (b)(6)      COLO SP EA CO CS      1.0  
0048 10/06 12:55P      INCOMING      CS      1.0

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~~LAW ENFORCEMENT SENSITIVE~~  
10-L-0126 ACLU DD III (CID ROI) 7757-223 40

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~~LAW ENFORCEMENT SENSITIVE~~

0049 10/06 2:05P INCOMING CS 1.0  
 0050 10/06 2:30P M INCOMING CS 2.0  
 0051 10/06 2:31P (b)(6) COLO SP AF CO CS 1.0  
 0052 10/06 2:32P (b)(6) COLO SP AF CO CS 3.0  
 0053 10/06 2:34P M (b)(6) COLO SP MA CO CS 3.0  
 0054 10/06 2:38P M INCOMING CS 1.0  
 0055 10/06 2:55P M INCOMING CS 1.0  
 0056 10/06 3:46P M (b)(6) COLO SP MA CO CS 2.0  
 0057 10/06 3:48P W INCOMING CS 3.0  
 0058 10/06 4:34P INCOMING CS 1.0  
 0059 10/06 5:06P INCOMING CS 2.0  
 0060 10/06 6:54P M INCOMING CS 1.0  
 0061 10/06 7:01P M (b)(6) COLO SP MA CO CS 1.0  
 0062 10/06 7:07P M (b)(6) COLO SP MA CO CS 1.0  
 0063 10/06 7:19P M (b)(6) COLO SP MA CO CS 1.0  
 0064 10/06 8:12P M INCOMING CS 1.0  
 0065 10/07 7:32A (b)(6) COLO SP SM CO CS 1.0  
 0066 10/07 7:33A M (b)(6) COLO SP MA CO CS 1.0  
 0067 10/07 8:43A INCOMING CS 2.0  
 0068 10/07 9:00A M (b)(6) COLO SP MA CO CS 1.0  
 0069 10/07 9:01A M (b)(6) COLO SP MA CO CS 3.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
 PAGE2904.0  
 FT CARSON (b)(6) (b)(6) NOV 4, 2004

CALL LONG  
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0070 10/07 9:03A M (b)(6) COLO SP MA CO CS 1.0  
 0071 10/07 9:10A M (b)(6) COLO SP MA CO CS 1.0  
 0072 10/07 9:22A M (b)(6) COLO SP MA CO CS 1.0  
 0073 10/07 9:23A (b)(6) COLO SP SM CO CS 1.0  
 0074 10/07 9:37A M (b)(6) COLO SP MA CO CS 1.0  
 0075 10/07 9:40A (b)(6) COLO SP SM CO CS 3.0  
 0076 10/07 9:45A M (b)(6) COLO SP MA CO CS 1.0  
 0077 10/07 9:45A (b)(6) COLO SP MA CO CS 1.0  
 0078 10/07 9:56A INCOMING CS 1.0  
 0079 10/07 10:57A MRET/CELLULAR LOCAL CS 1.0  
 0080 10/07 11:01A (b)(6) DENVER CO CS 3.0  
 0081 10/07 11:04A M (b)(6) COLO SP MA CO CS 2.0  
 0082 10/07 11:32A (b)(6) COLO SP EA CO CS 1.0  
 0083 10/07 11:45A M (b)(6) COLO SP MA CO CS 2.0  
 0084 10/07 12:15P M INCOMING CS 4.0  
 0085 10/07 12:39P M (b)(6) COLO SP MA CO CS 1.0  
 0086 10/07 12:45P INCOMING CS 4.0  
 0087 10/07 12:49P INCOMING CS 1.0  
 0088 10/07 12:57P M (b)(6) COLO SP MA CO CS 1.0  
 0089 10/07 1:03P (b)(6) COLO SP MA CO CS 1.0

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10-L-0126 ACLU DD III (CID ROI) 1758

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EXHIBIT 4

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0090 10/07 1:04P (b)(6) COLO SP SM CO CS 1.0  
 0091 10/07 1:50P INCOMING CS 1.0  
 0092 10/07 2:57P M (b)(6) COLO SP MA CO CS 1.0  
 0093 10/07 2:58P M (b)(6) COLO SP MA CO CS 1.0  
 0094 10/07 2:58P (b)(6) COLO SP SM CO CS 1.0  
 0095 10/07 3:15P INCOMING CS 2.0  
 0096 10/07 4:10P INCOMING CS 33.0  
 0097 10/08 11:30A INCOMING CS 8.0  
 0098 10/08 12:48P (b)(6) COLO SP MA CO CS 1.0  
 0099 10/08 12:51P INCOMING CS 1.0  
 0100 10/08 5:16P M (b)(6) COLO SP MA CO CS 1.0  
 0101 10/08 5:31P INCOMING CS 1.0  
 0102 10/09 12:52P M INCOMING CS 1.0  
 0103 10/09 3:39P MRET/CELLULAR LOCAL CS 2.0  
 0104 10/09 3:40P (b)(6) COLO SP MA CO CS 3.0  
 0105 10/10 9:48A (b)(6) COLO SP MA CO CS 1.0  
 0106 10/10 12:57P M (b)(6) COLO SP MA CO CS 1.0  
 0107 10/11 12:37P (b)(6) COLO SP MA CO CS 1.0  
 0108 10/12 7:39A M INCOMING CS 1.0  
 0109 10/12 7:46A M (b)(6) COLO SP MA CO CS 1.0  
 0110 10/12 7:47A (b)(6) COLO SP SM CO CS 1.0  
 0111 10/12 8:50A M (b)(6) COLO SP MA CO CS 2.0  
 0112 10/12 8:55A M INCOMING CS 2.0  
 0113 10/12 9:02A (b)(6) COLO SP SM CO CS 1.0  
 0114 10/12 9:22A (b)(6) COLUMBUS GA CS 3.0  
 0115 10/12 9:50A INCOMING CS 1.0  
 0116 10/12 9:55A INCOMING CS 1.0  
 0117 10/12 10:03A M (b)(6) COLO SP MA CO CS 1.0  
 0118 10/12 10:06A INCOMING CS 1.0  
 0119 10/12 10:34A M (b)(6) COLO SP MA CO CS 3.0  
 0120 10/12 10:37A (b)(6) COLO SP SM CO CS 1.0  
 0121 10/12 11:09A M INCOMING CS 2.0  
 0122 10/12 11:21A INCOMING CS 1.0  
 0123 10/12 11:31A M (b)(6) COLO SP MA CO CS 1.0  
 0124 10/12 12:58P M (b)(6) COLO SP MA CO CS 1.0  
 0125 10/12 1:15P M (b)(6) COLO SP MA CO CS 1.0  
 0126 10/12 1:18P M (b)(6) COLO SP MA CO CS 2.0  
 0127 10/12 3:01P M (b)(6) COLO SP MA CO CS 2.0  
 0128 10/12 6:07P (b)(6) COLO SP EA CO CS 1.0  
 0129 10/12 6:08P D (b)(6) COLO SP EA CO CS 6.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
 PAGE2905.0  
 FT CARSON (b)(6) (b)(6) NOV 4, 2004

CALL LONG  
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0130 10/12 6:14P (b)(6) COLO SP MA CO CS 1.0

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 10-L-0126 ACLU DD III (CID ROI) 1759 EXHIBIT 4 225

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~~LAW ENFORCEMENT SENSITIVE~~

0131 10/13 6:22A INCOMING CS 1.0  
0132 10/13 10:41A INCOMING CS 1.0  
0133 10/13 11:13A INCOMING CS 6.0  
0134 10/13 11:27A M INCOMING CS 2.0  
0135 10/13 12:55P (b)(6) SANTA ROSA CA CS 1.0  
0136 10/13 3:32P INCOMING CS 1.0  
0137 10/13 3:35P INCOMING CS 1.0  
0138 10/13 5:01P INCOMING CS 1.0  
0139 10/14 10:42A (b)(6) COLUMBUS GA CS 1.0  
0140 10/14 11:27A M INCOMING CS 4.0  
0141 10/14 11:37A (b)(6) COLO SP SM CO CS 1.0  
0142 10/14 1:06P MRET/CELLULAR LOCAL CS 2.0  
0143 10/14 1:08P (b)(6) COLO SP MA CO CS 3.0  
0144 10/14 1:59P M (b)(6) COLO SP MA CO CS 1.0  
0145 10/14 2:20P INCOMING CS 1.0  
0146 10/14 4:08P (b)(6) COLO SP EA CO CS 2.0  
0147 10/14 6:05P INCOMING CS 1.0  
0148 10/15 8:32A M (b)(6) COLO SP MA CO CS 1.0  
0149 10/15 9:53A M (b)(6) COLO SP MA CO CS 1.0  
0150 10/15 10:08A M INCOMING CS 2.0  
0151 10/15 10:44A INCOMING CS 2.0  
0152 10/15 12:05P INCOMING CS 1.0  
0153 10/15 1:07P M INCOMING CS 2.0  
0154 10/15 1:54P M (b)(6) COLO SP MA CO CS 1.0  
0155 10/15 2:58P INCOMING CS 1.0  
0156 10/15 3:12P M INCOMING CS 1.0  
0157 10/15 5:07P M (b)(6) COLO SP MA CO CS 1.0  
0158 10/15 6:35P M INCOMING CS 1.0  
0159 10/16 12:08P M (b)(6) COLO SP MA CO CS 1.0  
0160 10/16 1:30P (b)(6) COLO SP EA CO CS 1.0  
0161 10/16 2:21P M (b)(6) COLO SP MA CO CS 1.0  
0162 10/17 2:03P M (b)(6) COLO SP MA CO CS 1.0  
0163 10/18 8:22A INCOMING CS 4.0  
0164 10/18 10:38A (b)(6) COLUMBUS GA CS 1.0  
0165 10/18 11:34A INCOMING CS 1.0  
0166 10/18 12:16P INCOMING CS 1.0  
0167 10/18 1:04P (b)(6) COLO SP MA CO CS 10.0  
0168 10/18 1:46P INCOMING CS 1.0  
0169 10/18 2:40P (b)(6) COLO SP SM CO CS 1.0  
0170 10/18 2:40P (b)(6) COLO SP SM CO CS 1.0  
0171 10/18 3:32P MRET/CELLULAR LOCAL CS 2.0  
0172 10/18 3:33P M (b)(6) COLO SP MA CO CS 2.0  
0173 10/18 4:20P INCOMING CS 1.0  
0174 10/18 8:22P INCOMING CS 5.0  
0175 10/18 8:30P INCOMING CS 8.0  
0176 10/19 8:20A INCOMING CS 1.0  
0177 10/19 8:44A INCOMING CS 4.0  
0178 10/19 10:59A M INCOMING CS 1.0  
0179 10/19 11:20A MRET/CELLULAR LOCAL CS 1.0  
0180 10/19 12:37P INCOMING CO 3.0  
0181 10/19 2:54P (b)(6) COLO SP MA CO CS 1.0

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**LAW ENFORCEMENT SENSITIVE**

0182 10/19 3:02P INCOMING CS 2.0  
 0183 10/19 3:11P M INCOMING CS 1.0  
 0184 10/20 7:15A (b)(6) COLO SP MA CO CS 1.0  
 0185 10/20 7:16A M (b)(6) COLO SP MA CO CS 1.0  
 0186 10/20 7:17A (b)(6) COLO SP SM CO CS 1.0  
 0187 10/20 7:19A M (b)(6) COLO SP MA CO CS 1.0  
 0188 10/20 7:25A (b)(6) COLO SP SM CO CS 1.0  
 0189 10/20 7:26A (b)(6) COLO SP MA CO CS 2.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
 PAGE2906.0  
 FT CARSON (b)(6) (b)(6) NOV 4, 2004

CALL LONG  
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0190 10/20 7:28A INCOMING CS 2.0  
 0191 10/20 7:46A INCOMING CS 1.0  
 0192 10/20 7:48A MRET/CELLULAR LOCAL CS 1.0  
 0193 10/20 7:49A (b)(6) COLO SP MA CO CS 1.0  
 0194 10/20 7:58A M INCOMING CS 1.0  
 0195 10/20 7:59A INCOMING CS 1.0  
 0196 10/20 8:24A M INCOMING CS 1.0  
 0197 10/20 10:58A MRET/CELLULAR LOCAL CS 1.0  
 0198 10/20 10:59A S (b)(6) FORT HOOD TX CS 1.0  
 0199 10/20 1:30P M (b)(6) COLO SP MA CO CS 2.0  
 0200 10/20 1:33P M (b)(6) COLO SP MA CO CS 1.0  
 0201 10/20 3:36P INCOMING CS 46.0  
 0202 10/20 4:37P (b)(6) COLO SP MA CO CS 2.0  
 0203 10/20 5:04P M INCOMING CS 1.0  
 0204 10/21 8:32A M (b)(6) COLO SP MA CO CS 1.0  
 0205 10/21 8:55A INCOMING CS 2.0  
 0206 10/21 9:10A S (b)(6) FORT HOOD TX CS 1.0  
 0207 10/21 9:13A MRET/CELLULAR LOCAL CS 1.0  
 0208 10/21 12:45P MRET/CELLULAR LOCAL CS 1.0  
 0209 10/21 12:48P MRET/CELLULAR LOCAL CS 1.0  
 0210 10/21 12:50P M (b)(6) COLO SP MA CO CS 4.0  
 0211 10/21 1:05P M (b)(6) COLO SP MA CO CS 5.0  
 0212 10/21 2:52P INCOMING CS 8.0  
 0213 10/21 3:01P INCOMING CS 2.0  
 0214 10/21 3:46P INCOMING CS 2.0  
 0215 10/21 3:54P INCOMING CS 2.0  
 0216 10/21 4:11P MRET/CELLULAR LOCAL CS 1.0  
 0217 10/21 4:15P (b)(6) COLO SP SM CO CS 5.0  
 0218 10/21 4:48P (b)(6) COLO SP SM CO CS 2.0  
 0219 10/21 5:31P INCOMING CS 1.0  
 0220 10/22 9:58A MRET/CELLULAR COLO SP MA CO CA 2.0  
 0221 10/22 10:00A (b)(6) COLO SP MA CO CA 2.0  
 0222 10/22 10:02A MRET/CELLULAR COLO SP MA CO CA 1.0

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**LAW ENFORCEMENT SENSITIVE**

10-L-0126 ACLU DB III (CID ROI) EXHIBIT 227

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~~LAW ENFORCEMENT SENSITIVE~~

0223 10/22 10:04A MRET/CELLULAR COLO SP MA CO CA 1.0  
 0224 10/22 10:05A (b)(6) COLO SP MA CO CA 1.0  
 0225 10/22 10:38A (b)(6) NORTHRIDGE CA CA 1.0  
 0226 10/22 10:43A (b)(6) COLO SP PV CO CA 4.0  
 0227 10/22 10:46A MRET/CELLULAR COLO SP MA CO CA 1.0  
 0228 10/22 11:03A (b)(6) WAPPNGRFLS NY CA 1.0  
 0229 10/22 11:03A (b)(6) WAPPNGRFLS NY CA 1.0  
 0230 10/22 11:04A (b)(6) WAPPNGRFLS NY CA 3.0  
 0231 10/22 11:22A INCOMING CA 4.0  
 0232 10/22 12:26P INCOMING CA 1.0  
 0233 10/22 12:29P MRET/CELLULAR COLO SP MA CO CA 1.0  
 0234 10/22 12:31P (b)(6) COLO SP MA CO CA 1.0  
 0235 10/22 12:31P (b)(6) COLO SP MA CO CA 1.0  
 0236 10/22 12:32P INCOMING CA 4.0  
 0237 10/22 12:36P S (b)(6) FORT HOOD TX CA 1.0  
 0238 10/22 12:38P M (b)(6) COLO SP MA CO CA 1.0  
 0239 10/22 12:38P (b)(6) COLO SP MA CO CA 1.0  
 0240 10/22 12:39P S (b)(6) FORT HOOD TX CA 1.0  
 0241 10/22 12:40P S (b)(6) SOUTHFIELD MI CA 1.0  
 0242 10/22 12:41P S (b)(6) FORT HOOD TX CA 1.0  
 0243 10/22 12:42P (b)(6) COLO SP MA CO CA 1.0  
 0244 10/22 12:42P M (b)(6) COLO SP MA CO CA 2.0  
 0245 10/22 12:44P S (b)(6) FORT HOOD TX CA 1.0  
 0246 10/22 12:45P (b)(6) COLO SP MA CO CA 1.0  
 0247 10/22 12:45P (b)(6) COLO SP MA CO CA 1.0  
 0248 10/22 1:17P MRET/CELLULAR COLO SP MA CO CA 1.0  
 0249 10/22 1:18P (b)(6) COLO SP MA CO CA 4.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
 PAGE2907.0  
 FT CARSON (b)(6) (b)(6) NOV 4, 2004

CALL LONG  
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0250 10/22 1:35P INCOMING CA 2.0  
 0251 10/22 2:27P (b)(6) COLO SP PV CO CA 1.0  
 0252 10/22 2:28P M (b)(6) COLO SP MA CO CA 1.0  
 0253 10/22 2:44P INCOMING CA 4.0  
 0254 10/22 2:47P (b)(6) COLO SP MA CO CA 4.0  
 0255 10/22 6:13P MRET/CELLULAR COLO SP MA CO CA 4.0  
 0256 10/23 11:22A (b)(6) COLO SP PV CO CA 1.0  
 0257 10/23 11:23A M (b)(6) COLO SP MA CO CA 1.0  
 0258 10/23 12:47P MRET/CELLULAR COLO SP MA CO CA 1.0  
 0259 10/23 12:54P INCOMING CA 10.0  
 0260 10/23 1:04P INCOMING CA 4.0  
 0261 10/23 3:06P M INCOMING CA 10.0  
 0262 10/23 3:50P INCOMING CA 14.0  
 0263 10/23 6:26P (b)(6) COLO SP PV CO CA 1.0

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**LAW ENFORCEMENT SENSITIVE**

0264 10/23 6:27P M (b)(6) COLO SP MA CO CA 1.0  
 0265 10/23 6:29P (b)(6) COLO SP PV CO CA 1.0  
 0266 10/23 6:29P (b)(6) COLO SP PV CO CA 1.0  
 0267 10/23 6:30P M (b)(6) COLO SP MA CO CA 1.0  
 0268 10/23 6:34P (b)(6) SANTA ROSA CA CA 1.0  
 0269 10/23 6:37P (b)(6) SANTA ROSA CA CA 1.0  
 0270 10/23 6:38P (b)(6) SANTA ROSA CA CA 2.0  
 0271 10/24 1:58P (b)(6) COLO SP PV CO CO 1.0  
 0272 10/24 3:46P (b)(6) DENVER CO CO 1.0  
 0273 10/24 7:40P (b)(6) COLO SP PV CO CS 1.0  
 0274 10/25 7:44A M (b)(6) COLO SP MA CO CS 1.0  
 0275 10/25 7:57A M INCOMING CS 2.0  
 0276 10/25 8:29A M (b)(6) COLO SP MA CO CS 3.0  
 0277 10/25 10:23A (b)(6) COLO SP MA CO CS 3.0  
 0278 10/25 4:04P M INCOMING TX 2.0  
 0279 10/25 4:06P (b)(6) COLO SP MA CO TX 1.0  
 0280 10/25 6:14P (b)(6) COLO SP PV CO TX 1.0  
 0281 10/25 6:48P (b)(6) COLO SP PV CO TX 5.0  
 0282 10/25 9:26P (b)(6) COLO SP PV CO TX 1.0  
 0283 10/25 9:38P (b)(6) COLO SP MA CO TX 3.0  
 0284 10/25 9:46P INCOMING TX 2.0  
 0285 10/26 10:26A (b)(6) COLO SP MA CO TX 2.0  
 0286 10/26 11:54A M (b)(6) COLO SP MA CO TX 1.0  
 0287 10/26 11:54A (b)(6) COLO SP PV CO TX 2.0  
 0288 10/26 11:55A M INCOMING TX 1.0  
 0289 10/26 11:56A M (b)(6) COLO SP MA CO TX 2.0  
 0290 10/26 12:04P INCOMING TX 2.0  
 0291 10/26 1:34P (b)(6) COLO SP MA CO TX 1.0  
 0292 10/26 1:35P (b)(6) COLO SP PV CO TX 1.0  
 0293 10/26 1:35P M (b)(6) COLO SP MA CO TX 2.0  
 0294 10/26 2:16P INCOMING TX 1.0  
 0295 10/26 2:28P (b)(6) LAWTON OK TX 2.0  
 0296 10/26 2:30P M (b)(6) COLO SP MA CO TX 1.0  
 0297 10/26 2:35P (b)(6) COLO SP MA CO TX 1.0  
 0298 10/26 2:45P INCOMING TX 1.0  
 0299 10/26 2:46P INCOMING TX 1.0  
 0300 10/26 3:37P (b)(6) LAWTON OK TX 2.0  
 0301 10/26 3:39P (b)(6) FORT HOOD TX TX 1.0  
 0302 10/26 3:40P (b)(6) FORT HOOD TX TX 11.0 1.40  
 0303 10/26 3:51P MRET/CELLULAR COLORADO S CO TX 1.0  
 0304 10/26 3:52P (b)(6) FORT HOOD TX TX 11.0 3.85  
 0305 10/26 4:10P M (b)(6) COLO SP MA CO TX 2.0  
 0306 10/26 4:13P M (b)(6) COLO SP MA CO TX 2.0  
 0307 10/26 4:35P INCOMING TX 1.0 .35  
 0308 10/26 5:15P INCOMING TX 1.0 .35  
 0309 10/26 5:24P (b)(6) PUEBLOMAIN CO TX 1.0 .35

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
 PAGE2908.0  
 FT CARSON (b)(6) (b)(6) NOV 4, 2004

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~~LAW ENFORCEMENT SENSITIVE~~ (CID ROI) 1258 229 41

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~~LAW ENFORCEMENT SENSITIVE~~

CALL LONG  
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

REF	DATE	TIME	NUMBER CALLED	CALLS TO	FROM	MIN	AIR	DISTANCE	
0310	10/26	5:25P	(b)(6)	COLO	SP MA CO TX	2.0	.70		
0311	10/26	9:20P M	(b)(6)	COLO	SP MA CO CS	2.0			
0312	10/28	5:31A M	(b)(6)	COLO	SP MA CO CS	1.0			
0313	10/28	5:39A	MRET/CELLULAR	LOCAL	CS	1.0			
0314	10/28	9:17A	(b)(6)	COLO	SP MA CO CS	2.0	.70		
0315	10/28	9:34A		INCOMING	CS	2.0	.70		
0316	10/28	10:23A	MRET/CELLULAR	LOCAL	CS	1.0			
0317	10/28	1:49P M	(b)(6)	COLO	SP MA CO CS	5.0			
0318	10/28	3:05P	MRET/CELLULAR	LOCAL	CS	2.0			
0319	10/29	9:04A	(b)(6)	COLO	SP MA CO CS	9.0	3.15		
0320	10/29	12:29P		INCOMING	CS	11.0	3.85		
0321	10/29	1:02P	(b)(6)	COLO	SP MA CO CS	1.0	.35		
0322	10/29	1:04P M	(b)(6)	COLO	SP MA CO CS	1.0			
0323	10/29	3:35P	MRET/CELLULAR	LOCAL	CS	2.0			
0324	10/29	3:39P	(b)(6)	EL PASO	CO CS	3.0	1.05		
0325	10/30	10:47A	(b)(6)	COLO	SP MA CO CS	4.0	1.40		
0326	10/30	11:02A M		INCOMING	CS	2.0			
0327	10/31	8:34A	MRET/CELLULAR	LOCAL	CS	1.0			
0328	11/01	5:40A		INCOMING	CS	1.0	.35		
0329	11/01	5:41A M	(b)(6)	COLO	SP MA CO CS	1.0			
0330	11/01	5:44A	(b)(6)	COLO	SP MA CO CS	1.0	.35		
0331	11/01	5:45A M	(b)(6)	COLO	SP MA CO CS	2.0			
0332	11/01	6:01A M	(b)(6)	COLO	SP MA CO CS	2.0			
0333	11/01	6:27A		INCOMING	CS	1.0	.35		
0334	11/01	3:37P		INCOMING	CS	1.0	.35		
0335	11/01	6:18P M		INCOMING	CS	7.0			
0336	11/02	11:13A M	(b)(6)	COLO	SP MA CO CS	1.0			
0337	11/02	11:17A M		INCOMING	CS	3.0			
0338	11/02	11:21A M		INCOMING	CS	1.0			
0339	11/02	11:33A M	(b)(6)	COLO	SP MA CO CS	2.0			
0340	11/02	12:37P M		INCOMING	CS	1.0			
0341	11/02	1:18P M	(b)(6)	COLO	SP MA CO CS	2.0			
0342	11/02	1:41P		INCOMING	CS	5.0	1.75		
0343	11/02	1:51P	(b)(6)	COLO	SP SM CO CS	1.0	.35		
0344	11/02	5:00P M		INCOMING	CS	1.0			
0345	11/02	5:12P		INCOMING	CS	2.0	.70		
0346	11/02	7:01P M	(b)(6)	COLO	SP MA CO CS	2.0			
0347	11/02	7:10P M		INCOMING	CS	1.0			
0348	11/02	7:22P M	(b)(6)	COLO	SP MA CO CS	1.0			
0349	11/02	7:22P	(b)(6)	COLO	SP MA CO CS	1.0	.35		
0350	11/02	7:46P	(b)(6)	COLO	SP MA CO CS	1.0	.35		
0351	11/02	7:47P	(b)(6)	COLO	SP PV CO CS	1.0	.35		
0352	11/02	7:48P M	(b)(6)	COLO	SP MA CO CS	1.0			
TOTAL HOME AIRTIME AND LONG DISTANCE CHARGES							754.0	23.45	.00

CALL CHARACTERISTICS:

M = Mobile to Mobile, W = Call Waiting,

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 10-L-0126 ACLU DB III (CID ROI) 230

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D = Auto Dropped Call Credit,  
S = Long Distance Service Billed Separately

CALL ORIGINS:

CS = Colorado Springs, CO = Colorado, CA = California,

TX = TEXAS

IF YOU HAVE ANY QUESTIONS CONCERNING YOUR INVOICE OR SERVICE,  
PLEASE CALL OUR CUSTOMER CARE DEPARTMENT:

(b)(6)

~~10-PRO-126~~ ~~ACLU DD III (CID ROI) 1765~~ 231  
~~LAW ENFORCEMENT SENSITIVE~~

December

ACCOUNT NAME      ACCOUNT NUMBER      MOBILE NUMBER      BILL DATE  
 PAGE2830.0  
 FT CARSON      (b)(6)      (b)(6)      DEC 4, 2004

SUMMARY OF CHARGES

MONTHLY SERVICE CHARGES

11/03/04 Through 12/02/04

MONTHLY SE - DIGITAL ONE RATE	\$59.99	59.99
THREE WAY CALLING	.00	
CALL WAITING	.00	
CALLER ID	.00	
PCS VOICEMAIL W/NUMERIC	.00	
AT&T 2-WAY TEXT MSG	\$0.00	.00
MOBILE TO MOBILE NATL	9.99	
REGULATORY PROGRAMS FEE		1.75
<b>TOTAL MONTHLY SERVICE CHARGES</b>		<b>71.73</b>

HOME AIRTIME CHARGES

11/03/04 Through 12/02/04 - DIGITAL ONE RATE \$59.99

Category	Minutes	Rate	Charge
UNLIM MOBILE TO MOBILE	134.0	.000	.00
INCLUDED IN PLAN	412.0	.000	.00
	546.0	.00	

TOTAL HOME AIRTIME CHARGES      .00  
 OTHER CHARGES AND CREDITS

DETAIL BILLING      .00  
 TOTAL OTHER CHARGES AND CREDITS      .00  
 TOTAL CURRENT MONTHLY CHARGES      71.73

HOME AIRTIME AND LONG DISTANCE CHARGES

REF DATE	TIME	NUMBER CALLED	CALLS TO FROM	MIN	AIR	DISTANCE
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0001	11/03	12:20P	M (b)(6)	COLO SP MA CO CS	1.0	
0002	11/03	6:06P		INCOMING CS	6.0	
0003	11/03	6:15P		INCOMING CS	2.0	
0004	11/03	6:21P	M	INCOMING CS	1.0	
0005	11/03	6:33P	M (b)(6)	COLO SP MA CO CS	1.0	
0006	11/03	8:54P	MRET/CELLULAR	LOCAL CS	1.0	
0007	11/03	8:55P	(b)(6)	COLO SP MA CO CS	1.0	
0008	11/04	5:40A	(b)(6)	COLO SP MA CO CS	2.0	
0009	11/04	8:55A	M (b)(6)	COLO SP MA CO CS	1.0	
0010	11/04	8:56A	(b)(6)	COLO SP SM CO CS	2.0	
0011	11/05	9:36A		INCOMING CS	1.0	
0012	11/05	10:08A		INCOMING CS	1.0	

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ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
PAGE2831.0  
FT CARSON (b)(6) (b)(6) DEC 4, 2004

CALL LONG  
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0013	11/05	10:11A		INCOMING	CS	1.0			
0014	11/05	10:36A		INCOMING	CS	6.0			
0015	11/05	10:43A	(b)(6)	COLO SP SM CO CS		1.0			
0016	11/05	10:44A	(b)(6)	COLO SP SM CO CS		1.0			
0017	11/05	10:45A	(b)(6)	COLO SP SM CO CS		1.0			
0018	11/05	10:46A	(b)(6)	COLO SP MA CO CS		1.0			
0019	11/05	10:48A	(b)(6)	COLO SP SM CO CS		1.0			
0020	11/05	10:48A	(b)(6)	COLO SP SM CO CS		1.0			
0021	11/05	12:44P		INCOMING	CS	2.0			
0022	11/05	12:58P M		INCOMING	CS	3.0			
0023	11/05	1:52P		INCOMING	CS	1.0			
0024	11/05	1:55P	(b)(6)	COLO SP SM CO CS		1.0			
0025	11/05	1:55P		MRET/CELLULAR LOCAL	CS	2.0			
0026	11/05	2:20P		INCOMING	CS	1.0			
0027	11/05	7:27P M		INCOMING	CS	1.0			
0028	11/05	7:29P M	(b)(6)	COLO SP MA CO CS		1.0			
0029	11/05	7:30P	(b)(6)	COLO SP MA CO CS		1.0			
0030	11/05	7:31P	(b)(6)	COLO SP MA CO CS		3.0			
0031	11/05	7:36P		INCOMING	CS	1.0			
0032	11/05	7:37P M	(b)(6)	COLO SP MA CO CS		1.0			
0033	11/05	7:49P		INCOMING	CS	2.0			
0034	11/05	7:51P M	(b)(6)	COLO SP MA CO CS		1.0			
0035	11/05	7:52P	(b)(6)	COLO SP MA CO CS		1.0			
0036	11/06	8:37A		INCOMING	CS	1.0			
0037	11/06	10:56A		INCOMING	CS	3.0			
0038	11/06	1:41P		MRET/CELLULAR COLORADO S CO CO		1.0			
0039	11/06	8:33P M	(b)(6)	COLO SP MA CO CS		1.0			
0040	11/07	6:54A	(b)(6)	COLO SP MA CO CS		1.0			
0041	11/07	3:23P M		INCOMING	CS	2.0			
0042	11/08	10:15A		INCOMING	CS	2.0			
0043	11/08	10:28A		INCOMING	CS	3.0			
0044	11/08	12:11P	(b)(6)	COLO SP SM CO CS		1.0			
0045	11/08	12:11P		MRET/CELLULAR LOCAL	CS	1.0			
0046	11/08	4:16P		INCOMING	CO	4.0			
0047	11/08	4:35P		INCOMING	CS	7.0			
0048	11/09	8:29A		INCOMING	CS	2.0			

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10-LA-0126-ACCL-001 (CID ROI) 1767 233  
~~LAW ENFORCEMENT SENSITIVE~~  
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0049 11/09 8:38A MRET/CELLULAR LOCAL CS 1.0  
0050 11/09 8:57A (b)(6) COLO SP SM CO CS 1.0  
0051 11/09 9:48A INCOMING CS 2.0  
0052 11/09 10:12A M (b)(6) COLO SP MA CO CS 1.0  
0053 11/09 11:55A INCOMING CS 2.0  
0054 11/09 12:59P MRET/CELLULAR LOCAL CS 1.0  
0055 11/09 3:24P M INCOMING CS 1.0  
0056 11/09 3:49P (b)(6) COLO SP MA CO CS 1.0  
0057 11/09 3:50P M (b)(6) COLO SP MA CO CS 2.0  
0058 11/09 3:59P (b)(6) COLO SP SM CO CS 3.0  
0059 11/09 4:03P M (b)(6) COLO SP MA CO CS 4.0  
0060 11/09 4:20P (b)(6) COLO SP MA CO CS 5.0  
0061 11/09 4:44P INCOMING CS 1.0  
0062 11/09 4:45P INCOMING CS 2.0  
0063 11/09 4:52P INCOMING CS 3.0  
0064 11/09 5:05P INCOMING CS 1.0  
0065 11/09 5:17P INCOMING CS 1.0  
0066 11/09 5:24P INCOMING CS 1.0  
0067 11/09 6:06P (b)(6) COLO SP MA CO CS 1.0  
0068 11/09 6:09P M (b)(6) COLO SP MA CO CS 2.0  
0069 11/09 6:14P INCOMING CS 4.0  
0070 11/09 6:19P INCOMING CS 3.0  
0071 11/09 7:55P M INCOMING CS 2.0  
0072 11/09 9:02P INCOMING CS 6.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
PAGE2832.0  
FT CARSON 80014772 (b)(6) DEC 4, 2004

CALL LONG  
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0073 11/10 7:26A (b)(6) COLO SP MA CO CS 2.0  
0074 11/10 8:09A (b)(6) COLO SP MA CO CS 2.0  
0075 11/10 10:36A (b)(6) COLO SP SM CO CS 1.0  
0076 11/10 10:37A (b)(6) COLO SP SM CO CS 1.0  
0077 11/10 11:48A (b)(6) COLO SP MA CO CS 1.0  
0078 11/10 12:14P MRET/CELLULAR LOCAL CS 1.0  
0079 11/10 12:23P MRET/CELLULAR LOCAL CS 2.0  
0080 11/10 12:34P INCOMING CS 8.0  
0081 11/10 1:35P M INCOMING CS 2.0  
0082 11/10 2:08P (b)(6) SANTA ROSA CA CS 1.0  
0083 11/10 3:17P (b)(6) COLO SP SM CO CS 2.0  
0084 11/10 3:24P (b)(6) COLO SP MA CO CS 1.0  
0085 11/10 3:27P M INCOMING CS 1.0  
0086 11/10 4:52P MRET/CELLULAR LOCAL CS 2.0  
0087 11/10 4:57P (b)(6) COLO SP MA CO CS 3.0  
0088 11/10 5:15P M (b)(6) COLO SP MA CO CS 7.0  
0089 11/10 5:36P INCOMING CS 1.0

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0090 11/10 5:37P M	(b)(6)	COLO SP MA CO CS	1.0
0091 11/10 6:15P M	(b)(6)	COLO SP MA CO CS	2.0
0092 11/11 8:59A M	(b)(6)	COLO SP MA CO CS	1.0
0093 11/11 9:23A M	(b)(6)	COLO SP MA CO CS	2.0
0094 11/11 9:25A M		MRET/CELLULAR LOCAL	CS 1.0
0095 11/11 10:01A M		INCOMING	CS 1.0
0096 11/11 10:08A M		INCOMING	CS 2.0
0097 11/11 10:59A		INCOMING	CS 4.0
0098 11/11 11:24A		INCOMING	CS 1.0
0099 11/11 11:30A	(b)(6)	DENVER CO CS	1.0
0100 11/11 12:44P		INCOMING	CS 1.0
0101 11/11 2:24P M		MRET/CELLULAR LOCAL	CS 2.0
0102 11/12 8:28A		INCOMING	CS 11.0
0103 11/12 9:55A		INCOMING	CS 5.0
0104 11/12 11:55A	(b)(6)	COLO SP MA CO CS	7.0
0105 11/12 12:03P	(b)(6)	COLO SP MA CO CS	2.0
0106 11/12 12:05P	(b)(6)	COLO SP MA CO CS	1.0
0107 11/12 12:06P	(b)(6)	COLO SP MA CO CS	1.0
0108 11/12 12:07P M		MRET/CELLULAR LOCAL	CS 1.0
0109 11/12 12:09P	(b)(6)	DAHLONEGA GA CS	3.0
0110 11/12 12:11P	(b)(6)	COLO SP MA CO CS	3.0
0111 11/12 12:24P		INCOMING	CS 1.0
0112 11/12 1:11P		INCOMING	CS 5.0
0113 11/12 1:19P M		MRET/CELLULAR LOCAL	CS 2.0
0114 11/12 2:51P		INCOMING	CS 2.0
0115 11/12 3:16P M	(b)(6)	COLO SP MA CO CS	1.0
0116 11/13 12:14P	(b)(6)	COLO SP PV CO CS	2.0
0117 11/13 12:19P		INCOMING	CS 2.0
0118 11/13 12:20P	(b)(6)	COLO SP EA CO CS	18.0
0119 11/14 8:56A	(b)(6)	COLO SP MA CO CS	2.0
0120 11/14 9:11A	(b)(6)	COLO SP MA CO CS	2.0
0121 11/14 10:53A	(b)(6)	LANSING MI CS	1.0
0122 11/14 11:07A	(b)(6)	LANSING MI CS	1.0
0123 11/14 11:09A		INCOMING	CS 10.0
0124 11/15 8:55A		INCOMING	CS 2.0
0125 11/15 10:13A	(b)(6)	EL PASO CO CS	2.0
0126 11/15 1:57P		INCOMING	CS 1.0
0127 11/15 2:34P		INCOMING	CS 3.0
0128 11/15 2:39P	(b)(6)	COLO SP MA CO CS	2.0
0129 11/15 6:25P		INCOMING	CS 1.0
0130 11/15 6:31P		INCOMING	CS 1.0
0131 11/15 8:03P		INCOMING	CS 1.0
0132 11/15 8:09P		INCOMING	CS 1.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
PAGE2833.0  
FT CARSON (b)(6) (b)(6) DEC 4, 2004

CALL LONG  
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

~~FOR OFFICIAL USE ONLY~~  
10-L-0426-ACLU-DD-INS(ROI) 1769<sup>235</sup>  
EXHIBIT

0133 11/16 8:56A M INCOMING CS 1.0  
0134 11/16 10:07A (b)(6) SOUTHFIELD MICS 8.0  
0135 11/16 10:58A M INCOMING CS 1.0  
0136 11/16 11:42A INCOMING CS 9.0  
0137 11/16 1:02P INCOMING CS 3.0  
0138 11/16 1:47P INCOMING CS 3.0  
0139 11/16 3:55P M (b)(6) COLO SP MA CO CS 3.0  
0140 11/16 4:19P INCOMING CS 1.0  
0141 11/16 4:38P M INCOMING CS 1.0  
0142 11/16 5:12P (b)(6) 800 SERV. CS 10.0  
0143 11/17 9:45A INCOMING CS 1.0  
0144 11/17 10:26A MRET/CELLULAR LOCAL CS 1.0  
0145 11/17 11:27A M INCOMING CS 1.0  
0146 11/17 11:30A MRET/CELLULAR LOCAL CS 1.0  
0147 11/17 11:36A (b)(6) COLO SP MA CO CS 1.0  
0148 11/17 12:36P INCOMING CS 2.0  
0149 11/17 1:25P INCOMING CS 6.0  
0150 11/17 1:50P INCOMING CS 2.0  
0151 11/17 3:30P INCOMING CS 1.0  
0152 11/17 5:27P INCOMING CS 2.0  
0153 11/18 8:34A INCOMING CS 3.0  
0154 11/18 8:49A (b)(6) COLO SP MA CO CS 1.0  
0155 11/18 9:36A (b)(6) COLO SP MA CO CS 13.0  
0156 11/18 10:20A INCOMING CS 2.0  
0157 11/18 11:28A INCOMING CS 1.0  
0158 11/18 12:45P MRET/CELLULAR LOCAL CS 2.0  
0159 11/19 8:34A MRET/CELLULAR LOCAL CS 2.0  
0160 11/19 8:45A INCOMING CS 3.0  
0161 11/19 9:09A INCOMING CS 1.0  
0162 11/19 10:55A (b)(6) COLO SP MA CO CS 1.0  
0163 11/19 11:18A INCOMING CS 3.0  
0164 11/19 11:38A M INCOMING CS 1.0  
0165 11/19 12:21P M INCOMING CS 1.0  
0166 11/19 3:09P M INCOMING CS 4.0  
0167 11/19 7:36P (b)(6) COLO SP SM CO CS 1.0  
0168 11/20 7:36A MRET/CELLULAR LOCAL CS 1.0  
0169 11/20 7:38A (b)(6) TUCSON AZ CS 14.0  
0170 11/20 7:52A MRET/CELLULAR LOCAL CS 2.0  
0171 11/20 7:54A (b)(6) COLO SP MA CO CS 2.0  
0172 11/20 8:14A INCOMING CS 1.0  
0173 11/20 9:25A (b)(6) COLO SP MA CO CS 3.0  
0174 11/20 12:14P M (b)(6) COLO SP MA CO CS 3.0  
0175 11/20 12:18P MRET/CELLULAR LOCAL CS 2.0  
0176 11/20 2:59P (b)(6) COLO SP MA CO CS 2.0  
0177 11/20 3:38P INCOMING CS 3.0  
0178 11/20 4:01P M INCOMING CS 1.0  
0179 11/21 9:18A (b)(6) COLO SP MA CO CS 2.0  
0180 11/21 10:54A INCOMING CS 1.0  
0181 11/22 11:11A INCOMING CS 1.0

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~~LAW ENFORCEMENT SENSITIVE~~

0182 11/22 12:02P M (b)(6) COLO SP MA CO CS 11.0  
0183 11/22 3:08P INCOMING CS 1.0  
0184 11/22 4:12P INCOMING CS 2.0  
0185 11/22 4:17P INCOMING CS 1.0  
0186 11/22 4:43P M (b)(6) COLO SP MA CO CS 3.0  
0187 11/22 5:17P INCOMING CS 3.0  
0188 11/22 7:02P M INCOMING CS 3.0  
0189 11/22 8:58P MRET/CELLULAR LOCAL CS 2.0  
0190 11/23 8:42A (b)(6) COLO SP MA CO CS 1.0  
0191 11/23 10:08A M INCOMING CS 1.0  
0192 11/23 10:09A M (b)(6) COLO SP MA CO CS 1.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
PAGE2834.0  
FT CARSON 80014772 (b)(6) DEC 4, 2004

CALL LONG  
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0193 11/23 12:14P INCOMING CS 3.0  
0194 11/23 4:47P INCOMING CS 31.0  
0195 11/23 6:07P M (b)(6) COLO SP MA CO CS 1.0  
0196 11/23 6:18P (b)(6) COLO SP MA CO CS 2.0  
0197 11/23 6:20P (b)(6) COLO SP MA CO CS 1.0  
0198 11/23 6:22P (b)(6) COLO SP MA CO CS 1.0  
0199 11/23 6:44P INCOMING CS 1.0  
0200 11/23 6:50P INCOMING CS 1.0  
0201 11/24 5:51A (b)(6) COLO SP MA CO CS 2.0  
0202 11/24 8:49A (b)(6) COLO SP MA CO CS 1.0  
0203 11/24 8:53A INCOMING CS 3.0  
0204 11/24 10:23A M INCOMING CS 1.0  
0205 11/24 10:24A INCOMING CS 2.0  
0206 11/24 10:46A INCOMING CS 1.0  
0207 11/24 11:10A (b)(6) COLO SP MA CO CS 1.0  
0208 11/24 4:01P (b)(6) COLO SP MA CO CS 2.0  
0209 11/26 8:54A (b)(6) COLO SP MA CO CS 1.0  
0210 11/28 1:02P (b)(6) COLO SP PV CO CO 1.0  
0211 11/28 1:04P MRET/CELLULAR LOCAL CS 1.0  
0212 11/29 2:56P MRET/CELLULAR LOCAL CS 1.0  
0213 11/29 4:10P INCOMING CS 3.0  
0214 11/29 5:05P INCOMING CS 1.0  
0215 11/30 8:52A M INCOMING CS 1.0  
0216 11/30 10:52A M (b)(6) COLO SP MA CO CS 2.0  
0217 11/30 11:25A (b)(6) COLO SP MA CO CS 2.0  
0218 11/30 11:26A M (b)(6) COLO SP MA CO CS 2.0  
0219 11/30 1:13P INCOMING CS 1.0  
0220 11/30 5:07P (b)(6) COLO SP MA CO CS 3.0  
0221 12/01 10:02A INCOMING CS 1.0  
0222 12/01 10:59A INCOMING CS 4.0

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10-L-0426 (REVISED 11/01) EXHIBIT

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~~LAW ENFORCEMENT SENSITIVE~~

0223 12/01 1:51P INCOMING CS 1.0  
 0224 12/01 5:58P M INCOMING CO 1.0  
 0225 12/02 9:33A MRET/CELLULAR LOCAL CS 3.0  
 0226 12/02 9:36A (b)(6) SANTA ROSA CA CS 1.0  
 0227 12/02 12:14P M INCOMING CS 2.0  
 0228 12/02 3:28P MRET/CELLULAR LOCAL CS 1.0  
 0229 12/02 10:23P M (b)(6) COLO SP MA CO CA 3.0  
 0230 12/02 11:31P M (b)(6) COLO SP MA CO CA 2.0  
 0231 12/02 11:32P (b)(6) SANTA ROSA CA CA 1.0  
 TOTAL HOME AIRTIME AND LONG DISTANCE CHARGES 546.0 .00 .00

CALL CHARACTERISTICS:

M = Mobile to Mobile

CALL ORIGINS:

CS = Colorado Springs, CO = Colorado, CA = California

IF YOU HAVE ANY QUESTIONS CONCERNING YOUR INVOICE OR SERVICE,  
PLEASE CALL OUR CUSTOMER CARE DEPARTMENT: (b)(6)

~~FOR OFFICIAL USE ONLY~~

~~LAW ENFORCEMENT SENSITIVE~~ 10-L-0126 ACLU DD III (CTD ROI) EXHIBIT 238

January

ACCOUNT NAME      ACCOUNT NUMBER      MOBILE NUMBER      BILL DATE  
PAGE2816.0  
FT CARSON      (b)(6)      (b)(6)      JAN 4, 2005

SUMMARY OF CHARGES

MONTHLY SERVICE CHARGES

12/03/04 Through 1/02/05

MONTHLY SE - DIGITAL ONE RATE	\$59.99	59.99
THREE WAY CALLING	.00	
CALL WAITING	.00	
CALLER ID	.00	
PCS VOICEMAIL W/NUMERIC	.00	
AT&T 2-WAY TEXT MSG	\$0.00	.00
MOBILE TO MOBILE NATL	9.99	
REGULATORY PROGRAMS FEE	1.75	

TOTAL MONTHLY SERVICE CHARGES 71.73

HOME AIRTIME CHARGES

12/03/04 Through 1/02/05 - DIGITAL ONE RATE \$59.99

Category	Minutes	Rate	Charge
UNLIM MOBILE TO MOBILE	148.0	.000	.00
INCLUDED IN PLAN	202.0	.000	.00
	350.0	.00	

TOTAL HOME AIRTIME CHARGES .00  
OTHER CHARGES AND CREDITS

DETAIL BILLING .00  
TOTAL OTHER CHARGES AND CREDITS .00  
TOTAL CURRENT MONTHLY CHARGES 71.73  
HOME AIRTIME AND LONG DISTANCE CHARGES

CALL      LONG  
REF DATE    TIME    NUMBER CALLED    CALLS TO FROM    MIN    AIR    DISTANCE

0001 12/03 3:19A MRET/CELLULAR COLO SP MA CO CA 1.0  
0002 12/03 1:00P MRET/CELLULAR COLO SP MA CO CA 1.0  
0003 12/06 6:27A      INCOMING    CS 1.0  
0004 12/06 10:14A MRET/CELLULAR LOCAL      CS 1.0  
0005 12/06 11:39A M      INCOMING    CS 9.0  
0006 12/06 11:54A M (b)(6) COLO SP MA CO CS 1.0  
0007 12/06 11:55A (b)(6) COLUMBSCEL GA CS 4.0  
0008 12/06 12:17P (b)(6) COLO SP MA CO CS 5.0  
0009 12/06 12:24P (b)(6) LAWTON OK CS 1.0  
0010 12/06 1:00P M      INCOMING    CS 4.0  
0011 12/06 5:34P M (b)(6) COLO SP MA CO CS 10.0  
0012 12/06 6:34P MRET/CELLULAR LOCAL      CS 1.0

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~~LAW ENFORCEMENT SENSITIVE~~

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
PAGE2817.0  
FT CARSON (b)(6) (b)(6) JAN 4, 2005

CALL LONG  
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0013 12/07 11:37A MRET/CELLULAR COLO SP MA CO TX 2.0  
0014 12/07 2:24P M (b)(6) COLO SP MA CO TX 2.0  
0015 12/07 3:08P INCOMING TX 1.0  
0016 12/07 4:05P INCOMING TX 9.0  
0017 12/07 4:33P (b)(6) COLO SP EA CO TX 3.0  
0018 12/07 4:36P (b)(6) COLO SP EA CO TX 2.0  
0019 12/07 4:43P INCOMING TX 2.0  
0020 12/07 6:30P (b)(6) COLO SP MA CO TX 1.0  
0021 12/07 6:31P MRET/CELLULAR COLORADO S CO TX 1.0  
0022 12/07 7:46P (b)(6) COLO SP MA CO TX 2.0  
0023 12/07 8:13P INCOMING TX 1.0  
0024 12/07 8:38P INCOMING TX 1.0  
0025 12/07 9:55P (b)(6) COLO SP PV CO TX 2.0  
0026 12/08 10:43A (b)(6) COLO SP PV CO TX 1.0  
0027 12/08 10:45A M (b)(6) COLO SP MA CO TX 4.0  
0028 12/08 10:58A M (b)(6) COLO SP MA CO TX 2.0  
0029 12/08 10:59A MRET/CELLULAR COLORADO S CO TX 1.0  
0030 12/08 1:23P INCOMING TX 2.0  
0031 12/08 4:24P MRET/CELLULAR COLORADO S CO TX 2.0  
0032 12/08 4:44P INCOMING TX 1.0  
0033 12/08 4:51P (b)(6) COLO SP PV CO TX 1.0  
0034 12/08 9:12P (b)(6) COLO SP PV CO TX 1.0  
0035 12/09 10:08A INCOMING TX 2.0  
0036 12/09 12:33P M (b)(6) COLO SP MA CO TX 6.0  
0037 12/09 2:50P MRET/CELLULAR COLO SP MA CO TX 3.0  
0038 12/09 3:17P MRET/CELLULAR COLO SP MA CO TX 2.0  
0039 12/09 3:19P (b)(6) DENVER CO TX 3.0  
0040 12/09 3:21P (b)(6) COLO SP PV CO TX 3.0  
0041 12/09 3:24P (b)(6) COLO SP MA CO TX 2.0  
0042 12/09 4:48P M (b)(6) COLO SP MA CO CS 1.0  
0043 12/10 11:57A M (b)(6) COLO SP MA CO CS 1.0  
0044 12/10 11:57A (b)(6) COLO SP MA CO CS 9.0  
0045 12/10 12:13P (b)(6) COLUMBSCEL GA CS 5.0  
0046 12/10 12:44P MRET/CELLULAR LOCAL CS 2.0  
0047 12/10 12:45P (b)(6) OKLA CITY OK CS 2.0  
0048 12/10 1:09P M INCOMING CS 7.0

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~~LAW ENFORCEMENT SENSITIVE~~ 10-1-01-26 ACCELD (CID ROI) 177 240  
EXHIBIT 40

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

0049 12/10 2:34P INCOMING CS 1.0  
0050 12/10 2:58P M (b)(6) COLO SP MA CO CS 14.0  
0051 12/10 3:14P (b)(6) OKLA CITY OK CS 1.0  
0052 12/10 3:14P M (b)(6) COLO SP MA CO CS 2.0  
0053 12/10 3:16P M INCOMING CS 2.0  
0054 12/10 3:32P INCOMING CS 3.0  
0055 12/10 4:04P M INCOMING CS 2.0  
0056 12/10 4:06P MRET/CELLULAR LOCAL CS 1.0  
0057 12/10 4:07P (b)(6) COLORADO SP CO CS 2.0  
0058 12/10 4:08P M (b)(6) COLO SP MA CO CS 3.0  
0059 12/10 4:20P (b)(6) SOUTHFIELD MI CS 1.0  
0060 12/10 4:36P (b)(6) LANSING MI CS 4.0  
0061 12/10 4:40P (b)(6) COLO SP SM CO CS 3.0  
0062 12/10 4:43P (b)(6) LANSING MI CS 51.0  
0063 12/10 5:34P M INCOMING CS 9.0  
0064 12/10 5:45P M INCOMING CS 3.0  
0065 12/11 6:29A (b)(6) COLO SP SM CO CS 1.0  
0066 12/11 6:30A MRET/CELLULAR LOCAL CS 2.0  
0067 12/11 8:32A M INCOMING CS 1.0  
0068 12/11 8:32A M (b)(6) COLO SP MA CO CS 1.0  
0069 12/11 9:07A INCOMING CS 4.0  
0070 12/11 10:21A INCOMING CS 1.0  
0071 12/11 10:51A M (b)(6) COLO SP MA CO CS 3.0  
0072 12/11 12:33P (b)(6) COLO SP MA CO CS 1.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
PAGE2818.0  
FT CARSON 80014772 (b)(6) JAN 4, 2005

CALL LONG  
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0073 12/11 12:35P (b)(6) COLO SP MA CO CS 1.0  
0074 12/11 12:39P (b)(6) COLO SP MA CO CS 1.0  
0075 12/11 8:05P MRET/CELLULAR LOCAL CS 2.0  
0076 12/11 8:06P (b)(6) COLO SP EA CO CS 23.0  
0077 12/13 9:25A M (b)(6) COLO SP MA CO CS 2.0  
0078 12/13 9:27A MRET/CELLULAR LOCAL CS 1.0  
0079 12/13 12:34P M (b)(6) COLO SP MA CO CS 1.0  
0080 12/13 12:35P (b)(6) COLO SP MA CO CS 2.0  
0081 12/13 12:37P M (b)(6) COLO SP MA CO CS 1.0  
0082 12/13 12:38P (b)(6) COLO SP MA CO CS 3.0  
0083 12/13 12:40P (b)(6) LOMETA TX CS 1.0  
0084 12/13 12:46P (b)(6) COLO SP MA CO CS 8.0  
0085 12/13 12:57P (b)(6) COLO SP SM CO CS 2.0  
0086 12/13 3:12P MRET/CELLULAR LOCAL CS 1.0  
0087 12/13 3:13P M (b)(6) COLO SP MA CO CS 1.0  
0088 12/13 3:14P MRET/CELLULAR LOCAL CS 2.0  
0089 12/13 3:14P M INCOMING CS 2.0

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U487 - 07 018 000 101

0090 12/13 3:15P MRET/CELLULAR LOCAL CS 1.0  
0091 12/13 3:16P (b)(6) EL PASO CO CS 2.0  
0092 12/13 3:17P M (b)(6) COLO SP MA CO CS 1.0  
0093 12/13 3:19P M (b)(6) COLO SP MA CO CS 2.0  
0094 12/13 4:27P MRET/CELLULAR LOCAL CS 2.0  
0095 12/13 5:32P (b)(6) COLO SP SM CO CS 1.0  
0096 12/13 5:32P M (b)(6) COLO SP MA CO CS 2.0  
0097 12/13 6:34P (b)(6) COLO SP PV CO CS 1.0  
0098 12/14 10:59A MRET/CELLULAR LOCAL CS 1.0  
0099 12/14 11:25A INCOMING CS 1.0  
0100 12/14 11:58A (b)(6) COLO SP MA CO CS 1.0  
0101 12/15 8:14A MRET/CELLULAR LOCAL CS 1.0  
0102 12/15 8:15A MRET/CELLULAR LOCAL CS 1.0  
0103 12/15 8:38A INCOMING CS 4.0  
0104 12/15 8:57A M (b)(6) COLO SP MA CO CS 1.0  
0105 12/15 2:13P (b)(6) COLO SP SM CO CS 3.0  
0106 12/15 5:22P MRET/CELLULAR LOCAL CS 1.0  
0107 12/16 11:00A INCOMING CS 1.0  
0108 12/16 12:06P INCOMING CS 2.0  
0109 12/16 12:59P INCOMING CS 1.0  
0110 12/16 1:21P INCOMING CS 1.0  
0111 12/16 2:10P INCOMING CS 1.0  
0112 12/17 1:21P MRET/CELLULAR LOCAL CS 1.0  
0113 12/17 1:31P MRET/CELLULAR LOCAL CS 1.0  
0114 12/20 9:22A MRET/CELLULAR LOCAL CS 1.0  
0115 12/20 9:32A M INCOMING CS 1.0  
0116 12/30 12:43P MRET/CELLULAR LOCAL CS 7.0  
0117 12/30 12:58P MRET/CELLULAR LOCAL CS 2.0  
0118 1/02 6:09P MRET/CELLULAR LOCAL CS 1.0  
0119 1/02 6:11P MRET/CELLULAR LOCAL CS 1.0  
0120 1/02 6:11P (b)(6) COLO SP EA CO CS 1.0  
0121 1/02 8:04P INCOMING CS 1.0  
TOTAL HOME AIRTIME AND LONG DISTANCE CHARGES 350.0 .00 .00

CALL CHARACTERISTICS:

M = Mobile to Mobile

CALL ORIGINS:

CA = California, CS = Colorado Springs, TX = TEXAS

IF YOU HAVE ANY QUESTIONS CONCERNING YOUR INVOICE OR SERVICE,  
PLEASE CALL OUR CUSTOMER CARE DEPARTMENT: (b)(6)

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10-L-0126-AG-LEAD IN (OLD ROI) 1776<sup>242</sup>  
~~LAW ENFORCEMENT SENSITIVE~~  
EXHIBIT 40

~~FOR OFFICIAL USE ONLY~~ U489 - 04 - CID 056 - 7631  
~~LAW ENFORCEMENT SENSITIVE~~ 0498 - 04 CID056 763491

February

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
 PAGE3508.0  
 FT CARSON (b)(6) (b)(6) FEB 4, 2005

SUMMARY OF CHARGES  
 MONTHLY SERVICE CHARGES

1/03/05 Through 2/02/05  
 MONTHLY SE - DIGITAL ONE RATE \$59.99 59.99  
 THREE WAY CALLING .00  
 CALL WAITING .00  
 CALLER ID .00  
 PCS VOICEMAIL W/NUMERIC .00  
 TEXT MESSAGING - 0 MSGS .00  
 MOBILE TO MOBILE NATL 9.99  
 REGULATORY PROGRAMS FEE 1.75  
**TOTAL MONTHLY SERVICE CHARGES 71.73**

HOME AIRTIME CHARGES

1/03/05 Through 2/02/05 - DIGITAL ONE RATE \$59.99

Category	Minutes	Rate	Charge
UNLIM MOBILE TO MOBILE	48.0	.000	.00
INCLUDED IN PLAN	54.0	.000	.00
	102.0	.00	

TOTAL HOME AIRTIME CHARGES .00  
 OTHER CHARGES AND CREDITS

DETAIL BILLING .00  
 TOTAL OTHER CHARGES AND CREDITS .00  
 TOTAL CURRENT MONTHLY CHARGES 71.73  
 HOME AIRTIME AND LONG DISTANCE CHARGES

CALL LONG  
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0001	1/03	9:57A	M (b)(6)	COLO SP MA CO CS	1.0
0002	1/03	10:07A	MRET/CELLULAR	LOCAL CS	1.0
0003	1/03	10:28A	MRET/CELLULAR	LOCAL CS	1.0
0004	1/03	11:27A	(b)(6)	COLO SP MA CO CS	1.0
0005	1/03	11:28A		INCOMING CS	2.0
0006	1/03	11:33A	(b)(6)	COLO SP SM CO CS	1.0
0007	1/03	11:42A	(b)(6)	COLORADOSP CO CS	2.0
0008	1/03	11:51A	M (b)(6)	COLO SP MA CO CS	3.0
0009	1/03	12:38P	(b)(6)	COLORADOSP CO CS	1.0
0010	1/03	12:39P	W	INCOMING CS	4.0
0011	1/03	2:45P		INCOMING CS	4.0
0012	1/04	1:13P	MRET/CELLULAR	LOCAL CS	2.0

~~FOR OFFICIAL USE ONLY~~  
 10-11-01-26-ACLU-RDI SENSITIVE ID RDI 1777 243  
 EXHIBIT 40

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

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE  
PAGE3509.0  
FT CARSON (b)(6) (b)(6) FEB 4, 2005

CALL LONG  
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0013	1/05	8:51A M	INCOMING	CS	1.0			
0014	1/06	9:18A	INCOMING	CS	1.0			
0015	1/06	10:52A	INCOMING	CS	1.0			
0016	1/07	8:53A M	(b)(6)	COLO SP MA CO CS	1.0			
0017	1/07	10:22A	INCOMING	CS	2.0			
0018	1/07	12:28P	INCOMING	CS	2.0			
0019	1/07	3:26P M	INCOMING	CS	1.0			
0020	1/08	11:22A M	INCOMING	CS	8.0			
0021	1/08	11:46A M	INCOMING	CS	1.0			
0022	1/10	11:21A	INCOMING	CS	2.0			
0023	1/10	11:25A	(b)(6)	COLO SP SM CO CS	2.0			
0024	1/11	6:22P M	MRET/CELLULAR	LOCAL	CS	1.0		
0025	1/12	9:32A	(b)(6)	COLO SP SM CO CS	1.0			
0026	1/12	1:43P M	(b)(6)	COLO SP MA CO CS	1.0			
0027	1/12	1:51P M	INCOMING	CS	2.0			
0028	1/16	12:08P	INCOMING	WA	1.0			
0029	1/19	1:25P M	(b)(6)	COLO SP MA CO CS	1.0			
0030	1/19	2:23P M	INCOMING	CS	4.0			
0031	1/19	2:39P M	(b)(6)	COLO SP MA CO CS	1.0			
0032	1/19	4:58P	(b)(6)	PATERSON NJ CS	6.0			
0033	1/21	11:23A	INCOMING	CS	14.0			
0034	1/24	9:17A	MRET/CELLULAR	LOCAL	CS	1.0		
0035	1/24	9:18A	(b)(6)	COLO SP SM CO CS	2.0			
0036	1/24	1:14P	INCOMING	CS	2.0			
0037	1/25	11:38A	MRET/CELLULAR	LOCAL	CS	1.0		
0038	1/25	11:39A	MRET/CELLULAR	LOCAL	CS	2.0		
0039	1/25	11:40A	(b)(6)	COLO SP MA CO CS	1.0			
0040	1/25	12:51P M	(b)(6)	COLO SP MA CO CS	1.0			
0041	1/25	2:48P	MRET/CELLULAR	LOCAL	CS	1.0		
0042	1/26	11:42A	INCOMING	CS	1.0			
0043	1/26	2:25P M	(b)(6)	COLO SP MA CO CS	1.0			
0044	1/26	2:26P M	(b)(6)	COLO SP MA CO CS	1.0			
0045	1/26	2:29P	MRET/CELLULAR	LOCAL	CS	1.0		
0046	1/26	2:45P M	(b)(6)	COLO SP MA CO CS	1.0			
0047	1/26	2:50P M	INCOMING	CS	1.0			
0048	1/26	2:54P M	(b)(6)	COLO SP MA CO CS	1.0			

~~FOR OFFICIAL USE ONLY~~  
~~LAW ENFORCEMENT SENSITIVE~~  
10-L-0126 ACCEPTED BY INCID RDI 1778 244  
EXHIBIT 40

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

0498 - 04 CID 056 76349

0049	1/26	2:55P M		INCOMING	CS	1.0				
0050	1/27	2:18P M	(b)(6)	COLO SP MA CO	CS	1.0				
0051	1/27	3:44P	MRET/CELLULAR	LOCAL	CS	1.0				
0052	2/02	9:02A M		INCOMING	CS	1.0				
0053	2/02	9:03A M		INCOMING	CS	1.0				
0054	2/02	9:23A	MRET/CELLULAR	LOCAL	CS	1.0				
0055	2/02	10:35A	(b)(6)	COLO SP MA CO	CS	1.0				
TOTAL HOME AIRTIME AND LONG DISTANCE CHARGES							102.0	.00	.00	

CALL CHARACTERISTICS:

M = Mobile to Mobile, W = Call Waiting

CALL ORIGINS:

CS = Colorado Springs, WA = Washington

IF YOU HAVE ANY QUESTIONS CONCERNING YOUR INVOICE OR SERVICE,  
PLEASE CALL OUR CUSTOMER CARE DEPARTMENT: (b)(6)

~~FOR OFFICIAL USE ONLY~~  
~~LAW ENFORCEMENT SENSITIVE~~  
10-L-0126 ACCEPTED BY CID ROI EXHIBIT

**FOR OFFICIAL USE ONLY**  
**LAW ENFORCEMENT SENSITIVE**

**SWORN STATEMENT**

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

LOCATION Fort Hood Provost Marshal's Office	DATE (b)(6), (b)(7)(C) TIME (b)(6), (b)(7)(C) 18 March 2005 1330	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS 1LT/ O2
ORGANIZATION OR ADDRESS HHC, 3rd Brigade Combat Team, 4th Infantry Division		

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

My platoon moved from Samarra to Balad on 2 January 2004. We began mission planning on a raid to capture enemy insurgents. During the planning phase, FOB Eagle received mortar fire. My platoon was part of the Quick Reaction Force that responded to the mortar attack and went to the point of origin of the fires identified by the Q-36 counterbattery radar. We later learned that the mortar attack killed CPT (b)(6), (b)(7)(C), the commander of B Company, 4th Engineer Battalion. B/4th Engineers was the engineer company that was task organized under 1-8 Infantry. CPT (b)(6), (b)(7)(C) was a popular commander, well liked, and a West Point classmate of my commander, CPT (b)(6), (b)(7)(C).

After the QRF mission, we returned to FOB Attack to continue the planning phase of the upcoming raid. During a meeting at our living area at FOB Attack, CPT (b)(6), (b)(7)(C) gave a mission briefing to the platoon leaders and company executive officer. During the meeting, CPT (b)(6), (b)(7)(C) briefed that of approximately eighteen names on a target list that was distributed to all personnel in attendance, five individuals were identified as the most dangerous and subsequently "were not to come back alive." These targeted individuals' names were marked with an asterisk next to their names on the target list. After this mission brief, LT (b)(6), (b)(7)(C) and I discussed CPT (b)(6), (b)(7)(C) order. We were both concerned about the illegal order and we decided to clarify the order with CPT (b)(6), (b)(7)(C). During the briefing, we approached CPT (b)(6), (b)(7)(C) to clarify what the order meant. I understood the order to mean that those with an asterisk next to their names on the list were to be killed, and asked CPT (b)(6), (b)(7)(C) if that was his intent. CPT (b)(6), (b)(7)(C) repeated his statement that these detainees "were not to come back alive." I perceived the order to be intentionally ambiguous, and that CPT (b)(6), (b)(7)(C) intent was to "make it happen if you can."

Later, CPT (b)(6), (b)(7)(C) gave a second mission briefing that was attended by A Company's squad leaders, platoon sergeants, and platoon leaders. The mission was to conduct a raid in order to capture or kill insurgents responsible for the recent mortar attacks on Eagle FOB. The mission was to raid a number of houses, with LTC (b)(6), (b)(7)(C) in overall command, and CPT (b)(6), (b)(7)(C) responsible for Company A, 1-8 IN. My platoon and I were ultimately responsible for securing and searching twenty-five houses. The squad leaders, platoon leaders, and platoon sergeants of all platoons going on the raid were present during this briefing.

Although the order was not clear, CPT (b)(6), (b)(7)(C) knew our platoon's reputation as being the most aggressive. SFC (b)(6), (b)(7)(C) was the 1st Platoon Sergeant since prior to deployment. SFC (b)(6), (b)(7)(C) specifically asked the old battalion commander, LTC (b)(6), (b)(7)(C) if he could remain in 1st Platoon as a squad leader prior to the deployment and then eventually become the platoon sergeant once the position was open. My platoon had a reputation as being very aggressive and successful in combat operations. I perceived CPT (b)(6), (b)(7)(C) order and intent to be that he wanted us to kill the targets with an asterisk if we could find any plausible basis for doing so. CPT (b)(6), (b)(7)(C) did not expressly tell us to kill the insurgents at all costs, but did not emphasize that we should exercise restraint during the raid. I am unsure if that is how the other platoons perceived CPT (b)(6), (b)(7)(C) order.

By this time, everyone was aware that there was a mortar attack on FOB Eagle and that there were casualties. SFC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) were present during CPT (b)(6), (b)(7)(C) group briefing. At that time, SSG (b)(6), (b)(7)(C) was aware that CPT (b)(6), (b)(7)(C) was killed. SSG (b)(6), (b)(7)(C) still volunteered to go on the raid; someone higher than me (I am not sure who) approved SSG (b)(6), (b)(7)(C) participation in the raid.

I attended this second mission briefing along with 1LT (b)(6), (b)(7)(C) (the platoon leader for 2nd Platoon), SFC (b)(6), (b)(7)(C) and other leaders in the company. I went back to my platoon and briefed the mission order given by CPT (b)(6), (b)(7)(C) including the order that certain detainees were not to come back alive. I also told my platoon that they should not do anything that they were not comfortable with, and to notify me directly if one of the Iraqis with an asterisk by his name was captured. I think the platoon knew what was being asked of them after hearing CPT (b)(6), (b)(7)(C) briefing—that is, to ensure the high value targets did not "come back alive" and for us to "make it happen" if we could. SFC (b)(6), (b)(7)(C) reiterated that if any of the targets were captured that he or I must be notified.

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

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STATEMENT (Continued)

Later that evening, one of the Iraqis with an asterisk by their name on the target list was killed by SFC (b)(6), (b)(7)(C). I was with SSG (b)(6), (b)(7)(C) squad during the mission and generally in the vicinity of the EPW collection point. SFC (b)(6), (b)(7)(C) engagement occurred very early in the raid during the first house he cleared. SFC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) were alone in the room when the shooting occurred. I was not present during the shooting, but got the report over the radio. I never physically went to their location.

After the incident, SFC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) talked with me about the incident. SFC (b)(6), (b)(7)(C) said that he and SSG (b)(6), (b)(7)(C) were clearing a room; in the room was an older man, in his 50's or 60's, sitting with his back against several mattresses. SFC (b)(6), (b)(7)(C) said they didn't perceive him as a threat because he was old. He said that as they moved towards the man and before they checked his identification, SSG (b)(6), (b)(7)(C) yelled that the man was reaching for a weapon. SFC (b)(6), (b)(7)(C) said he shot and killed him with two shots to the chest and one to the head. He said that after they searched the area, they found a weapon within the man's reach. After they identified him, they realized that they killed one of the targets identified as one to be killed (i.e., that detainee had an asterisk next to his name on CPT (b)(6), (b)(7)(C) target list). I am unsure how they eventually positively identified him through the informants that were with us on the raid, through identification on the man, or through family members with the assistance of an interpreter. SFC (b)(6), (b)(7)(C) told me all of this immediately after the raid occurred. SFC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) were the only U.S. soldiers in the room with the detainee.

SFC (b)(6), (b)(7)(C) and I are very good friends and I honestly believe SFC (b)(6), (b)(7)(C) kill was legitimate. He openly told me what happened after the raid, and I think he would have confided in me if he did something illegal. SFC (b)(6), (b)(7)(C) never indicated to me that he did anything illegal, and I think he would have had he done so.

SSG (b)(6), (b)(7)(C) a squad leader attached to my platoon, shot and killed a detainee that CPT (b)(6), (b)(7)(C) identified as one to be killed (i.e., that detainee also had an asterisk next to his name on CPT (b)(6), (b)(7)(C) target list). SSG (b)(6), (b)(7)(C) and his squad were attached to my platoon in preparation for and during Operation Ivy Blizzard. We conducted several missions in Balad prior to going to Samarra on Operation Ivy Blizzard in order to develop a working relationship.

Towards the end of the raid, I got a call over the radio that SSG (b)(6), (b)(7)(C) identified a detainee that was marked on the target list with an asterisk. I started moving towards his location; as I did so, (b)(6), (b)(7)(C) said over the radio, "There is about to be contact." I then heard shots fired. When I arrived, I entered the house and saw SSG (b)(6), (b)(7)(C) in the house. SSG (b)(6), (b)(7)(C) adrenaline was rushing and he was excitable when he told me that he just shot and killed the Iraqi. Afterwards, I told SSG (b)(6), (b)(7)(C) not to be a dumb ass and say things like that over the radio. He acknowledged, and we did not discuss the incident any further either that evening or at any later date.

I think that the stage was somewhat set for SSG (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) perceived it as an opportunity to kill those responsible for CPT (b)(6), (b)(7)(C) death and the command would support it. I don't think that SSG (b)(6), (b)(7)(C) would have pulled the trigger if not for CPT (b)(6), (b)(7)(C) order. I have no knowledge of LTC (b)(6), (b)(7)(C) involvement in mission planning or any orders given during this mission.

**AFFIDAVIT**

I, \_\_\_\_\_, 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.

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

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

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

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

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

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

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

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

PAGE 2 OF 4 PAGES

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SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION Fort Hood Provost Marshal's Office	DATE 18 March 2005	TIME 1330	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <b>(b)(6), (b)(7)(C)</b>	SOCIAL SECURITY NUMBER		GRADE/STATUS 1LT/ O2
ORGANIZATION OR ADDRESS HHC, 3rd Brigade Combat Team, 4th Infantry Division			
<p>I, <b>(b)(6), (b)(7)(C)</b>, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>Most of my soldiers did carry Iraqi weapons. We usually had AK-47s and Iraqi pistols when we went out on patrol. It was logical for us to carry pistols because many missions required close-quarters firing and M-4s and M-16s were not conducive to these missions. Most NCOs carried Iraqi pistols. Eventually almost all of my platoon carried Iraqi pistols, but then we changed the policy so that only team leaders and above could carry them.</p> <p>After the raid in Balad, we conducted an After Action Review the following day. We generally went over some of the tactical issues we had about the raid. In all, the raid was considered a great success-we captured 16 out of the 18 names on the target list and had two KIAs. Nothing remarkable came out of the AAR, as we only discussed the tactical aspects of how the raid was conducted and how we can improve for the next mission.</p> <p>During the following months back at Fort Carson, SFC <b>(b)(6), (b)(7)(C)</b> and I routinely talked about our pending cases. SFC <b>(b)(6), (b)(7)(C)</b> was extremely worried after SSG <b>(b)(6), (b)(7)(C)</b> story broke and he found out that PFC <b>(b)(6), (b)(7)(C)</b> made a statement. SFC <b>(b)(6), (b)(7)(C)</b> realized that he killed a detainee during that same raid and was concerned that his actions would appear to be identical to SSG <b>(b)(6), (b)(7)(C)</b> situation. At no point has SFC <b>(b)(6), (b)(7)(C)</b> indicated to me that he did anything illegal during that raid.</p> <p>After SSG <b>(b)(6), (b)(7)(C)</b> case broke, I met with CPT <b>(b)(6), (b)(7)(C)</b> and SFC <b>(b)(6), (b)(7)(C)</b> in CPT <b>(b)(6), (b)(7)(C)</b> office at Fort Carson. We discussed the raid again, and the order that CPT <b>(b)(6), (b)(7)(C)</b> gave. CPT <b>(b)(6), (b)(7)(C)</b> was worried because he knew about the order he gave and statements he made. We all went over the incident again and discussed what happened during the raid. CPT <b>(b)(6), (b)(7)(C)</b> was worried that SSG <b>(b)(6), (b)(7)(C)</b> was going to try to place blame on him for what happened, and we specifically talked to collectively recall the events that occurred.</p> <p>I later talked to SFC <b>(b)(6), (b)(7)(C)</b> about this conversation with CPT <b>(b)(6), (b)(7)(C)</b> and SSG <b>(b)(6), (b)(7)(C)</b> case generally. We both agreed that we weren't going to do anything improper (i.e., lie, cover up, or obscure the truth) about what happened based on the situation he and I were currently in and the legal actions we were facing. We agreed that we'd just tell the facts about what happened.</p> <p>I like and respect CPT <b>(b)(6), (b)(7)(C)</b> and feel that he was a great company commander. He supported me throughout my case. I understand why CPT <b>(b)(6), (b)(7)(C)</b> feels some responsibility for what happened in these cases; he subscribed, as we all did, to the notion that you go very aggressively against the enemy, and that is the way a unit is successful and achieves success <b>(b)(6), (b)(7)(C)</b></p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <b>(b)(6), (b)(7)(C)</b>		PAGE 3 OF 4 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>			

DA FORM 2823, JUL 72

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

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STATEMENT (Continued)

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

**AFFIDAVIT**

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

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

*(Signature of Person Making Statement)*

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of March, 18 2005

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

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

410 053A

ORGANIZATION OR ADDRESS

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

*(Typed Name of Person Administering Oath)*

Title 5, USC section 303(b)

*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

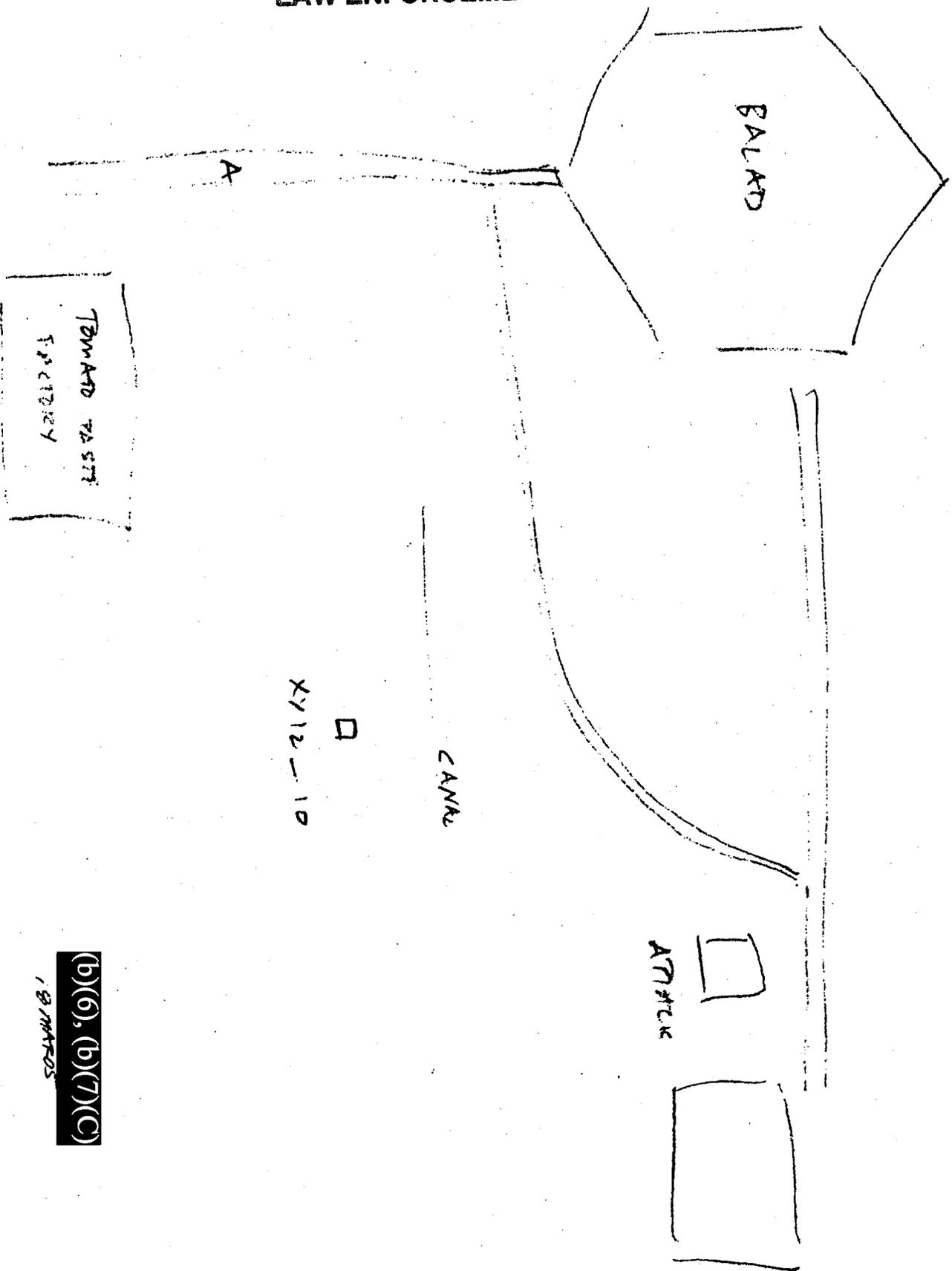
(b)(6), (b)(7)(C)

PAGE 4 OF 4 PAGES

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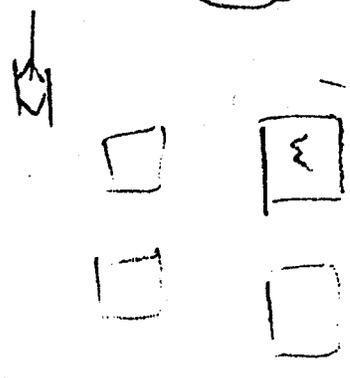
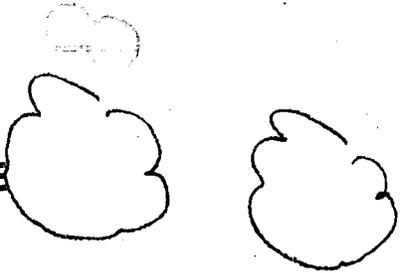


(b)(6), (b)(7)(C)  
BANKS

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W =  
P =  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)



TOMATO PASTE FILTER  
(1ST PLT)

zpw



(b)(6), (b)(7)(C)  
18 MAR 05

NA

A

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

CASE/ROI NUMBER  
0489-04-CID056-76341

0298-04-CID016

PAGE 1 OF 1 PAGE

About 0215, 6 Apr 05, SA (b)(6), (b)(7)(C) received a Cat I Request For Assistance (RFA) from the 48th Military Police Detachment (CID) Rear, Fort Carson, CO 80913-4203, requesting this office locate and interview 1LT (Inmate) (b)(6), (b)(7)(C) Regional Correctional Facility (RCF), Fort Lewis, WA (FLWA) 98433.

About 1315, 12 Apr 05, SA (b)(6), (b)(7)(C) confirmed LT (b)(6), (b)(7)(C) was aware of his rights per the Grant of Testimonial Immunity and Order to Testify in the Court Martial of U.S. vs SSG (b)(6), (b)(7)(C), dated 17 Mar 05, which he reviewed and agreed to be interviewed. LT (b)(6), (b)(7)(C) provided a Sworn Statement concerning his knowledge of the deaths of High Value Targets (HVTs) while conducting operations in Iraq. (See Sworn Statement of LT (b)(6), (b)(7)(C))

About 1600, 12 Apr 05, SA (b)(6), (b)(7)(C) coordinated with Special Agent in Charge (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) CID, Fort Carson, CO, who related no further investigative activity was needed by this office.  
///LAST ENTRY///.

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION
SA (b)(6), (b)(7)(C)		44 <sup>th</sup> Military Police Detachment (CID), Fort Lewis, WA 98433
SIGNATURE	DATE	EXHIBIT
(b)(6), (b)(7)(C)	12 Apr 05	43

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258

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

PRIVACY ACT STATEMENT

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

1. LOCATION FORT LEWIS, WA 98433	2. DATE (YYYYMMDD) 2005 04 12	3. TIME 1500	4. FILE NUMBER (b)(6), (b)(7)(C)
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS REGIONAL CORRECTIONAL FACILITY, FORT LEWIS, WA 98433			

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

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

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

Q: DID YOU HAVE A PERSONAL (OUTSIDE OF THE SCOPE OF PROFESSIONAL/MILITARY) RELATIONSHIP WITH CPT (b)(6), (b)(7)(C)?

A: NO, I arrived in Iraq when A11-8 and CPT (b)(6), (b)(7)(C) were already there. He became a mentor to me during my time as PL, and we met occasionally following redeployment.

Q: WHAT DO YOU MEAN BY "MET OCCASIONALLY"?

A: AT A11-8 company functions, stopping by his office periodically just to "catch up", etc.

Q: DID YOU AND 1LT (b)(6), (b)(7)(C) HAVE A PERSONAL RELATIONSHIP?

A: Yes, he and I knew each other at Ft. Benning prior to deploying to Iraq.

Q: WHAT TYPE OF ACTIVITIES DID YOU DO TOGETHER?

A: I went to church with him in Columbus, GA and we hung out at OBC, Ranger School, Mech course during duty hours.

Q: TO YOUR KNOWLEDGE WERE CPT (b)(6), (b)(7)(C) AND CPT (b)(6), (b)(7)(C) FRIENDS?

A: Yes.

Q: TO YOUR KNOWLEDGE WERE LT (b)(6), (b)(7)(C) AND CPT (b)(6), (b)(7)(C) FRIENDS?

A: No.

Q: WAS YOUR PLATOON INVOLVED IN THE MISSION REGARDING THE OPERATION, SMALL (b)(6), (b)(7)(C)

A: TOWN SOUTH OF BALAD?

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 8 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

EXHIBIT 259T 4L

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FT LEWIS, WA 98433 DATED 12 APR 05

## 9. STATEMENT (Continued)

A: Yes. We were tasked to cordon & search the town, looking for individuals on our target list.

Q: IN RELATION TO THE MISSION IN QUESTION, WHEN WAS CPT (b)(6), (b)(7)(C) KILLED?

A: The afternoon of 2 JAN 04. Our mission was executed on early-morning hours of 3 JAN 04.

Q: DO YOU RECALL HOW MANY HOURS TRANSPIRED BETWEEN HIS DEATH AND INITIATION OF THE CORDON & SEARCHES?

A: Roughly 8-10 hours.

Q: WHO PROVIDED THE LIST OF TARGETED INDIVIDUALS FOR THE MISSION?

A: Our informant network in Baid provided the targets to CPT (b)(6), (b)(7)(C)

Q: COULD YOU PLEASE DESCRIBE THE LIST?

A: Roughly 16-18 names, all Iraqi-males. (b)(6), (b)(7)(C)

Q: WERE ANY OF THE NAMES ON THE LIST MARKED DIFFERENT THAN ANY OTHERS? IF

SO HOW WERE THEY MARKED DIFFERENT & WHY WERE THEY MARKED DIFFERENT?

A: Yes. 5 names had an asterisk placed next to them, indicating these 5 were the funders/planners/executors and were seen as the most dangerous.

Q: CAN YOU RECALL ANY OF THE NAMES ON THE LIST? (b)(6), (b)(7)(C)

A: No.

Q: TO YOUR KNOWLEDGE WERE ANY IRAQI'S KILLED DURING THE OPERATION?

A: Yes. 2 of them were killed. See statement dated 18 MAR 05.

Q: WERE BOTH OF THOSE INDIVIDUALS TARGETS ON THE LIST?

A: Yes.

Q: DO YOU RECALL IF THEIR NAMES WERE MARKED WITH AN ASTERISK? (b)(6), (b)(7)(C)

A: Yes, they were both marked.

Q: TO YOUR KNOWLEDGE WERE ANY OF THE IRAQIS THAT WERE ON THE LIST RESPONSIBLE FOR THE DEATH OF CPT (b)(6), (b)(7)(C)?

A: It was my understanding that these 16-18 Iraqis comprised the

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 8 PAGES

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

STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT FT LEWIS, WA 58433 DATED 12 APR 05

9. STATEMENT (Continued)

group that were responsible for the mortar attacks that killed CPT **(b)(6), (b)(7)(C)**.

Q: WERE ANY OF THE PERSONS MARKED AS HIGH VALUE TARGETS (HVT'S) ON THE LIST OF TARGETS ASSIGNED TO YOUR PLATOON?

A: YES.

Q: DID CPT **(b)(6), (b)(7)(C)** GIVE THE ORDER TO ILLEGALLY KILL THE IRAQI'S WHO PLANNED AND EXECUTED THE ATTACK, WHICH RESULTED IN THE DEATH OF CPT **(b)(6), (b)(7)(C)**? IF SO, EXPLAIN.

A: His order was that if any of the 5 Iraqis with asterisks next to their name were identified, then they weren't to come back alive. These 5 individuals were identified as the most dangerous on the list of 16-18 names.

Q: DID CPT **(b)(6), (b)(7)(C)** STATE THEY WERE NOT TO RETURN ALIVE OR DID HE FEEL BASED ON THE DEATH OF CPT **(b)(6), (b)(7)(C)** THAT THEY SHOULDN'T COME BACK ALIVE? WAS IT A SPECIFIC ORDER TO KILL THOSE IRAQIS?

A: I felt his order was intended to reduce the possible large threat of the 5 Iraqis by not attempting to apprehend them. **(b)(6), (b)(7)(C)** I saw it as a specific order to kill the Iraqis. I do not feel his order resulted from his feelings regarding CPT **(b)(6), (b)(7)(C)** death, but was his attempt to reduce the threat to A/1-8 soldiers.

Q: DID YOU ASK CPT **(b)(6), (b)(7)(C)** **(b)(6), (b)(7)(C)** TO CLARIFY HIS STATEMENT WHEN HE SAID "THOSE GUYS WERE NOT TO COME BACK ALIVE" TO THE OTHER INDIVIDUALS PRESENT DURING THE OPERATIONS ORDER?

A: I asked for clarification for my benefit, not necessarily for those also present during the briefing.

Q: DID HE CLARIFY HIS ORDER TO ANY OTHER MEMBERS OF THE UNIT?

A: He restated his order to me and 1LT **(b)(6)(b)(7)(C)** at that time.

Q: DID YOU ASK HIM TO CLARIFY IT TO ANYONE ELSE?

A: No. I felt I understood his intent.

INITIALS OF PERSON MAKING STATEMENT **(b)(6), (b)(7)(C)** PAGE 3 OF 8 PAGES

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FT LEWIS, WA 98433 DATED 12 APR 05

## 9. STATEMENT (Continued)

Q: DESCRIBE CPT (b)(6), (b)(7)(C) DEMEANOR DURING THE OPERATIONS ORDER?

A: He had been upset earlier after hearing of CPT (b)(6), (b)(7)(C) death. He was calm during his operations order.

Q: WHAT DID CPT (b)(6), (b)(7)(C) TELL YOU HE HAD INTENDED WHEN HE HAD SAID "THOSE GUYS WER NOT TO COME BACK ALIVE?"

A: He didn't go into a lengthy discussion of his intentions, but simply restated his order.

Q: TO YOUR KNOWLEDGE DID ANYONE ELSE REQUEST CLARIFICATION FROM CPT (b)(6), (b)(7)(C) CONCERNING HIS ORDER?

A: 1LT (b)(6), (b)(7)(C) asked at the same time I did. I am not aware of anyone else asking CPT (b)(6), (b)(7)(C) for clarification. It possibly could have occurred, but not in my presence.

Q: WERE YOU THREATENED IN ANY WAY BY CPT (b)(6), (b)(7)(C) OR ANY OTHER INDIVIDUAL IF THE TARGETS RESPONSIBLE FOR THE DEATH OF CPT (b)(6), (b)(7)(C) RETURNED ALIVE?

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

Q: DID CPT (b)(6), (b)(7)(C) TELL YOU HE WOULD CLARIFY HIS ORDER TO THE OTHER MEMBERS PRESENT AT THE OPERATIONS ORDER, SINCE YOU PERCEIVED IT AS AN ILLEGAL ORDER?

A: No.

Q: DID YOU FEEL IT WAS AN UNLAWFUL OR ILLEGAL ORDER?

A: I asked for clarification because the order wasn't something we typically received. In asking him this and in explaining to my soldiers that they shouldn't do anything they felt uncomfortable doing, I realized it was unlawful to kill an Iraqi who did not possess a weapon or pose a serious threat to US soldiers.

Q: DID CPT (b)(6), (b)(7)(C) EXPRESS ANY CONCERNS THAT HE WOULD NOT BE ABLE TO REMAIN IMPARTIAL DURING THE OPERATION DUE TO THE DEATH OF CPT (b)(6), (b)(7)(C)?

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 8 PAGES

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

STATEMENT OF

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

TAKEN AT FT LEWIS, WA 98433

DATED 12 APR 05

9. STATEMENT (Continued)

A: Not to me. He stated that he would not enter any houses during the raid to avoid doing anything irrational.

Q: DID HE STATE THAT TO YOU?

A: Not that I remember. He may have stated it to the PLs, but I don't recall exactly.

Q: WHAT ROLE DID CPT (b)(6), (b)(7)(C) PERFORM DURING THE OPERATION? WHERE WAS HE?

A: Command and control. He positioned himself at our EPW collection point.

Q: WHERE WERE CAPTURED IRAQI'S PROCESSED? HOW WERE THEY PROCESSED?

A: They were captured and moved to our EPW collection point, close to our entrance point into the village. Once we identified names of the detainees, we transported them back to our FOB for further questions, movement to our Battalion FOB, or release.

Q: WAS LTC (b)(6), (b)(7)(C) EVER PRESENT DURING ANY BRIEFINGS OR DURING THE OPERATIONS ORDER REGARDING THE MISSION?

A: No.

Q: DO YOU KNOW SSG (b)(6), (b)(7)(C)?

A: Yes.

Q: DO YOU KNOW IF HE OR ANY OTHER MEMBER OF THE UNIT CARRIED ANY NON-US MILITARY WEAPONS?

A: Most of my team leaders and squad leaders carried non-US pistols. They were used as secondary weapons in close-quarters where m-16s hindered operations.

Q: WHERE WERE THESE WEAPONS OBTAINED FROM?

A: Previous raids, weapon caches, etc.

Q: WERE THE WEAPONS INVENTORIED OR HAND RECEIVED IN ANY WAY?

A: No. Tks and Sls simply maintained accountability of the additional weapon they would carry.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 5 OF 8 PAGES

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

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FT LEWIS, WA 98133 DATED 12 APR 05

## 9. STATEMENT (Continued)

Q: WAS THIS A NORMAL PRACTICE THROUGHOUT THE UNIT?

A: (b)(6), (b)(7)(C) my knowledge, yes. I wasn't aware of anyone approving us to carry non-US weapons, but no one above me openly objected to it.

Q: WAS CPT (b)(6), (b)(7)(C) AWARE OF THE USE OF THESE WEAPONS?

A: I don't know.

Q: WERE US GOVERNMENT PISTOLS EVER REQUESTED FOR THE UNIT'S OPERATIONS?

A: We only had 2 M9 pistols in our arms room: one for the CO and one for the ISG. Because there weren't any additional M9s, no one, including myself, requested 9mm or other US pistols. (b)(6), (b)(7)(C)

Q: WAS AMMUNITION AVAILABLE FOR THE NON-US GOVT WEAPONS UTILIZED BY UNIT PERSONNEL?

A: We used ammo found in other raids/catches. Occasionally we received additional 9mm (b)(6), (b)(7)(C) ~~ammo~~ but it wasn't allocated for use in non-US military weapons.

Q: ARE YOU IN FEAR OF YOUR LIFE OR SAFETY IF YOU COOPERATE OR TELL THE TRUTH ABOUT THIS OPERATION?

A: No.

Q: HAVE YOU BEEN THREATENED BY ANYONE FOR PROVIDING COOPERATION TO CIA? (b)(6), (b)(7)(C)

A: No.

Q: HAVE YOU BEEN CONTACTED BY ANYONE, OTHER THAN CIA, REGARDING THIS INVESTIGATION?

A: I received an order from Col (b)(6), (b)(7)(C) (3BCT Commander) not to discuss it with anyone.

Q: WHEN WAS THIS?

A: Around the time SSG (b)(6), (b)(7)(C) was placed in pre-trial.

Q: HAVE YOU RECEIVED ANY CORRESPONDENCE FROM INDIVIDUALS INVOLVED IN THIS INVESTIGATION?

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 6 OF 8 PAGES

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

STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT FT LEWIS WA 98433 DATED 12 APR 05

9. STATEMENT (Continued)

A: No.

Q: How WERE YOU TREATED TODAY?

A: Fine, No problems.

Q: WERE YOU COERCED IN ANY WAY TO PROVIDE THIS STATEMENT?

A: No.

Q: DO YOU HAVE ANYTHING TO ADD OR DELETE FROM THIS STATEMENT AT THIS TIME?

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 7 OF 8 PAGES

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

[Redacted area with handwritten "NOT USED" and "(b)(6), (b)(7)(C)" stamp]

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 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of APRIL, 2005 at FORT LEWIS, WA 98375

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

ORGANIZATION OR ADDRESS

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

ART 136 UEMJ  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 8 OF 8 PAGES

<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0489-04-CID056-76341
CID Regulation 195-1	PAGE 1 OF 2 PAGES

About 1600, 28 Apr 05, SA (b)(6), (b)(7)(C) and IA (b)(6), (b)(7)(C), this office, conducted a preliminary review of electronic data related to the government electronic mail and server accounts of 1LT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), S4, 3<sup>rd</sup> Brigade Combat Team (BCT), Fort Carson, CO 80913 (FCC), SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (currently incarcerated at the Fort Knox Regional Correctional Facility, Fort Knox, KY), CPT (b)(6), (b)(7)(C) Headquarters and Headquarters Company (HHC), 3<sup>rd</sup> BCT, FCC, LTC (b)(6), (b)(7)(C), HHC 1/8 Infantry (INF) Battalion (BN), FCC, 1LT (b)(6), (b)(7)(C) Ranger Training BN, Infantry School, Dahlonga, GA, and SFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) A Company (CO), 1/69 Combined Arms BN (CAB), FCC. The data was contained on a recordable digital video disc (DVD-R) and downloaded by and obtained from the Directorate of Information Management.

The review identified an e-mail sent by CPT (b)(6), (b)(7)(C) to SSG (b)(6), (b)(7)(C) HHC 4<sup>th</sup> Infantry Division, Fort Hood, TX, on 18 Nov 04, the same day CPT (b)(6), (b)(7)(C) was questioned by this office regarding his knowledge of the allegations against SSG (b)(6), (b)(7)(C).

About 1130, 29 Apr 05, it was determined, through an administrative review, the DVD-R containing the data referenced above should be collected as best evidence from the case file.

About 1140, 29 Apr 05, SA (b)(6), (b)(7)(C) collected the DVD-R as evidence on an Evidence Property Custody Document (EPCD), document number 140-05. (See EPCD for details)

About 1300, 2 May 05, SA (b)(6), (b)(7)(C) confirmed 1LT (b)(6), (b)(7)(C) was aware of his rights and obligations per the Grant of Testimonial Immunity and Orders to Testify in the Court Martial of U.S. vs. SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) dated 17 Mar 05 and interviewed him to clarify and expound upon earlier statements he had given regarding the allegations against SSG (b)(6), (b)(7)(C)

1LT (b)(6), (b)(7)(C) clarified a formal Operations Order (OP ORD) would have been given when his company arrived at the Forward Operating Base and before the mortar attack. He further indicated the statement made by CPT (b)(6), (b)(7)(C) that certain targets were not to come back alive was during a more informal briefing. 1LT (b)(6), (b)(7)(C) stated he attended approximately six briefings that day, but could not recall if any other inappropriate guidance was presented by CPT (b)(6), (b)(7)(C). He did state, however, that his soldiers seemed to have the impression certain targets were to be killed.

1LT (b)(6), (b)(7)(C) recalled hearing several controlled pairs of gunshots as he approached the residence in which SSG (b)(6), (b)(7)(C) had indicated over the net contact was about to occur. He stated that when he arrived the women and children were outside of the residence, but he did not recall if there were any additional male detainees.

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION: 48 <sup>th</sup> Military Police Detachment (CID) Fort Carson, CO 80913	
SIGNATURE	DATE: 15 JUN 05	EXHIBIT: 115	

<b>AGENT'S INVESTIGATION REPORT</b>	ROI NUMBER 0489-04-CID056-76341
CID Regulation 195-1	PAGE 2 OF 2 PAGES

1LT (b)(6), (b)(7)(C) indicated CPT (b)(6), (b)(7)(C) was at the detainee processing point during the raids. He could not recall if CPT (b)(6), (b)(7)(C) had a driver or other soldiers assigned to him specifically during that time. 1LT (b)(6), (b)(7)(C) observed LTC (b)(6), (b)(7)(C) at the detainee processing point after the raids had concluded.

About 1151, 17 May 05, SA (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) who rendered a sworn statement wherein he further clarified his earlier statements regarding the carrying of non-U.S. weapons by soldiers assigned to A CO 1/8 INF BN. (See Sworn Statement for details)

About 1330, 15 Jun 05, SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C), 4<sup>th</sup> ID OSJA, FHT, who opined there was probable cause to believe CPT (b)(6), (b)(7)(C) committed the offense of Solicitation to Commit Murder.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION: 48 <sup>th</sup> Military Police Detachment (CID) Fort Carson, CO 80913
SIGNATURE: [Redacted]	DATE: 15 JUN 05
	EXHIBIT: 45

## SWORN STATEMENT

FILE NUMBER : 0489-04-CW056-76341  
 LOCATION : Fort Carson, CO  
 DATE : 17 May 05 TIME: 115 (b)(6), b(7)(C)  
 NAME : (b)(6), (b)(7)(C)  
 SSAN : Grade/Status: O3/AD  
 ORG/ADDRESS : (b)(6), (b)(7)(C)

## AFFIDAVIT

(b)(6), (b)(7)(C) want to make the following statement under oath: The use of Sterling 9mm weapons were authorized for use by Bradley Commander platoon leaders and platoon sergeants for use on their Bradley Fighting Vehicles. This authorization was provided by the company commander in order to give the leaders a weapon that was more functional and easier to use than the bulky M16 that was originally issued. The MTOE for a mechanized infantry company did not provide leaders with M4s or M9s which would have been ideal for the leaders during the urban operations we were conducting in Iraq. CPT (b)(6), (b)(7)(C) made many attempts to get the battalion commander to approve the lateral transfer of M4s from units that did not conduct tactical urban operations to the line companies. (example: transfer the battalion DFAC NCO's M4 from HHC to Alpha company, 1<sup>st</sup> Platoon, 1<sup>st</sup> Squad, Team Leader)

The company translator was (b)(6), (b)(7)(C). He was the Arabic interpreter for the whole company and not just CPT (b)(6), (b)(7)(C) personal interpreter. He is Kurdish and joined the company while conducting operations near Kirkuk (b)(6), (b)(7)(C)

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

A:

Q: Was CPT (b)(6), (b)(7)(C) your company commander?

A: Yes.

Q: Did you hear CPT (b)(6), (b)(7)(C) verbally approve of the carrying of Sterlings?

A: Yes.

Q: Do you have direct knowledge that squad leaders and above carried non-U.S. issue 9mm handguns?

A: Platoon sergeants and platoon leaders, yes, but not squad leaders.

Q: Were the Sterling 9mms destroyed upon redeployment?

A: Yes, they were destroyed prior to redeployment.

Q: Were the Sterlings signed out or otherwise officially documented as being in the possession of Bradley commanders?

A: No.

Q: Did you ever observe (b)(6), (b)(7)(C) behave in a violent manner towards Iraqi civilians or detainees?

A: Yes.

Q: How did CPT (b)(6), (b)(7)(C) or other leaders respond when they observed (b)(6), (b)(7)(C) behave violently or inappropriately with civilians?

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

Page 1 of 2 Pages

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"Statement of (b)(6), (b)(7)(C) taken on 17 May 05, at Fort Carson, CO, Continued:"

A: With intense verbal reprimand.

Q: Can you describe any specific incidents during which (b)(6)(b)(7) became violent with Iraqi civilians?

A: No.

Q: Were you present for any briefings provided by CPT (b)(6), (b)(7)(C) to his platoon leaders regarding the series of raids you understand to be under investigation?

A: Not that I remember.

Q: Were you present for the operations order given by CPT (b)(6), (b)(7)(C) to squad leaders and above the series of raids you understand to be under investigation?

A: Yes.

Q: Do you recall any inappropriate guidance or an order to violate the rules of engagement being given by CPT (b)(6), (b)(7)(C) during that operations order?

A: No.

Q: Is there anything else you would like to add to your statement?

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

I, (b)(6), (b)(7)(C), HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAW (b)(6), (b)(7)(C)

WITNESSES:

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

ORGANIZATION AND ADDRESS

\_\_\_\_\_  
Subscribed and sworn to before me, a person authorized by law  
to (b)(6), (b)(7)(C), (b)(7)(F)  
at \_\_\_\_\_

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

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

EXHIBIT 27046

**FOR OFFICIAL USE ONLY**  
**LAW ENFORCEMENT SENSITIVE**

09-04 CID056 76341

CRIME LAB EXAMINATION REQUEST <small>For use of this form, see AR 195-5; the proponent agency is the United States Army Criminal Investigation Command.</small>		LAB USE ONLY	
<b>TO: (Include Zip Code)</b> LABORATORY DIRECTOR USACIL 4553 N 2nd Street Forest Park, GA 30297-5122  <b>ATTN:</b> Serology Div Firearms Div		<b>REFERRAL NUMBER</b>	
		RECEIVED	RETURNED
		REGIS MAIL	REGIS MAIL
		RY EXP	RY EXP
		HAND	HAND
		DATE	DATE
<b>3. AUTOVON AND PHONE NUMBER</b> DSN 883-1084/ (719) 524-1082		RECEIVED BY	
		EVIDENCE RECEIPT	
<b>1. CONTRIBUTOR CASE NUMBER</b> 0489-04-CID056		<b>2. INVESTIGATOR'S NAME</b> SA (b)(6), (b)(7)(C)	
<b>4. SUSPECT(S) (Last, first and middle name(s))</b> SSG (b)(6), (b)(7)(C) PFC			
<b>5. VICTIM(S) (Last, first and middle name(s))</b> Mr. Naser ISMAIL			
<b>6. TYPE OF OFFENSE</b> Murder		<b>7. ONE COPY OF EVIDENCE RECEIPT INCLOSED WITH EVIDENCE</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
		<b>8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<b>9. IF "YES" IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERRAL NUMBER(S)</b>			
<b>10. EVIDENCE SUBMITTED</b>			
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT		
1 2 3 4 5 6 7	Flashlight, Item #1, VO 219-04 Boots, pair, Item #2, VO 219-04 Body Armor, Item #3, VO 219-04 Ammo pouches, Item 4, VO 219-04 Boots, pair, Item #5, VO 219-04 Rifle, M4, Item #1 VO 220-04 Rifle, M16, Item #2 VO 220-04  <div style="text-align: right;">                         (Ex 1-5)                          Box 1                          REGISTERED MAIL                          RR486337819 US                          22 NOV 04                           (Ex 6+7)                          Box 2                          REGISTERED MAIL                          RR486337822 US                          22 NOV 04                     </div>		

**FOR OFFICIAL USE ONLY**  
REPLACES DA FORM 3655-R, 1 NOV 70, WHICH IS OBSOLETE

271 APPC V1.00

a. EXHIBIT

b. DESCRIPTION OF EXHIBIT

11. EXAMINATION(S) REQUESTED (Briefly furnish any information or instructions that might assist the laboratory in examining, evaluating or returning evidence and/or report.)

Serological Division:

Examine Exhibits 1 through 7 and determine whether any identifiable serological and trace evidence exists. Retain all identifiable serological and trace evidence for future comparison. The end cap of Exhibit 1 was reportedly used to assault the victim about the head and body. Exhibits 2 through 5 were worn during the assault and present during the shooting of the victim.

Firearms Division:

Examine Exhibits 6 and 7 and determine functionality. Determine identifiable characteristics for future comparison.

Conduct any other examinations you deem necessary.

Synopsis: See Initial Report

Agent's Note: Leads sent to obtain additional evidence from crime scene in Iraq.

Evidence above has not been

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

TYPED/PRINTED NAME OF REQUESTOR

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

2 Nov 04



0489 04 CID056 76341  
FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

DEPARTMENT OF THE ARMY  
US ARMY CRIMINAL INVESTIGATION LABORATORY  
4553 N 2ND STREET  
FOREST PARK, GA 30297-5122

CILA-FA

10 December 2004

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 48TH MILITARY POLICE  
DETACHMENT, SIXTH MILITARY POLICE GROUP, USACIDC, 6525 SPECKER  
AVENUE, BUILDING 1816, FORT CARSON, CO 80913

SUBJECT: Firearms Division - Final Report  
USACIL Case Number 2004-CID131-2191  
Submitter Case Number 0489-04-CID056-76341

EXHIBITS:

- 6 - Rifle, M4 carbine SN: W035078 (Item 1, Doc 220-04).
- 7 - Rifle, M16A4 SN: 10810605 (Item 2, Doc 220-04).

FINDINGS:

1. Examination of Exhibit 6(rifle) disclosed it to be operational with its incorporated safety features working properly. The trigger pull of Exhibit 6 is approximately 8 ½ pounds in semi-automatic mode and approximately 10 pounds in burst mode.
2. Examination of Exhibit 7(rifle) disclosed that it is operational with its incorporated safety features working properly. The trigger pull of Exhibit 7 is approximately 8 pounds in semi-automatic mode and approximately 10 ½ pounds in burst mode.
3. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned.



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE 1 of 2

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CILA-FA

SUBJECT: Firearms Division - Final Report  
USACIL Case Number 2004-CID131-2191  
Submitter Case Number 0489-04-CID056-76341

4. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Division, DSN 797-7082/7109/7110, Commercial (404) 469-7082/7109/7110, Fax DSN 797-7112, or Email: usacil@usacil.army.mil.

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



DEPARTMENT OF THE ARMY  
US ARMY CRIMINAL INVESTIGATION LABORATORY  
4553 N 2ND STREET  
FOREST PARK, GA 30297-5122

CILA-SD

01 February 2005

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 48TH MILITARY POLICE  
DETACHMENT, SIXTH MILITARY POLICE GROUP, USACIDC, 6525 SPECKER  
AVENUE, BUILDING 1816, FORT CARSON, CO 80913

SUBJECT: Serology/DNA Division - Final Report  
USACIL Case Number 2004-CID131-2191  
Submitter Case Number 0489-04-CID056-76341

EXHIBITS:

- 1 - Flashlight (Item 1, Doc 219-04).
- 2 - Boots (Item 2, Doc 219-04).
- 3 - Body armor (Item 3, Doc 219-04).
- 4 - Ammo pouches (Item 4, Doc 219-04).
- 5 - Boots (Item 5, Doc 219-04).
- 6 - Rifle (Item 1, Doc 220-04).
- 7 - Rifle (Item 2, Doc 220-04).

FINDINGS:

1. Chemical testing on Exhibit 3 (body armor) indicated the possible presence of blood.
2. Exhibits 1 (flashlight), 2 (boots), 4 (ammo pouches), 5 (boots), 6 (rifle) and 7 (rifle) did not demonstrate the presence of blood.
3. If additional DNA analysis is deemed necessary, please resubmit Exhibit 3 (body armor) along with reference samples for comparison purposes.



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

EXHIBIT 275 49

CILA-SD

SUBJECT: Serology/DNA Division - Final Report  
USACIL Case Number 2004-CID131-2191  
Submitter Case Number 0489-04-CID056-76341

4. The evidence will be returned upon completion of all testing.
5. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Division, DSN 797-7082/7109/7110, Commercial (404) 469-7082/7109/7110, Fax DSN 797-7112, or Email: usacil@usacil.army.mil.

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

Forensic DNA Examiner

EXHIBIT

FOR OFFICIAL USE ONLY

EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPRICID SEQUENCE NUMBER

0489-04-CID050

For use of this form see AR 190-45 and AR 195-9 (the predecessor agency is US Army)

LAW ENFORCEMENT SENSITIVE

REPORT/CID ROI NUMBER

Criminal Investigation Command

RECEIVING ACTIVITY

48th MP Det (CID)

LOCATION

Fort Carson, CO 80913

NAME, GRADE AND TITLE OF PERSON

OWNER

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

ADDRESS (Include Zip Code)

ECW, 118 Inf  
Fort Carson, CO 80913

OTHER

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

REASON OBTAINED

Evidence

TIME/DATE OBTAINED

1252-0105, 18NOV04

ITEM NO.

QUANTITY

DESCRIPTION OF ARTICLES

(Include model, serial number, condition and unusual marks or scratches)

1	1	flash light, bearing "D2020928355", sealed and marked for ID 1252, 18NOV04, (b)(6), (b)(7)(C)
2	1	boots pair, size 10W, desert suede type construction. items sealed and marked for ID 1256, 18NOV04, (b)(6), (b)(7)(C)
3	1	Body armor, bearing "(b)(6), (b)(7)(C)" brand name "Point Blank" size large, item sealed and marked for ID 1257, 18NOV04, (b)(6), (b)(7)(C)
4	2	Ammo pouches, green, bearing "US", sealed and marked for ID 0100, 18NOV04, (b)(6), (b)(7)(C)
5	1	boots pair, size 10W, desert suede type construction, items sealed and marked for ID 0105, 18NOV04, (b)(6), (b)(7)(C) // 111 HAS 7 Items //

CHAIN OF CUSTODY

ITEM NO.

DATE

RELEASED BY

RECEIVED BY

PURPOSE OF CHANGE OF CUSTODY

1 thru 5	18 Nov 04	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Released to Evidence Custodian
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SIGNATURE

NAME, GRADE OR TITLE

NAME, GRADE OR TITLE

SIGNATURE

SIGNATURE

NAME, GRADE OR TITLE

NAME, GRADE OR TITLE

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NAME, GRADE OR TITLE

NAME, GRADE OR TITLE

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

DOCUMENT NUMBER

219-04

USAP 277



EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER  
0489-04-CID056

For use of this form see AR 190-45 and AR 195-3, the proponent agency is US Army  
Criminal Investigation Command

CRD REPORT/CID ROI NUMBER  
76341

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

RECEIVING ACTIVITY 48 <sup>th</sup> Military Police Detachment (CID)(Rear)	LOCATION Fort Carson, CO 80913
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> OTHER 1LT (b)(6), (b)(7)(C)	ADDRESS (Include Zip Code) HHC 4 <sup>TH</sup> EN BN FORT CARSON, CO 80913
LOCATION FROM WHERE OBTAINED FROM THE HANDS OF 1LT (b)(6), (b)(7)(C) WHILE AT BLDG 1816, FORT CARSON, CO 80913	REASON OBTAINED EVIDENCE
	TIME/DATE OBTAINED 1100 / 19 NOV 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1	1	Recommendation for Award, DA Form 638 with a Sworn Statement, DA Form 2823, of SSG (b)(6), (b)(7)(C) and typed statement from 1LT (b)(6), (b)(7)(C) as supporting documents. DA Form 638 is dated 19 Jan 04 and bears the signatures of 1LT (b)(6), (b)(7)(C) and 1LT (b)(6), (b)(7)(C). DA Form 2823 is dated 14 Jan 04 and bears the signatures of 1LT (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C). The typed statement bears the name of 1LT (b)(6), (b)(7)(C) and his Social Security Number, (b)(6), (b)(7)(C) but is unsigned. Item consists of three typed and hand written documents on white paper with black printing. The documents are stapled together and are in folded condition. MFID with 1100 19 Nov 04 (b)(6), (b)(7)(C) LAST ENTRY///

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	19 Nov 04	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	EVALUATION AS EVIDENCE
1	19 Nov 04	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	RECEIVED BY EVIDENCE CUSTODIAN
		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	

DA FORM 4137  
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and  
DA FORM 4137-R Private Property  
26 Sep 75 Which are Obsolete.

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DOCUMENT NUMBER 222-04  
279

LAW ENFORCEMENT SENSITIVE

CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
		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	
		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	

**FINAL DISPOSITION ACTION**

RELEASE TO OWNER OR OTHER (Name/Unit) \_\_\_\_\_

DESTROY \_\_\_\_\_

OTHER (Specify) \_\_\_\_\_

**FINAL DISPOSITION AUTHORITY**

ITEM(S) \_\_\_\_\_ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING \_\_\_\_\_ (Grade)

\_\_\_\_\_ (Name) \_\_\_\_\_ (Organization) (IS) (ARE) NO LONGER

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article(s) must be retained, do not sign, but explain in separate correspondence.)

\_\_\_\_\_  
 (Typed/Printed Name, Grade, Title) (Signature) (Date)

**WITNESS TO DESTRUCTION OF EVIDENCE**

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) \_\_\_\_\_ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE

\_\_\_\_\_  
 (Typed/Printed Name, Organization) (Signature)

**EVIDENCE/PROPERTY CUSTODY DOCUMENT**

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER  
0489-04-CID056  
CRD REPORT/CID ROI NUMBER  
76341

RECEIVING ACTIVITY  
48<sup>th</sup> Military Police Detachment (CID)

LOCATION  
Fort Carson, CO 80913

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

ADDRESS (Include Zip Code)

OWNER  
 OTHER Case File, ROI 0489-04-CID056-76341

NA

LOCATION FROM WHERE OBTAINED  
Room 141, Building 1816, Fort Carson, CO 80913

REASON OBTAINED  
Evaluation as Evidence

TIME/DATE OBTAINED  
1140, 29 Apr 05

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1.	1	Best evidence, DVD-R, plastic type construction, approximately 12cm in diameter, undamaged condition, clear of and copper in color, bears manufacturer marking "imation" and black in color handwriting "Investigation APR 05". DVD-R contains data files downloaded from a computer server unsuitable for collection as evidence. DVD-R is contained within a plastic type construction, black and clear of color jewel case. DVD-R and jewel case were MFID with 1140 29 Apr 05 (b)(6), (b)(7)(C) Last Item///

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY		PURPOSE OF CHANGE OF CUSTODY
1	29 Apr 05	SIGNATURE		Received by Evidence Custodian
		NAME, GRADE OR TITLE Case File, ROI 489-04-CID056-76341		
		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	

DA FORM 4137  
1 Jul 76

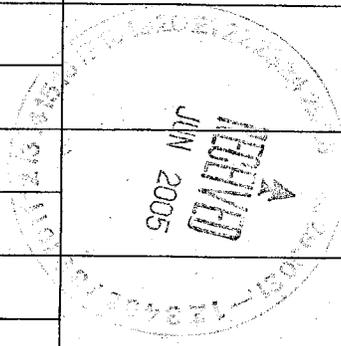
Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

LOCATION A38

DOCUMENT NUMBER 140 281 5

CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
		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	
		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	



FINAL DISPOSITION ACTION

RELEASE TO OWNER OR OTHER (Name/Unit) \_\_\_\_\_  
 DESTROY \_\_\_\_\_  
 OTHER (Specify) \_\_\_\_\_

FINAL DISPOSITION AUTHORITY

ITEM(S) \_\_\_\_\_ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING \_\_\_\_\_ (Grade)  
 \_\_\_\_\_ (Name) \_\_\_\_\_ (Organization) (IS) (ARE) NO LONGER

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article(s) must be retained, do not sign, but explain in separate correspondence.)

\_\_\_\_\_  
 (Typed/Printed Name, Grade, Title) (Signature) (Date)

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) \_\_\_\_\_ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE

\_\_\_\_\_  
 (Typed/Printed Name, Organization) (Signature)