

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

SUSPENSE DATE (YYYYMMDD)

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

20051208

PRIVACY ACT STATEMENT

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

1. THRU	2. TO Crime Records Center Attn: CIRC-FP 5010 6th Street Ft. Belvoir, VA 22060-5506	3. FROM Operations Officer 11th MP BN (CID) Baghdad, Iraq 09342
4. USACIDC CONTROL NUMBER 0031-04-CID259-80336	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

7. NAME OF SUBJECT (Last, First, MI) (b)(6), (b)(7)(C)	8. GRADE 2LT	9. SSN (b)(6), (b)(7)(C)	10. DATE OF BIRTH (YYYYMMDD) (b)(6), (b)(7)(C)
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11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
Murder	20040915	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	UCMJ Charges Dropped.
Conspiracy	20040915	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	UCMJ Charges Dropped
Communicating a Threat	20040915	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	UCMJ Charges Dropped Con't on Pg.2

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

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:

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

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN

FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING

ADVERSE OER/NCOER COMMENT

RELIEF FOR CAUSE OER/NCOER

SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE

DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)

Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

SUMMARIZED FIELD GRADE GCMCA IMPOSED

COMPANY GRADE GENERAL OFFICER IMPOSED

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

SUMMARY COURT MARTIAL GENERAL COURT-MARTIAL

SPECIAL COURT-MARTIAL CIVILIAN OR MAGISTRATE CRIMINAL COURT

13. JUDICIAL FINDINGS

GUILTY
 NOT GUILTY

DISMISSED
 OTHER

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

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

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

15. REMARKS

Continued from Page 1, Block 11a: OFFENSE(S)-Obstructing Justice, DATE OF OFFENSES-20040915, Action Taken-No. UCMJ Charges Dropped.

About 2200, 8 Dec 05, SA (b)(6), (b)(7)(C) received email from SA (b)(6), (b)(7)(C) 78th MP Det (CID), Ft. Riley, KS, confirming all UCMJ charges against 2LT (b)(6), (b)(7)(C) were dropped.

REPORTING

16. TYPE, NAME AND GRADE OF COMMANDING OFFICER

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

16c. DATE OF REPORT (YYYYMMDD)
2005 12 08

16.

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION For use of this form, see AR 190-45 and AR 195-2; the proponent agency is DCSOPS.		SUSPENSE DATE 20041020	
THRU:	TO: US ARMY CRIME RECORDS CENTER 6010 6TH STREET, FT BELVOIR, VA 22060	FROM: OPERATIONS OFFICER 11TH MP BN (CID) BAGHDAD, IRAQ APO AE 09342	
USACRC CONTROL NUMBER 0331-04-CID259-80336 - 5H	MP REPORT NUMBER	SUB-INSTALLATION IDENTIFIER	
<p><i>To be completed by the commander or supervisor of the subject identified below and in corresponding MP/CID report. Check all applicable blocks. Briefly explain circumstances not covered by blocks. For multiple offenses resulting in more than one type of action taken or action taken for offenses not listed in the report, explain in REMARKS which offenses apply to blocks checked and action taken for other offenses. Retain last copy and return all others to addressee indicated in "TO" block on completion of final action.</i></p>			
NAME OF SUBJECT (Last, First, MI) (b)(6), (b)(7)(C)	GRADE SGT	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	DATE OF BIRTH (b)(6), (b)(7)(C)
OFFENSE(S) MURDER, CONSPIRACY, COMMUNICATING A THREAT, OBSTRUCTING JUSTICE		DATE OF OFFENSE(S) 20040801	
ACTION TAKEN			
A <input type="checkbox"/> *NONE 1 <input type="checkbox"/> INSUFFICIENT EVIDENCE (Explain in remarks) 2 <input type="checkbox"/> OTHER (Explain in remarks) *Subject was advised that although no action was taken, the report will be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).			
B <input type="checkbox"/> ADMINISTRATIVE C <input type="checkbox"/> NONJUDICIAL (Article 15, UCMJ)			
D <input checked="" type="checkbox"/> JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences) 1 <input type="checkbox"/> SUMMARY COURT-MARTIAL 2 <input type="checkbox"/> SPECIAL COURT-MARTIAL 3 <input checked="" type="checkbox"/> GENERAL COURT-MARTIAL 4 <input type="checkbox"/> CIVIL COURT			
JUDICIAL FINDINGS			
A <input checked="" type="checkbox"/> GUILTY B <input type="checkbox"/> NOT GUILTY C <input type="checkbox"/> DISMISSED D <input type="checkbox"/> OTHER (For example, guilty of a lesser included offense) (Explain below)			
RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION			
A <input type="checkbox"/> REPRIMAND/ADMONITION (Strike inappropriate word) 1 <input type="checkbox"/> ORAL 2 <input type="checkbox"/> IN WRITING NOT CHECKED (b)(6), (b)(7)(C)			
B <input checked="" type="checkbox"/> DETENTION/FORFEITURE/FINED (Strike inappropriate words) \$ _____ / _____ MONTHS			
C <input checked="" type="checkbox"/> REDUCED FROM <u>E-5</u> TO <u>E-1</u> D <input type="checkbox"/> EXTRA DUTY FOR _____ DAYS E <input type="checkbox"/> RESTRICTED FOR _____ DAYS			
F <input type="checkbox"/> CORRECTIONAL CUSTODY FOR _____ DAYS G <input checked="" type="checkbox"/> CONFINED <u>50</u> YEARS _____ MONTHS			
H <input checked="" type="checkbox"/> PUNITIVE DISCHARGE ADJUDGED (type) <u>DISHONORABLE</u>			
I <input type="checkbox"/> ADMINISTRATIVE DISCHARGE UP PARA _____, AR _____, EFFECTIVE _____			
J <input type="checkbox"/> OTHER, FOR EXAMPLE, SUSPENSION OF DRIVING PRIVILEGES (Explain below)			
REMARKS			
TYPED NAME & GRADE OF COMMANDING OFFICER (b)(6), (b)(7)(C)		DATE OF REPORT 20050806	

DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: Commander, Headquarters, 3d Infantry Division, Camp Liberty, Iraq APO AE 09352

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v Sergeant/E5 (b)(6), (b)(7)(C) C Company, 1st Battalion, 41st Infantry Regiment, 2nd Brigade Combat Team, (10th Mountain Division (Light Infantry)), 3d Infantry Division(Forward); APO AE 09352.

2. Trial by **GENERAL** court-martial on 25 February 2005, at Camp Arifjan, Kuwait; 10, 12, and 13 May 2005, at Camp Liberty Iraq, convened by: CMCO Number 1, Headquarters, 3d Infantry Division(Forward), Camp Liberty, Iraq, dated 15 January 2005; as amended by CMCO Number 3, same headquarters, dated 18 February 2005; as amended by CMCO Number 6, same headquarters, dated 18 April 2005; as amended by CMCO Number 8, same headquarters, dated 2 May 2005; as amended by CMCO Number 10, same headquarters, dated 9 May 2005.

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
I	118	1	Premeditated murder	G*	G
		2	Premeditated murder	G**	G**
II	134	The	Obstruction of justice	NG	NG
Add	81	The	Conspiracy to commit murder	NG	NG

*Pled guilty to the lesser-included offense of unpremeditated murder, Article 118(2).

**Pled and found guilty of the lesser-included offense of act inherently dangerous to another, Article 118(3)

4. **SENTENCE: To be reduced to the grade of E-1, to be confined for life with eligibility for parole, and to be discharged from the service with a dishonorable discharge.**

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD): 20050513.
(See UCMJ Articles 57-58b and R.C.M. 1101.)

6. Contents of pretrial agreement concerning sentence, if any: The Convening Authority agrees to disapprove any confinement adjudged in excess of twenty-five (25) years. Any other lawfully adjudged punishment may be approved.

7. Number of days of pre-sentence confinement, if any: 239 days.

8. Number of days of judge-ordered administrative credit for pre-sentence confinement or restriction found tantamount to confinement, if any: 4 days.

9. Total pre-sentence confinement credit toward post-trial confinement: 243 days.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: U.S. v (b)(6), (b)(7)(C)

11. DNA processing IAW 10 U.S.C. § 1565 is is not required.

12. Conviction(s) does does not require sex offender registration IAW 42 U.S.C. § 14071.

CF: Unit Commander SJA TDS MJ Post-trial
Confinement Facility GCMA CID CDR, 3rd Finance Company

MJ: COL (b)(6), (b)(7)(C) DC: CPT (b)(6), (b)(7)(C) ADC: Cf (b)(6), (b)(7)(C)
TC: CPT ATC: CPT CR: SPC

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

SIG

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

RANK
MAJ

BRA
JA

10-L-0126 ACLU DD III (CID ROI) 2065

DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: Commander, Headquarters, 3d Infantry Division, Camp Liberty, Iraq APO AE 09352

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v Sergeant/E5 (b)(6), (b)(7)(C), C Company, 1st Battalion, 41st Infantry Regiment, 2nd Brigade Combat Team, (10th Mountain Division (Light Infantry)), 3d Infantry Division(Forward), APO AE 09352.

2. Trial by **GENERAL** court-martial on 25 February 2005, at Camp Arifjan, Kuwait; 10, 12, and 13 May 2005, at Camp Liberty Iraq, convened by: CMCO Number 1, Headquarters, 3d Infantry Division(Forward), Camp Liberty, Iraq, dated 15 January 2005; as amended by CMCO Number 3, same headquarters, dated 18 February 2005; as amended by CMCO Number 6, same headquarters, dated 18 April 2005; as amended by CMCO Number 8, same headquarters, dated 2 May 2005; as amended by CMCO Number 10, same headquarters, dated 9 May 2005.

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
I	118	1	Premeditated murder	G*	G
		2	Premeditated murder	G**	G**
II	134	The	Obstruction of justice	NG	NG
Add	81	The	Conspiracy to commit murder	NG	NG

*Pled guilty to the lesser-included offense of unpremeditated murder, Article 118(2).

**Pled and found guilty of the lesser-included offense of act inherently dangerous to another, Article 118(3).

4. **SENTENCE: To be reduced to the grade of E-1, to be confined for life with eligibility for parole, and to be discharged from the service with a dishonorable discharge.**

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD): 20050513.
(See UCMJ Articles 57-58b and R.C.M. 1101.)

6. Contents of pretrial agreement concerning sentence, if any: The Convening Authority agrees to disapprove any confinement adjudged in excess of twenty-five (25) years. Any other lawfully adjudged punishment may be approved.

7. Number of days of pre-sentence confinement, if any: 239 days.

8. Number of days of judge-ordered administrative credit for pre-sentence confinement or restriction found tantamount to confinement, if any: 4 days.

9. Total pre-sentence confinement credit toward post-trial confinement: 243 days.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: U.S. v (b)(6), (b)(7)(C)

11. DNA processing IAW 10 U.S.C. § 1565 is is not required.

12. Conviction(s) does does not require sex offender registration IAW 42 U.S.C. § 14071.

CF: Unit Commander
Confinement Facility

SJA
GCMA

TDS
CID

MJ Post-trial
CDR, 3rd Finance Company

MJ: COL (b)(6), (b)(7)(C) DC: CPT (b)(6), (b)(7)(C) ADC: CP (b)(6), (b)(7)(C)
TC: CPT (b)(6), (b)(7)(C) ATC: CP (b)(6), (b)(7)(C) CR: SPC (b)(6), (b)(7)(C)

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

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

RANK
CPT

10-L-0126 ACLU DD III (CID ROI) 2066

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION <small>For use of this form, see AR 190-45 and AR 195-2; the proponent agency is DCSOPS.</small>		SUSPENSE DATE 20041020	
THRU:	TO: US ARMY CRIME RECORDS CENTER 6010 6TH STREET, FT BELVOIR, VA 22060	FROM: OPERATIONS OFFICER 11TH MP BN (CID) BAGHDAD, IRAQ APO AE 09342	
USACRC CONTROL NUMBER 0331-04-CID259-80336 -5H	MP REPORT NUMBER	SUB-INSTALLATION IDENTIFIER	
<p><i>To be completed by the commander or supervisor of the subject identified below and in corresponding MP/CID report. Check all applicable blocks. Briefly explain circumstances not covered by blocks. For multiple offenses resulting in more than one type of action taken or action taken for offenses not listed in the report, explain in REMARKS which offenses apply to blocks checked and action taken for other offenses. Retain last copy and return all others to addressee indicated in "TO" block on completion of final action.</i></p>			
NAME OF SUBJECT (Last, First, MI) (b)(6), (b)(7)(C)	GRADE SPC	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	DATE OF BIRTH (b)(6), (b)(7)(C)
OFFENSE(S) MURDER, CONSPIRACY, FALSE OFFICIAL STATEMENT		DATE OF OFFENSE(S) 20040801	
ACTION TAKEN			
A <input type="checkbox"/> *NONE 1 <input type="checkbox"/> INSUFFICIENT EVIDENCE (Explain in remarks) 2 <input type="checkbox"/> OTHER (Explain in remarks) <i>*Subject was advised that although no action was taken, the report will be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).</i>			
B <input type="checkbox"/> ADMINISTRATIVE C <input type="checkbox"/> NONJUDICIAL (Article 15, UCMJ)			
D <input checked="" type="checkbox"/> JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences) 1 <input type="checkbox"/> SUMMARY COURT-MARTIAL 2 <input type="checkbox"/> SPECIAL COURT-MARTIAL 3 <input checked="" type="checkbox"/> GENERAL COURT-MARTIAL 4 <input type="checkbox"/> CIVIL COURT			
JUDICIAL FINDINGS			
A <input checked="" type="checkbox"/> GUILTY B <input type="checkbox"/> NOT GUILTY C <input type="checkbox"/> DISMISSED D <input type="checkbox"/> OTHER (For example, guilty of a lesser included offense) (Explain below)			
RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION			
A <input type="checkbox"/> REPRIMAND/ADMONITION (Strike inappropriate word) 1 <input type="checkbox"/> ORAL 2 <input type="checkbox"/> IN WRITING			
B <input type="checkbox"/> DETENTION/FORFEITURE/FINED (Strike inappropriate words) \$ _____ / _____ MONTHS			
C <input checked="" type="checkbox"/> REDUCED FROM <u>E-4</u> TO <u>E-1</u> D <input type="checkbox"/> EXTRA DUTY FOR _____ DAYS E <input type="checkbox"/> RESTRICTED FOR _____ DAYS			
F <input type="checkbox"/> CORRECTIONAL CUSTODY FOR _____ DAYS G <input checked="" type="checkbox"/> CONFINED <u>5</u> YEARS _____ MONTHS			
H <input checked="" type="checkbox"/> PUNITIVE DISCHARGE ADJUDGED (type) <u>DISHONORABLE</u>			
I <input type="checkbox"/> ADMINISTRATIVE DISCHARGE UP PARA _____, AR _____ - _____, EFFECTIVE _____			
J <input type="checkbox"/> OTHER, FOR EXAMPLE, SUSPENSION OF DRIVING PRIVILEGES (Explain below)			
REMARKS			
TYPED NAME & GRADE OF COMMANDING OFFICER SFC (b)(6), (b)(7)(C)		DATE OF REPORT 20050806	

DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form, see AR 27-10; the proponent agency is O: JAG

TO: Commander, Headquarters, 3d Infantry Division, Camp Liberty, Iraq APO AE 09352

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v Specialist/E4 (b)(6), (b)(7)(C) C Company, 1st Battalion, 41st Infantry Regiment, 2nd Brigade Combat Team (10th Mountain Division (Light Infantry)), 3d Infantry Division(Forward), APO AE 09352.

2. Trial by **GENERAL** court-martial on 26 February 2005, at Camp Arifjan, Kuwait; 19 and 24 March and 5-7 and 9 April 2005, at Camp Liberty Iraq; and 8 March 2005 at FOB Loyalty, Iraq, convened by: CMCO Number 1, Headquarters, 3d Infantry Division(Forward), Camp Liberty, Iraq, dated 15 January 2005; as amended by CMCO Number 5, same headquarters, dated 5 April 2005; as amended by CMCO Number 3, same headquarters, dated 18 February 2005.

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
I	118	The	Premeditated murder	NG	NG*

*But guilty of the named lesser-included offense of unpremeditated murder.

4. **SENTENCE: To be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for 5 years, and to be discharged from the service with a dishonorable discharge.**

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD): 20050409.
(See UCMJ Articles 57-58b and R.C.M. 1101.)

6. Contents of pretrial agreement concerning sentence, if any: N/A

7. Number of days of pre-sentence confinement, if any: 201 days.

8. Number of days of judge-ordered administrative credit for pre-sentence confinement or restriction found tantamount to confinement, if any: 19 days.

9. Total pre-sentence confinement credit toward post-trial confinement: 220 days.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: U.S.v (b)(6), (b)(7)(C)

11. DNA processing IAW 10 U.S.C. § 1565 is is not required.

12. Conviction(s) does does not require sex offender registration IAW 42 U.S.C. § 14071.

CF: Unit Commander
Confinement Facility

SJA
GCMA

TDS
CID

MJ Post-trial
CDR, 3rd Finance Company

MJ: LTC (b)(6), (b)(7)(C) CDC: Mr. (b)(6), (b)(7)(C) DC: (b)(6), (b)(7)(C)
TC: CPT (b)(6), (b)(7)(C) ATC: CPT (b)(6), (b)(7)(C) MSG (b)(6), (b)(7)(C)

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

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

RANK
CPT

BRANCH OF SERVICE
JA

2004-259-8036
54
#159

B1

DEPARTMENT OF THE ARMY
Headquarters, U.S. Army Field Artillery Center and Fort Sill
Fort Sill, Oklahoma 73503

GENERAL COURT-MARTIAL ORDER
NUMBER 170

24 July 2008

In the general court-martial case of Specialist (b)(6), (b)(7)(C) U.S. Army, C Company, 1st Battalion, 41st Infantry Regiment, 2d Brigade Combat Team (10th Mountain Division), 3d Infantry Division (Forward), Camp Liberty, Iraq APO AE 09352 (currently assigned to Personnel Control Facility, Garrison Support Unit, U.S. Army Field Artillery Center and Fort Sill, Fort Sill, OK 73503), the sentence to reduction to the grade of Private E1, forfeiture of all pay and allowances, confinement for 5 years, and a Dishonorable Discharge, adjudged on 9 April 2005, as promulgated in General Court-Martial Order Number 13, Headquarters, 3d Infantry Division (Forward), Camp Liberty, Iraq APO AE 09352, dated 15 December 2005, as corrected by United States Army Court of Criminal Appeals Notice of Court-Martial Order Correction, dated 12 September 2007, has been finally affirmed. The accused was credited with 220 days of confinement against the sentence to confinement. That portion of the sentence extending to confinement has been served. Article 71(c) having been complied with, the Dishonorable Discharge will be executed.

BY COMMAND OF MAJOR GENERAL (b)(6), (b)(7)(C)

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

MAJ, JA
Chief, Criminal Law Division

DISTRIBUTION:

- Accused (1)
- Cdr, HQ, 3rd ID (F), ATTN: SJA, APO AE 09352 (1)
- Cdr, Regional Correctional Facility, Fort Lewis, WA 98433 (1)
- Cdr, HQ, I Corps & Fort Lewis, Fort Lewis, WA 98433 (1)
- Cdr, PCF, GSU, Fort Sill, OK 73503 (1)
- DMPO, ATTN: Special Pay (2)
- Cdr, USEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249 (1)
- Clerk of Court, ATTN: JALS-CCZ, U.S. Army Legal Services Agency, HQDA, 901 N. Stuart St, Suite 1200, Arlington, VA 22203-2194 (1)
- HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th St, Fort Belvoir, VA 22060-5506 (1)
- HQ, Department of the Army, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800 Army Pentagon, Washington DC 20310-2800 (1)
- Reference Set (1)
- Record Set (1)
- (ARMY 20050452)

10-L-0126 ACLU DD III (CID ROI) 2069



DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
48TH MILITARY POLICE DETACHMENT (CID)(FWD))
11TH MILITARY POLICE BATTALION (CID)(FWD)
CAMP VICTORY, IRAQ APO AE 09342

CIMPL-FC

30 Mar 05

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION – FINAL (C)/SSI-0331-04-CID259-80336-5H1A/5X1/5Z1A/5M3/5X5

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 1 AUG 2004, 0100 – 29 AUG 2004, 2359; VARIOUS LOCATIONS IN AND AROUND SADR CITY, IRAQ (IZ)

2. 15 SEP 2004, 2200 - 15 SEP 2004; 2359; BUILDING 84 (CID OFFICE), CAMP VICTORY, IZ

DATE/TIME REPORTED: 15 SEP 2004, 1140 HRS

INVESTIGATED BY: SA [REDACTED] (b)(6), (b)(7)(C), (b)(7)(F)
[REDACTED] (b)(6), (b)(7)(C), (b)(7)(F)

SUBJECT: 1. [REDACTED] (b)(6), (b)(7)(C) SPC [REDACTED] (b)(6), (b)(7)(C) MALE; WHITE; [REDACTED] (b)(6), (b)(7)(C) [REDACTED] (b)(6), (b)(7)(C) C COMPANY (CO), 1/41ST INFANTRY REGIMENT (INF REG), MULTI-NATIONAL CORPS-IRAQ (MNC-I) (III CORPS), CAMP VICTORY, BAGHDAD, IZ (HOMESTATION: FORT RILEY, KS); CT; MURDER, CONSPIRACY, FALSE OFFICIAL STATEMENT

2. [REDACTED] (b)(6), (b)(7)(C) SGT; [REDACTED] (b)(6), (b)(7)(C) MALE; WHITE; [REDACTED] (b)(6), (b)(7)(C) [REDACTED] (b)(6), (b)(7)(C) C CO, 1/41ST INF REG, MNC-I (III CORPS), CAMP VICTORY, BAGHDAD, IZ (HOMESTATION: FORT RILEY, KS); CT; MURDER, CONSPIRACY, COMMUNICATING A THREAT, OBSTRUCTING JUSTICE

3. [REDACTED] (b)(6), (b)(7)(C) 2LT; [REDACTED] (b)(6), (b)(7)(C) MALE; WHITE; [REDACTED] (b)(6), (b)(7)(C) [REDACTED] (b)(6), (b)(7)(C) C CO, 1/41ST INF REG, MNC-I (III CORPS), CAMP VICTORY, BAGHDAD, IZ (HOMESTATION: FORT RILEY, KS); CT; MURDER, CONSPIRACY, FALSE OFFICIAL STATEMENT

4. [REDACTED] (b)(6), (b)(7)(C) SPC; [REDACTED] (b)(6), (b)(7)(C); M; O; [REDACTED] (b)(6), (b)(7)(C) [REDACTED] (b)(6), (b)(7)(C) C CO, 1/41ST INF REG, MNC-I (III CORPS), BAGHDAD, IZ (FORT RILEY, KS); CT; MURDER (UNFOUNDED), CONSPIRACY (UNFOUNDED)

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SUBJECT: CID REPORT OF INVESTIGATION – FINAL (C)/SSI-0331-04-CID259-80336-5H1A/5X1/5Z1A/5M3/5X5

5. VICTIM: 1. RAHIM, ARKEM YOSEF (DECEASED); IRAQI CIVILIAN; MALE; 1 JUL 1959; BAQUABA-DIALA, IZ; UNMARKED RESIDENCE, GRID MB 48565 90624, SADR CITY, IZ; XZ; MURDER, CONSPIRACY, (NFI)

2. MAITHAM; IRAQI CIVILIAN (DECEASED); MALE; XZ; MURDER, CONSPIRACY (NFI)

3. (UNKNOWN); IRAQI CIVILIAN (DECEASED); XZ; (NFI); MURDER (UNFOUNDED), CONSPIRACY (UNFOUNDED)

4. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C) MALE; WHITE; (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C CO, 1/41ST INF REG, MNC-I (III CORPS), CAMP VICTORY, BAGHDAD, IZ (HOMESTATION: FORT RILEY, KS); CT; COMMUNICATING A THREAT

5. U.S. GOVERNMENT (78TH MILITARY POLICE DETACHMENT (CID)(FWD), CAMP VICTORY, IZ); FALSE OFFICIAL STATEMENT, OBSTRUCTING JUSTICE

INVESTIGATIVE SUMMARY:

“THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION”

This investigation was initiated on 15 Sep 04, when CPT (b)(6), (b)(7)(C) Trial Counsel, 1st Brigade Combat Team (BCT), MNC-I (III Corps), Camp Victory, Baghdad, IZ APO AE 09342 reported he had received information that several soldiers detained and shot unarmed Iraqi Civilians.

During the investigation, three incidents were reported which involved the shooting deaths of unarmed, Iraqi Civilians, during Aug 04. The first incident occurred at an unknown location within Sadr City, Baghdad, IZ and occurred after elements of 3rd Platoon, C Co, 1/41st INF REG, had engaged and destroyed a suspected enemy vehicle. Statements from unit members indicate an unarmed Iraqi Male approached SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and other unit members, waving a white flag and that the Iraqi Male was ordered to the ground. The unit began to take fire from the rear of their position, and SGT (b)(6), (b)(7)(C) ordered SPC (b)(6), (b)(7)(C) to kill the Iraqi Male. SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) both fired at the Iraqi Male, who was killed.

The investigation disclosed that on or about 28 Aug 04, members of the 3rd Platoon, C Co, 1/41st INF REG, were conducting cordon and search operations in Sadr City, Baghdad, IZ. SGT (b)(6), (b)(7)(C) and other squad members entered an unmarked residence at Grid (b)(6), (b)(7)(C) occupied by a sole Iraqi male, later identified by neighbors as MAITHAM (NFI). SGT (b)(6), (b)(7)(C) took MAITHAM from his residence, and ordered him to be flex cuffed outside the residence, while a search of the residence was conducted. An AK 47 Assault Rifle was confiscated and removed. SGT (b)(6), (b)(7)(C) ordered the flex

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cuffs removed, and SGT (b)(6), (b)(7)(C) then escorted MAITHAM back into the residence and shot him twice in the chest with his assigned M-4 Rifle, and later in the presence of 2LT (b)(6), (b)(7)(C) a third time in the head. The unit continued searching houses and arrived at the home of Mr. RAHIM, and family, at Gird MB 48565 90624. Mr. RAHIM and his family were removed from the residence and again weapons were found. SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) escorted the unarmed Mr. RAHIM back into the residence, where Mr. RAHIM was executed by SPC (b)(6), (b)(7)(C) after he ask SGT (b)(6), (b)(7)(C) for permission to shoot Mr. RAHIM.

Investigation established probable cause to believe SPC (b)(6), (b)(7)(C) committed the offenses of Conspiracy and Murder, when he conspired with SGT (b)(6), (b)(7)(C) and subsequently shot and killed Mr. RAHIM. Further, SPC (b)(6), (b)(7)(C) committed the offense of False Official Statement when he provided a Sworn Statement to this office, which he knew to be false. SPC (b)(6), (b)(7)(C) later provided a second statement admitting that he killed Mr. RAHIM after he asked SGT (b)(6), (b)(7)(C) for permission to do so.

Investigation established probable cause to believe SGT (b)(6), (b)(7)(C) committed the offense of Murder when he shot and killed an unarmed Iraqi male, after he was detained, who was later partially identified as MAITHAM (NFI). SGT (b)(6), (b)(7)(C) committed the offense of Conspiracy when he ordered SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) to shoot and kill unarmed Iraqi males, and the orders were complied with. Further, SGT (b)(6), (b)(7)(C) committed the offense of Communicating a Threat, when he threatened to kill PFC (b)(6), (b)(7)(C) who had reported the incidents to his chain of command. SGT (b)(6), (b)(7)(C) also committed the offense of Obstruction of Justice, when during this investigation, he instructed fellow members of his squad to lie and not cooperate with authorities.

Further, 2LT (b)(6), (b)(7)(C) committed the offenses of Conspiracy and Murder when after SGT (b)(6), (b)(7)(C) had shot an unarmed Iraqi Male, identified as MAITHAM, LT (b)(6), (b)(7)(C) stated to SGT (b)(6), (b)(7)(C) "he is not dead yet" and SGT (b)(6), (b)(7)(C) replied he would take care of it and subsequently shot MAITHAM a third and final time, subsequently causing his death. Further, LT (b)(6), (b)(7)(C) committed the offense of False Official Statement when he provided a Sworn Statement to this office, which he knew to be false.

Investigation established the offenses of Murder and Conspiracy in regards to SPC (b)(6), (b)(7)(C) which involved the unidentified Iraqi Male did not occur, and are unfounded, as insufficient evidence exists to believe SPC (b)(6), (b)(7)(C) committed an offense.

STATUTES:

- Article 81, UCMJ: Conspiracy
- Article 107, UCMJ: False Official Statement
- Article 118, UCMJ: Murder
- Article 134, UCMJ: Obstructing Justice
- Article 134, UCMJ: Communicating a Threat

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SUBJECT: CID REPORT OF INVESTIGATION – FINAL (C)/SSI-0331-04-CID259-80336-5H1A/5X1/5Z1A/5M3/5X5

EXHIBITS/SUBSTANTIATION:

ATTACHED

1. Agent's Investigative Report (AIR) of SA (b)(6), (b)(7)(C) 30 Nov 04, detailing the basis for investigation; interviews of 2LT (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) PV2 (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C), and LTC (b)(6), (b)(7)(C); coordination's with CPT (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) SJA; collection of evidence; crime scene examination, receipt of consent to searches, daily staff journal log, documenting radio traffic, and Iraqi Police Liaison.
2. Sworn Statement of 2LT (b)(6), (b)(7)(C) 15 Sep 04, documenting his knowledge of the shootings.
3. Sworn Statement of PFC (b)(6), (b)(7)(C) 15 Sep 04, documenting his knowledge of the shootings.
4. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 5 Sep 04, wherein he denied any knowledge or involvement in wrongful shootings of Iraqi Nationals.
5. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 16 Sep 04, documenting his knowledge of the shootings.
6. Sworn Statement of PFC (b)(6), (b)(7)(C) 18 Sep 04, documenting his knowledge of the shootings.
7. Sworn Statement of PFC (b)(6), (b)(7)(C) 18 Sep 04, documenting his knowledge of the shootings.
8. Sworn Statement of PFC (b)(6), (b)(7)(C) 18 Sep 04, documenting his knowledge of the shootings.
9. Sworn Statement of SPC (b)(6), (b)(7)(C) 18 Sep 04, documenting his knowledge of the shootings.
10. Waiver Certificate of SGT (b)(6), (b)(7)(C) 18 Sep 04.
11. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 18 Sep 04, wherein he admitted to shooting and killing an unarmed Iraqi Civilian.
12. Consent to Search, 19 Sep 04, authored by SPC (b)(6), (b)(7)(C) to search his room, Room 435B, Camp Victory, IZ.
13. Daily Staff Journal, 20 Sep 04, documenting the incoming radio traffic during the shootings.

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14. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 21 Sep 04, wherein he admitted he was not truthful on his original statement.
15. Commanders Consent to Search, 23 Sep 04, authored by CPT (b)(6), (b)(7)(C) who provided authorization to search the room of SGT (b)(6), (b)(7)(C) Room 431B, Camp Victory, LZ.
16. Canvass Interview Questioners, 26 Sep 04, of 3rd Platoon, C Company, 1/41ST Infantry Regiment.
17. Crime Scene Sketch, 27 Sep 04, depicting the scene of SPC (b)(6), (b)(7)(C) shooting.
18. Crime Scene Sketch, 27 Sep 04, depicting the scene of SGT (b)(6), (b)(7)(C) shooting.
19. Memorandum for SPC (b)(6), (b)(7)(C) granting Immunity and Order to Testify, 7 Oct 04.
20. Sworn Statement of SPC (b)(6), (b)(7)(C) 7 Oct 04, documenting his knowledge of the shootings.
21. Sworn Statement of SPC (b)(6), (b)(7)(C) 15 Oct 04, documenting his assessment of the Iraqi causality SPC (b)(6), (b)(7)(C) shot and killed.
22. Statement of LTC (b)(6), (b)(7)(C) 30 Nov 04, documenting his knowledge of the shootings.
23. AIR of SA (b)(6), (b)(7)(C) 23 Sep 04, documenting the receipt of the request for assistance and the interview of SPC (b)(6), (b)(7)(C)
24. AIR of SA (b)(6), (b)(7)(C) 29 Sep 04, documenting the receipt of the request for assistance; coordination with LTC (b)(6), (b)(7)(C) and the review of Predator video footage.
25. AIR of SA (b)(6), (b)(7)(C) 7 Oct 04, documenting the receipt of the request for assistance; attempts to interview Mrs. (b)(6), (b)(7)(C) interview of SSG (b)(6), (b)(7)(C) Mrs. (b)(6), (b)(7)(C) and Master (b)(6), (b)(7)(C) and coordination's with Mr. (b)(6), (b)(7)(C) and Mrs. (b)(6), (b)(7)(C)
26. AIR of SA (b)(6), (b)(7)(C) 30 Oct 04, documenting the receipt of the request for assistance; coordination's with Salem Police Department; attempts to interview Ms. (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) interview of Ms. (b)(6), (b)(7)(C) and surveillance of Ms. (b)(6), (b)(7)(C) residence.
27. AIR of SA (b)(6), (b)(7)(C) 2 Nov 04, documenting the receipt of the request for assistance, attempt to interview Mrs. (b)(6), (b)(7)(C) interview of Ms. (b)(6), (b)(7)(C) collection of evidence and coordination with MOCIC.
28. Sworn Statement of Ms. (b)(6), (b)(7)(C) 28 Oct 04, documenting her coordination with SPC (b)(6), (b)(7)(C)

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29. E-mail printouts of correspondences Ms. (b)(6), (b)(7)(C) received from SPC (b)(6), (b)(7)(C) 28 Oct 04.
30. AIR of SA (b)(6), (b)(7)(C) 6 Dec 04, documenting the interview of Ms (b)(6), (b)(7)(C)
31. AIR of SA (b)(6), (b)(7)(C) 2 Mar 05, detailing the review of Mrs. (b)(6), (b)(7)(C) Claim Packet, which included the Arabic language Death Certificate of Mr. RAHIM, and Arabic language statements and translations from Mr. (b)(6), (b)(7)(C) Mr (b)(6), (b)(7)(C) Mr (b)(6), (b)(7)(C) and Ms (b)(6), (b)(7)(C)
32. Copy of Claims Packet, 30 Oct 04, submitted by Mrs (b)(6), (b)(7)(C) to the FOB Iron Horse Claims Office.
33. AIR of SA (b)(6), (b)(7)(C) 22 Mar 05, detailing the interviews of Mrs. (b)(6), (b)(7)(C) and Mr (b)(6), (b)(7)(C) coordination with 1LT (b)(6), (b)(7)(C) Iraqi Police, interviews of Dr (b)(6), (b)(7)(C) and Dr. (b)(6), (b)(7)(C) receipt of USACIL Reports, and coordination with SJA.
34. Copy of an Iraqi Death Certificate, pertaining to Mr. RAHIM, dated 28 Aug 04, and copy of an Iraqi Police Note of Instruction to release the remains of Mr. RAHIM to his family.
35. US Army Criminal Investigation Laboratory Firearms Division Report, 18 Jan 05, and Serology Division Report, 25 Feb 05.
36. Compact Disk 040331.259, containing images of all photographs exposed during the investigation.
37. Videotape of SJA's interviews of locals, during the crime scene examination, 27 Sep 04 (USACRC Only).
38. US Army Criminal Investigation Laboratory Request, 3 Dec 04 (USACRC and file copies only).
39. CID Form 118-ER, Disclosure Accounting Record, 26 Oct 04 (USACRC and file copies only).
40. (1 thru 6) Evidence Property Custody Documents, Voucher numbers, 741-04, 759-04, 767-04, 768-04, 769-04 and 943-04.

NOT ATTACHED:

Retained in the Evidence Depository, 11th MP Battalion (CID)(FWD), Camp Victory, Iraq, APO AE 09342.

41. Handwritten note, two pages (Item 1, Document Number 741-04).

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SUBJECT: CID REPORT OF INVESTIGATION – FINAL (C)/SSI-0331-04-CID259-80336-5H1A/5X1/5Z1A/5M3/5X5

42. Rifle, M-4, Serial Number (SN) WOO7468 (Item 1, Document Number 759-04).
43. Rifle, M16A2, SN 10011505 (Item 2, Document Number 759-04).
44. Rifle, M16A2, SN 10011530 (Item 3, Document Number 759-04).
45. Shavings from floor, with dark red in color particles (Item 1, Document Number 767-04).
46. Cotton type material, bearing red in color substance (Item 2, Document Number 767-04).
47. Drip Swab, with sample of dark red in color particles (Item 1, Document Number 768-04).
48. Drip Swab, with sample of dark red in color particles (Item 2, Document Number 768-04).
49. Shavings from floor, with dark red particles (Item 3, Document Number 768-04).
50. Rug, multi-color, containing dark red stains (Item 4, Document Number 768-04).
51. Rug, multi-color, containing dark red stains (Item 5, Document Number 768-04).
52. Television, Konia brand, SN 1001AEK406YY5001039, containing bullet hole (Item 1, Document Number 769-04).
53. Bullet Fragment (Collected from within Exhibit 52)(Item 2, Document Number 769-04).
54. Diskette, 3.5" Imation Brand (Item 1, Document Number 943-04).

Exhibits 36 and 37 and the originals of Exhibits 1 through 31, 33, 35 and 39 are forwarded with the USACRC copy of this report. The originals of Exhibit 34 are retained by Mrs. (b)(6), (b)(7)(C) the Al Kanedy Hospital, Baghdad, IZ, and the Iraq Ministry of Health, Baghdad, IZ. The original of Exhibit 38 is retained in the files of the US Army Criminal Investigation Laboratory, Fort Gillem, GA. The originals of Exhibit 40 are retained in the files of the Evidence Depository, 11th MP BN (CID) (FWD), Camp Victory, Baghdad, IZ.

STATUS: This is a Final "C" Report. This investigation is being terminated in accordance with CID Regulation 195-1, paragraph 4-17 (a)(4), in that the supported Staff Judge Advocate is of the opinion that sufficient admissible evidence is available to prosecute the subjects for the offense(s), and additional investigation would produce only cumulative and unneeded evidence, and that the identification of additional subjects or offenses is unlikely. Additionally, charges in a General Courts

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Martial have been preferred on SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) DA Form 4833 (Commader's Report of Disciplinary Action) is pending.

Report Prepared By:

Report Approved By:

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

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

DETACHMENT COMMANDER

DISTRIBUTION:

- 1- Director, USACRC, 6010, 6th Street, Fort Belvoir, VA 22060-5506 (originals with exhibits)
- 1- THRU: Cdr, 11th MP Bn (CID) (FWD), APO, AE 09342
 - THRU: Cdr, 3rd MP Group (CID)
 - TO: Cdr, USACIDC, ATTN: CIOP-ZA, Fort Belvoir, VA 22060-5506
- 1- CDR, 1/41st INF REG, Fort Riley, KS 66442
- 1- PM, MNC-I (e-mail)
- 1- SJA (ATTN: MAJ (b)(6), (b)(7)(C) Legal Center, 3rd Infantry Division, Camp Liberty, IZ APO AE 09342)
- 1- File

AGENT'S INVESTIGATION REPORT

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DETAILS

About 1140, 15 Sep 04, this office was notified by CPT (b)(6), (b)(7)(C), Trial Counsel, 1 BCT, Camp Victory, IZ, who reported he received an allegation that several soldiers detained and shot unarmed Iraqi civilians.

About 1745, 15 Sep 04, SA (b)(6), (b)(7)(C) interviewed 2LT (b)(6), (b)(7)(C), C Company, 1-41st Infantry Regiment, Camp Victory, IZ (Fort Riley, KS), who provided a sworn statement, detailing his knowledge of the incident. (See Sworn Statement)

About 1854, 15 Sep 04, SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C), C Company, 1-41st Infantry Regiment, who provided a sworn statement, detailing his knowledge of the incident. (See Sworn Statement)

About 2000, 15 Sep 04, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C), C Company, 1-41st Infantry Regiment, who related he had no knowledge of any persons in the unit conducting criminal activity.

About 2230, 15 Sep 04, SA (b)(6), (b)(7)(C) advised SPC (b)(6), (b)(7)(C), C Company, 1-41st Infantry Regiment, of his legal rights, which he waived and provided a sworn statement, in which he denied the allegations. (See Waiver Certificate and Sworn Statement)

About 1212, 16 Sep 04, SA (b)(6), (b)(7)(C) collected as evidence from CPT (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) Office of the Staff Judge Advocate, one handwritten note, authored by PFC (b)(6), (b)(7)(C) consisting of two pages on an Evidence / Property Custody Document, (EPCD), Voucher number (VO) 741-04. (See EPCD)

About 1416, 18 Sep 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) advised SPC (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) C Company, 1-41st Infantry Regiment, of his legal rights, which he waived and denied he murdered an unarmed Iraqi civilian. (See Waiver Certificate and Sworn Statement)

About 1554, 18 Sep 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), C Company, 1-41st Infantry Regiment, who provided a sworn statement, detailing his knowledge of the incident. (See Sworn Statement)

About 1708, 18 Sep 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) C Company, 1-41st Infantry Regiment, who provided a sworn statement, detailing his knowledge of the incident. (See Sworn Statement)

About 1709, 18 Sep 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed PV2 (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) C Company, 1-41st Infantry Regiment, who provided a sworn statement, detailing his knowledge of the incident. (See Sworn Statement)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)
78th MP Det (CID), Camp Victory 1021

SIGNATURE

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

DATE

30 Aug 04
(CID-ROI) 2078
EXHIBIT

CID FORM 94-F
ACLU-RD 5868 p.17
1 OCT 95

LAW

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DETAILS

About 1748, 18 Sep 04, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C Company, 1-41st Infantry Regiment, who provided a sworn statement, detailing his knowledge of the incident. (See Sworn Statement)

About 2006, 18 Sep 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) advised SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) of his legal rights, which he waived and denied any knowledge or involvement. During the interview SGT (b)(6), (b)(7)(C) invoked his rights and requested legal counsel. (See Waiver Certificate)

AGENTS COMMENT: During the interview of SGT (b)(6), (b)(7)(C) prior to him invoking his rights, he related the following: SGT (b)(6), (b)(7)(C) stated he shot the Iraqi during the cordon and search because he went for a weapon, he said he shot him as he was trained to do by the Army, twice in the chest and once in the face. SGT (b)(6), (b)(7)(C) was then asked when the Army ever trained him to shoot someone in the face and he replied he added that part himself. SGT (b)(6), (b)(7)(C) stated he gave the order to shoot the unarmed Iraqi male with the white flag and that he shot him. SGT (b)(6), (b)(7)(C) stated he never threatened PFC (b)(6), (b)(7)(C) or his family. SGT (b)(6), (b)(7)(C) stated he never informed anyone in his squad to lie, stick to their stories, or any directives comparable.

About 2115, 18 Sep 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) advised SPC (b)(6), (b)(7)(C) of his legal rights, which he waived and provided a sworn statement admitting to shooting an unarmed Iraqi male. (See Waiver Certificate)

About 0120, 19 Sep 04, SA (b)(6), (b)(7)(C) obtained written consent to search authored by SPC (b)(6), (b)(7)(C) to search his room, room 435B, Camp Victory, IZ, in an attempt to locate any digital photographic images. A search was conducted and met with negative results. After the search of his room, SPC (b)(6), (b)(7)(C) was escorted back to the CID Office, Building 84, Camp Victory, Baghdad, IZ. SPC (b)(6), (b)(7)(C) was allowed access to the internet, and while he was monitored by SA (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) logged onto his website, [http://community.webshots.com/user/\(b\)\(6\), \(b\)\(7\)\(C\)](http://community.webshots.com/user/(b)(6),(b)(7)(C)) SA (b)(6), (b)(7)(C) observed SPC (b)(6), (b)(7)(C) as he located a digital photograph of an apparent dead Iraqi male on his website, which SPC (b)(6), (b)(7)(C) advised was the photograph he took after he killed the man. SPC (b)(6), (b)(7)(C) downloaded to SA (b)(6), (b)(7)(C) computer. (See Consent to Search and CD 040331.259 containing all photographic images).

About 1000, 20 Sep 04, SA (b)(6), (b)(7)(C) received a copy of the daily staff journal or duty officer's log, from C Company 1/41 Infantry Regiment, documenting the incoming radio traffic of the incidents. (See Log)

About 0948, 21 Sep 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) advised SPC (b)(6), (b)(7)(C) of his rights, which he waived and provided a sworn statement, admitting he was not truthful on his original statement. (See Sworn Statement)

About 1400, 21 Sep 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C) who related the following: SGT (b)(6), (b)(7)(C) held a formation and told everyone in the squad to say what you saw, to stay

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

SIGNATURE

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

DATE

30 Sep 04
D ROH 2079
EXHIBIT

AGENT'S INVESTIGATION REPORT

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DETAILS

in their lanes, not to speculate and do not volunteer any information. PFC (b)(6), (b)(7)(C) related he believed SGT (b)(6), (b)(7)(C) said this, as SGT (b)(6), (b)(7)(C) made sure he did not have any witness. PFC (b)(6), (b)(7)(C) related he heard SGT (b)(6), (b)(7)(C) say he wanted to shoot that "mother fucker" regarding PFC (b)(6), (b)(7)(C). Further, SGT (b)(6), (b)(7)(C) stated after SPC (b)(6), (b)(7)(C) shot the unarmed Iraqi male, that they should have killed the boy as he was of fighting age and he would just turn around and kill them. PFC (b)(6), (b)(7)(C) stated SGT (b)(6), (b)(7)(C) stated in the past that he wanted to kill a man with a knife to see what it was like and that he borrowed PFC (b)(6), (b)(7)(C) knife prior to a mission. During that mission, SGT (b)(6), (b)(7)(C) told PFC (b)(6), (b)(7)(C) that they found an AK47 at one of the residence and took one of the men up on the roof and that he was thinking of killing the man. Further, SGT (b)(6), (b)(7)(C) put out to his squad, prior to the deployment that he did not want to take any POW's. Further, SGT (b)(6), (b)(7)(C) told PFC (b)(6), (b)(7)(C) after the incident where SGT (b)(6), (b)(7)(C) shot the unarmed Iraqi, that the Iraqi man was laughing at him and that he said "you won't be laughing in a few minutes" SGT (b)(6), (b)(7)(C) also said that before SPC (b)(6), (b)(7)(C) shot the Iraqi male, the Iraqi male was trying to talk and SGT (b)(6), (b)(7)(C) told the guy to be quite and pray to Allah. SGT (b)(6), (b)(7)(C) also told him that LT (b)(6), (b)(7)(C) came into the house after SGT (b)(6), (b)(7)(C) shot the man twice in the chest and that LT (b)(6), (b)(7)(C) told SGT (b)(6), (b)(7)(C) "he wasn't dead yet" and SGT (b)(6), (b)(7)(C) said he would take care of it, at which time SGT (b)(6), (b)(7)(C) shot him in the head. Further, PFC (b)(6), (b)(7)(C) stated SGT (b)(6), (b)(7)(C) always talked about how after he shot the Iraqi male in the head how his eye popped out.

About 1650, 23 Sep 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Commander, C Company 1/41 Infantry Regiment, who provided commanders authorization to search SGT (b)(6), (b)(7)(C) room. A subsequent search of SGT (b)(6), (b)(7)(C) room for the alleged note SPC (b)(6), (b)(7)(C) passed to SGT (b)(6), (b)(7)(C) met with negative results. (See consent form)

About 0915, 24 Sep 04, SA (b)(6), (b)(7)(C) collected SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) assigned rifles on an Evidence Property Custody Document (ECD), Voucher Number 759-04. (See ECD)

About 1418, 24 Sep 04, SA (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Liaison for the Iraqi Police, was briefed on this investigation and related he would coordinate with the IP's, in an attempt to fully identify the victims of this investigation, family members, other possible witness and identify the burial sites of the victims.

About 0930, 26 Sep 04, SA (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C) SJA, traveled to Camp Cuervo, IZ, to conduct additional interviews of C Company 1/41 Infantry Regiment, personnel.

Between 1000 and 1230, SA (b)(6), (b)(7)(C) in the presence of CPT (b)(6), (b)(7)(C) conducted additional interviews of the members assigned to 2nd Squad, 3rd Platoon, C Company 1/41 Infantry Regiment.

SPC (b)(6), (b)(7)(C) related that he would assist this office in locating the crime scene, within Sadr City, IZ. Further SPC (b)(6), (b)(7)(C) stated that during one of the missions, while they were on a rooftop pulling security, SPC

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F) 78 th MP Det (CID), Camp Victory 10-L	SIGNATURE (b)(6), (b)(7)(C)	DATE 30 Sep 04
CID FORM 94-E ACLU 101 5868 p.19		EXHIBIT III (CID ROI) 2080 000019
LAW ENFORCEMENT SENSITIVE		

AGENT'S INVESTIGATION REPORT

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DETAILS
 (b)(6), (b)(7)(C) spotted an Iraqi man waving his hands in the air on top of an adjacent building. SPC (b)(6), (b)(7)(C) then informed SGT (b)(6), (b)(7)(C) who ordered SPC (b)(6), (b)(7)(C) to shoot the Iraqi man; however, SPC (b)(6), (b)(7)(C) refused to shoot the Iraqi man as he was not armed or posing a threat. SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) again to shoot, which SPC (b)(6), (b)(7)(C) refused, SGT (b)(6), (b)(7)(C) then instructed SPC (b)(6), (b)(7)(C) to fire a warning shot, which he did and SGT (b)(6), (b)(7)(C) subsequently made fun of SPC (b)(6), (b)(7)(C) for not killing the unarmed Iraqi male.

PFC (b)(6), (b)(7)(C) related that during the "roof top mission", after SGT (b)(6), (b)(7)(C) found the AK 47 and brought the Iraqi man on the roof, he overheard SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) talking. PFC (b)(6), (b)(7)(C) indicated he heard SGT (b)(6), (b)(7)(C) state that he wanted to either shoot the man, throw him off the roof or cut his throat; however, SPC (b)(6), (b)(7)(C) talked SGT (b)(6), (b)(7)(C) out of killing the man.

PFC (b)(6), (b)(7)(C) related that during one of the missions he overheard SGT (b)(6), (b)(7)(C) order SPC (b)(6), (b)(7)(C) to shoot an unarmed Iraqi National who was on a rooftop waving his hands and arms. PFC (b)(6), (b)(7)(C) stated SPC (b)(6), (b)(7)(C) refused to shoot the man and that SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) at least two separate times for him to shoot the unarmed Iraqi. SPC (b)(6), (b)(7)(C) refused and SGT (b)(6), (b)(7)(C) then told SPC (b)(6), (b)(7)(C) to "fire off a warning shot". After SPC (b)(6), (b)(7)(C) fired the warning shot, SGT (b)(6), (b)(7)(C) called SPC (b)(6), (b)(7)(C) a "wimp" for not killing the unarmed Iraqi.

PV2 (b)(6), (b)(7)(C) related SGT (b)(6), (b)(7)(C) had informed him after SGT (b)(6), (b)(7)(C) shot the unarmed Iraqi National during the cordon and search, that SGT (b)(6), (b)(7)(C) stated after he shot the man twice in the chest, LT (b)(6), (b)(7)(C) arrived at the scene, looked at the Iraqi man and told SGT (b)(6), (b)(7)(C) that the man was not dead yet and SGT (b)(6), (b)(7)(C) told LT (b)(6), (b)(7)(C) he would take care of it.

About 1800, 26 Sep 04, SA (b)(6), (b)(7)(C) conducted canvass interviews of 3rd Platoon, C Company, 1/41 Infantry Regiment. The platoon was provided a canvass questionnaire asking if they had any knowledge of the incidents; however, no pertinent information was obtained from the canvass interviews. (See canvass questionnaire)

CRIME SCENE EXAMINATION: About 0750, 27 Sep 04, SA (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) (SJA), along with elements of 1/41 Infantry Regiment proceeded to Grid MB (b)(6), (b)(7)(C) Sadr City, IZ. SA (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a crime scene examination of an unknown Iraqi Civilian's residence, identified as the residence, wherein SPC (b)(6), (b)(7)(C) shot and killed an unarmed Iraqi National, by SPC (b)(6), (b)(7)(C)

Characteristics of Scene: The residence was a single story dwelling, masonry construction type building, utilized as a family dwelling. The residence contained one room, and measured about 10 feet wide, by 15 feet long. The room contained one entry/exit (E/E), and one window. The room contained a television stand with a television located atop, a wall locker, a nightstand, carpet and various articles of clothing and other items.

TYPED AGENT'S NAME AND SEQUENCE NUMBER		DATE
SA (b)(6), (b)(7)(C), (b)(7)(F) (b)(6), (b)(7)(C)		
78 th MP Det (CID), Camp Victor 10-		III (CID ROI) 2081
CID FORM 94-F		EXHIBIT
ACLU RDI 5868 p.20		000020
LAW ENFORCEMENT SENSITIVE		

DETAILS.

Condition of Scene: The room was in a state of total disarray, with articles of clothing, and other items strewn through out the room.

Factors Pertinent to Entry/Exit: Entry/Exit to the room could only be gained through the window or the E/E.

7.4 Scene Documentation: SA (b)(6), (b)(7)(C) prepared a crime scene sketch and SA (b)(6), (b)(7)(C) exposed crime scene photographs. (See Sketch and Compact Disk)

7.5 Collection of Crime Scene Evidence: The television was collected as it had an apparent bullet hole through the screen of the television, with no apparent exit hole. The wall locker door had apparent blood spatter, which scrapings and swabbing were collected. The floor contained a mat or carpet, which contained suspected bloodstains. Two sections of the mat or carpet were collected. All the aforementioned items were collected as evidence and documented on an Evidence Property Custody Document (ECD), Voucher Number (VO) 768-04, 769-04. (See ECD).

AGENTS COMMENT: After arriving to a safe location, the television was taken apart and an apparent bullet fragment was found within the tube portion of the television. The bullet fragment was subsequently documented as a separate item on the ECD, VO 769-04. (See ECD).

Search for Latent Impressions: A search for latent impressions was not conducted due to the threat level of the environment.

AGENTS COMMENT: During the crime scene examination, CPT (b)(6), (b)(7)(C) with the use of an interpreter was interviewing the neighbors, who indicated the persons occupying the residence had abandoned the dwelling after the shooting had occurred.

CRIME SCENE EXAMINATION: About 0820, 27 Sep 04, SA (b)(6), (b)(7)(C), SA (b)(6), (b)(7)(C), SA (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) (SJA), along with elements of 1/41 Infantry Regiment proceeded to Grid MB (b)(6), (b)(7)(C) Sadr City, IZ. SA (b)(6), (b)(7)(C), SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a crime scene examination of an unknown Iraqi Civilian's residence, identified as the residence, wherein SGT (b)(6), (b)(7)(C) shot and killed an unarmed Iraqi National, by SPC (b)(6), (b)(7)(C)

Characteristics of Scene: The residence was a single story dwelling, masonry construction type building, utilized as a residence. The residence contained several rooms. SPC (b)(6), (b)(7)(C) identified the room of the shooting, which measured about 12 feet wide, by 15 feet long. The room contained one entry/exit (E/E). The room contained no furniture or carpet and according to SPC (b)(6), (b)(7)(C) all the furniture and other items had been removed. The room contained a large circular steal drum, torn clothing, pots and pans, plastic jugs and small cloth or tissue type material on the floor. There were apparent bloodstains on the floor.

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DETAILS

Condition of Scene: The room was almost completely vacant except for various items, which were strewn through out the room.

Factors Pertinent to Entry/Exit: Entry/Exit to the room could only be gained through the E/E.

Scene Documentation: SA (b)(6), (b)(7)(C) prepared a crime scene sketch and SA (b)(6), (b)(7)(C) exposed crime scene photographs. (See Sketch and Compact Disk)

Collection of Crime Scene Evidence: There was an apparent blood stain on the floor and an apparent blood stain transfer pattern, (as to indicate someone being drug along the floor) and small cloth or tissue type material with apparent blood stains located on the floor of the room. The tissue or cloth material was collected and scrapings and swabbing's of the apparent bloodstains on the floor were also collected. All the aforementioned items were collected as evidence and documented on an Evidence Property Custody Document (ECD), Voucher Number (VO) 767-04. (See ECD).

AGENTS COMMENT: SPC (b)(6), (b)(7)(C) indicated the room had been cleared of all furniture and other items, the residence was vacant and several small children in the area indicated the persons occupying the residence had removed their belongings and had abandoned the dwelling.

Search for Latent Impressions: A search for latent impressions was not conducted due to the threat level of the environment.

AGENTS COMMENT: During the crime scene examinations, CPT (b)(6), (b)(7)(C) with the assistance of an interpreter conducted interviews of the neighbors. These interviews were recorded via videotape and the videotape was collected as evidence on ECD VO 766-04. (See ECD)

About 0930, 6 Oct 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) attempted to interview SPC (b)(6), (b)(7)(C) however, SPC (b)(6), (b)(7)(C) refused to cooperate and would not answer any questions.

AGENTS COMMENT: This office briefed CPT (b)(6), (b)(7)(C) who sent a request to the CG granting SPC (b)(6), (b)(7)(C) immunity and revoking his 5th Amendment rights.

About 2230, 7 Oct 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) who provided a Sworn Statement documenting his knowledge of the incidents. (See Sworn Statement)

AGENTS COMMENT: Received the Memorandum of Immunity pertaining to SPC (b)(6), (b)(7)(C) (See Memorandum).

About 1120, 15 Oct 04, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) HHC 1/41, Medic, who provided a Sworn Statement documenting his assessment of the Iraqi causality that SPC

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SIGNATURE

DATE

SA (b)(6), (b)(7)(C), (b)(7)(F)
78th MP Det (CID), Camp Victory

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

CID FORM 94-F
EXHIBIT 2083

ACLU-EPD 5868 p.22

LAW ENFORCEMENT SENSITIVE

000022

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DETAILS

(b)(6), (b)(7)(C) had shot and killed. (See Sworn Statement)

About 1300, 30 Nov 04, this office received a typed statement, via e-mail from LTC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Commander Task Force 1/41 INF, who provided a statement documenting his knowledge of the wrongful shootings. (See statement)

//////////////////////////////////////LAST ITEM//////////////////////////////////////

TY S 78 th MP Det (CID), Camp Victory	SIGNATURE (b)(6), (b)(7)(C)	DATE 30 Nov 04
CID FORM 94-E ACLU RD 5868 p.23	10- (b)(6), (b)(7)(C)	III (CID ROI) 2084 EXHIBIT 000023

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 Camp Victory, APO AE 09342	DATE (b)(6), (b)(7)(C) 2004 0915	TIME (b)(6), (b)(7)(C) 17:45	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS O-1 / 2LT	
ORGANIZATION OR ADDRESS (b)(6), (b)(7)(C)			

_____ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The first incident in question was during a night mission near the end of Aug. Two sections were set in OP's approximately 500m apart. Alpha section on the left and Bravo section on the right with 2nd squad set in a nearby building. Bravo section engaged and destroyed a vehicle. Alpha section moved into position to assess the battle damage. At this time PFC **(b)(6), (b)(7)(C)** states that second squad came under small arms fire. During this a single man came running out of the tree line calling "MISTER, MISTER, BABY, BABY". Bravo section with 2nd squad was now called upon to assess the battle damage of another vehicle engagement by tanks. At this time PFC **(b)(6), (b)(7)(C)** states that SFC **(b)(6), (b)(7)(C)** asked the squad leader, **(b)(6), (b)(7)(C)** what to do with the man moving toward their position. SGT **(b)(6), (b)(7)(C)** said to shoot him and to move out to go assess the vehicle battle damage. One to two weeks later PFC **(b)(6), (b)(7)(C)** came to me saying he was having a hard time with the manner in which the man was killed. He also said that PFC **(b)(6), (b)(7)(C)** gave the body a kick when they were going past it and that he was having a hard time with that also. I, LT **(b)(6), (b)(7)(C)**, went and questioned SGT **(b)(6), (b)(7)(C)** about the events that night since it was the very first time I heard of it. SGT **(b)(6), (b)(7)(C)** explained that the man running from the woods was the reason they were taking fire. He said they engaged because **(b)(6), (b)(7)(C)** HE WAS ~~they were~~ ^{he was} believed to be enemy. I reminded him of ROE and told him to counsel his people about abuse, kicking, of dead bodies. I also offered PFC **(b)(6), (b)(7)(C)** to go and talk with a chaplain. I told him anytime day or night I would take him to the chaplain. He told me he thought he would be alright and that was the last I heard of it.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 6 PAGES (b)(6), (b)(7)(C)
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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 CONTINUED ON THE REVERSE OF THE FRONT OF EACH ADDITIONAL PAGE OF THIS FORM.

10-L-0126 A O L U D B III (CID ROI) 2085

FILE NUMBER:

STATEMENT OF

TAKEN AT

DATED

CONTINUED

The second and third incidents come from the same day no more than approximately one hour apart. These two events came after the first and near the end of August.

On the 14th ^{SEP} ~~AUG~~ 04 SSG (b)(6), (b)(7)(C) talked to the PSG, SFC (b)(6), (b)(7)(C) about something that was bothering him. SSG (b)(6), (b)(7)(C) told SFC (b)(6), (b)(7)(C) that he had heard 2nd squad had illegally killed people in two houses the first day of an attack into SADR city. SFC (b)(6), (b)(7)(C) came to me, at which time we gathered 2nd squad for questioning. We put the entire squad in a hallway with an NCO to overwatch them so they could not communicate. We then brought them in one at a time, read them their rights and began questioning. The story SSG (b)(6), (b)(7)(C) related to SFC (b)(6), (b)(7)(C) was that SFC (b)(6), (b)(7)(C) shot a man in the head just to see what it was like. Also it was said that the people were no real threat and that they were killed and the weapons were then placed on them.

The manner in which the battle field was arrayed was one section and 1st squad clearing the left side of a street and the other section, BRAVO, with 2nd squad clearing the right side of the street. I was on the ground mainly maneuvering with A section 1st squad. My goal was to push forces through the objective and to prevent fratricide.

Once we started questioning we asked about house #1 First. The story was for the most part consistent across the squad. They told us that SGT (b)(6), (b)(7)(C) along with team leaders SFC (b)(6), (b)(7)(C) and SFC (b)(6), (b)(7)(C) were in a house when a man went for an AK-47 on the bed. SGT (b)(6), (b)(7)(C) shot him. Right after this man was shot I moved from my position with 1st squad over to 2nd squad. I walked around the corner as SGT (b)(6), (b)(7)(C) was walking out. I asked what happened when he told me he was chasing the house when the man went for his weapon and he killed him. I stuck my head in the door saw the dead body with a weapon across him and called higher. Higher said to drag the body and weapon out to the street. At this point I moved with 2nd squad for approximately 15 minutes more and then went back over to 1st squad's position.

INITIALS OF PERSON MAKING STATEMENT

10-L-0126 (b)(6), (b)(7)(C) U DD III (CID-ROI) 2086

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

ACLU-RDI 5868 p.25

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000025

PAGES

Exhibit 2

FILE NUMBER:

STATEMENT OF

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CONTINUED

After I moved back with first squad was when the last incident occurred. According to the accusation the second house contains an AK-47, one pistol, and magazines. The story goes that all weapons were gathered up outside with the man's family. The man was then led back into the house by orders of SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) also went back inside while everyone else was told to pull security. This is where PFC (b)(6), (b)(7)(C) says he heard two gunshots. The weapons were already outside being guarded by PFC (b)(6), (b)(7)(C).

Upon questioning the squad SPC (b)(6), (b)(7)(C) says they found an AK-47. He gave the AK-47 to SGT (b)(6), (b)(7)(C) and when SGT (b)(6), (b)(7)(C) went to leave the building the man reached for a pistol. SPC (b)(6), (b)(7)(C) said he was about 10 feet away when the man went for his pistol. SPC (b)(6), (b)(7)(C) felt his life was threatened so he shot him twice in the back. SPC (b)(6), (b)(7)(C) was questioned twice last night due to the fact that the first time we talked to him he said he was in the house alone. When we talked to SGT (b)(6), (b)(7)(C) he said he was in the house with (b)(6), (b)(7)(C). The second time we talked to SPC (b)(6), (b)(7)(C) he then said SGT (b)(6), (b)(7)(C) was in the house with his back to him.

After this man was shot the squad moved his body down to the road where the Battalion Commander was with a medic. The medic tried to help but to no avail. At this point in time the man's family had seen the body and lost control.

Up to this point the engagements seemed legal and the story was close to the same throughout the squad. The PSG and myself believed that someone within the squad was bragging about these incidents and embellishing the stories. We discussed with them that they were wrong and should not talk about past incidents since we don't know how different people will react. Especially if the story people hear isn't a truthful one. At this point we thought the situation was controlled and was no longer an issue since everyone had a similar story and all seemed legal.

Close to a half an hour later PFC (b)(6), (b)(7)(C) walks up to me and hands me a letter. This letter stated for me to not show anyone and that it was the truth. The letter said in house 1 the weapon was brought outside, the man was flexcuffed, and SGT (b)(6), (b)(7)(C) with SPC (b)(6), (b)(7)(C)

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

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STATEMENT OF

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DATED

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were telling the squad to pull security area to have PFC (b)(6), (b)(7)(C) to free the man. SGT (b)(6), (b)(7)(C) then grabbed the man told PFC (b)(6), (b)(7)(C) to leave, took him in the house and killed him. It says that in house 2 again the family and weapons were outside when the man was killed. This also contradicts the story of the entire squad.

After receiving the letter myself and SFC (b)(6), (b)(7)(C) took it to our Company Commander and went over everything with him. He then reported to higher which brings us up to the present.

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

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

Q: In the first incident you mention SFC (b)(6), (b)(7)(C), SGT (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C). Is there anyone else who may have witnessed the incident?

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

Q: Did SGT (b)(6), (b)(7)(C) say why he believed the man from the first incident was identified as an enemy target?

A: He explained to me that he believed the man was compromising their position and that he was the reason they were taking fire.

Q: In reference to the second incident, did you hear shots fired when you approached SGT (b)(6), (b)(7)(C) position?

A: No, I heard no shot fired.

Q: When you looked in the room and saw the man on the floor could you tell where he was shot and how many times he was shot?

A: I could not tell how many times he was shot but did see two blood spots on his dress.

Q: When you saw the man on the floor do you remember how the weapon was positioned?

A: I do not remember the exact position only that it indeed looked like he was killed while going for his weapon.

Q: Do you remember SGT (b)(6), (b)(7)(C) demeanor after this incident?

A: Cool, calm, and collected.

Q: Did SSC (b)(6), (b)(7)(C) tell you who he heard the allegations from?

A: No, he actually talked to SFC (b)(6), (b)(7)(C) and not me.

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Q: Did you personally witness any of the incidents previously discussed?

A: No I AIA NOT.

Q: Who else may have knowledge of this incident?

A: SFC (b)(6), (b)(7)(C) was PSG AT THE TIME. HE IS THE MOST SENIOR INDIVIDUAL who works closest with Bravo section, second squad.

Q: What is SFC (b)(6), (b)(7)(C) full name and current location?

A: (b)(6), (b)(7)(C) AND HE IS ON LEAVE AT FT RILEY KS.

Q: Where is the note currently located?

A: I turned it into my Company Commander.

Q: What is your personal assessment of PFC (b)(6), (b)(7)(C)?

A: I believe he is a quiet person. I believe he was raised in a religious environment. He does NOT get along well with others in the squad. He ALSO TAKES A LOT OF "STUFF" FROM OTHERS IN HIS SQUAD. HOWEVER MOST OF THAT IS ATTRIBUTED TO THE FACT HE IS ONLY A PRIVATE.

Q: Define stuff?

A: Extra Details, more PT / SMOKE SEPARATIONS

Q: Is there anything you wish to add to this statement?

A: No /// LAST ENTRY /// (b)(6), (b)(7)(C)

STATEMENT OF

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FILE NUMBER:
DATED

CONTINUED:

STATEMENT (Continued)

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. EA

(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 15 day of September, 20 09 at Cambridge, MA

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

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 6 OF 6 PAGES

10-1-01-26 ACLU DD III (CID ROI) 2090

For Official Use Only

Law Enforcement Sensitive

Exhibit

000029

SWORN STATEMENT

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

033104-CID259-80336

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: 78th MP Det CIO(FWD) Baghdad, IZ
2. DATE (YYYYMMDD): 2004 Sep 15
3. TIME: 18:54
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
7. GRADE/STATUS: PR
8. ORGANIZATION OR ADDRESS: C Co 1/41 Inf (Fort Riley, KS) Camp Curra, IZ.

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

The first instance occurred around mid-August. We had set in an OP on a rooftop in order to secure a long way route in Baghdad. It was late-evening/early morning & we had been in place for a few hours, changing guards hourly. Some men were resting & others were on the wall watching the buildings & a field that flanked our position. While I was on guard when someone had called Sgt. (b)(6), (b)(7)(C) on the radio to inform him that a dump truck, off of which IEDs were being thrown, was headed in our direction & to get eyes on. Sgt. (b)(6), (b)(7)(C) called back to confirm eyes-on & was instructed to engage. Spc. (b)(6), (b)(7)(C) was set in the corner of the building that ~~aligned~~ ^{corresponded} with the truck with the 240B & I (The AG at the time) ran over with the ammo rack

10. EXHIBIT:
11. INITIAL (b)(6), (b)(7)(C) MAKING STATEMENT:
PAGE 1 OF 13 PAGES

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

B. STATEMENT (Continued)

to feed him ammo. Everyone on the roof, to my knowledge opened fire. We hit it with numerous M203 HE DP rounds & the Bradleys fired it up with 25mm. When the truck was destroyed a cease-fire was called & we all (second squad) Sgt. (b)(6), (b)(7)(C), Spc. (b)(6), (b)(7)(C), Spc. (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C), Spc. (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C), Pot. (b)(6), (b)(7)(C) & me) took up a security perimeter on the rooftop & called down the sit.rep., Spc. (b)(6), (b)(7)(C) & I sat on the same ^{corner} that we had engaged from. I was his spotter & the only one of the two of us who had NODs. As I scanned my sector I was startled to see a man running out of a patch of I-R. clutter on the ground, waving a ^{handkerchief} (or other rag of some sort) in his right hand. ^{than 100 mt. from the base of the building.}

I informed Sgt. (b)(6), (b)(7)(C) & Spc. (b)(6), (b)(7)(C) Sgt. (b)(6), (b)(7)(C) ~~Spc. (b)(6), (b)(7)(C)~~ came over & shouted for him to get down. (b)(6), (b)(7)(C) asked, "where is he, where is he." but I told him to hold on because he was waving a flag. the man complied with Sgt. (b)(6), (b)(7)(C) demands by sitting on the ground & raising his hands & feet (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT _____

PAGE 2 OF 13 _____

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9 STATEMENT (Continued)

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

in the air. The man cried out "Baby! Baby!" (or something that sounded like baby) & sat still. No more than two minutes later (give or take) traces rounds started coming in from the opposite side of the building. Everyone but Spc. (b)(6), (b)(7)(C), Sgt. (b)(6), (b)(7)(C) & me got down & (b)(6), (b)(7)(C) yelled, "What about this guy?" over the cacophony of gunfire. I got down a bit & lost line of sight on the man. Sgt. (b)(6), (b)(7)(C) yelled "light him up real quick!" & they both opened fire. (b)(6), (b)(7)(C) soon thereafter we were told to remount, we gathered all of our gear & the Bradleys pulled to the rear of the building. We mounted & left.

About a week or so later we had a mission to clear an area of mudhuts & shanty houses. It was sometime in the morning (somewhere btw. 06:00 & 08:00 I believe) & a fairly pleasant morning. We cleared a few houses with no (b)(6), (b)(7)(C) acceptance but then we came upon a house (b)(6), (b)(7)(C) that was occupied by (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3

OF 3

GES

USAPA V1.00

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

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STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

(b)(6), (b)(7)(C) one man (b)(6), (b)(7)(C) The entire squad was stacked along the outside wall & one of our guys knocked on the front gate. The man let us into the small courtyard & some of the guys began to search while I pulled security with a couple of other guys. In the courtyard, to our left as we faced the house was a white truck.

Spc. (b)(6), (b)(7)(C) & another guy searched the truck & found a single AK-47. (b)(6), (b)(7)(C) I don't remember if there was a magazine or not) Sgt. (b)(6), (b)(7)(C) tried pulling it apart but couldn't so he left it intact. A couple of men searched the house but found nothing else.

(b)(6), (b)(7)(C) took one of my flex cuffs, put the man on his knees & cuffed him. A few minutes passed & I was told to undo the cuffs & release the man.

Spc. (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C), Spc. (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C) Put (b)(6), (b)(7)(C) were all sent out by (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) perimeter security. He then told me to never mind undoing the cuffs (that they would do it) & sent me to join the others.

I moved out & picked up a sector. Another (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 4 OF 13 GES

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

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STATEMENT OF _____ TAKEN AT _____ DATED _____

(b)(6), (b)(7)(C) STATEMENT (Continued) (b)(6), (b)(7)(C) Spc. (b)(6), (b)(7)(C), Spc. (b)(6), (b)(7)(C) & Sgt. (b)(6), (b)(7)(C) stayed with the man. (The minute or so passes from the time I set in team leader & squad leader) position & I hear two gunshots, a controlled pair, from an M-16. Sgt. (b)(6), (b)(7)(C), Spc. (b)(6), (b)(7)(C) & Spc. (b)(6), (b)(7)(C) all come out & Sgt. (b)(6), (b)(7)(C) says that the man had reached for the Ak.

Sgt. (b)(6), (b)(7)(C) then left Bravo team (Spc. (b)(6), (b)(7)(C) team leader, PFC (b)(6), (b)(7)(C) Spc. (b)(6), (b)(7)(C), & Pvt. (b)(6), (b)(7)(C) to move the body to another location. Alpha team (team leader Spc. (b)(6), (b)(7)(C), Spc. (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C), & me) were then instructed to continue forward with Sgt. (b)(6), (b)(7)(C). At the next building (or perhaps a couple after, I can't recall. But Bravo was still moving the body) we came to a family (2 women, 2 men & a baby) & were let in. PFC (b)(6), (b)(7)(C) & I were instructed to bring the family out of the courtyard & cover them while Sgt. (b)(6), (b)(7)(C), Spc. (b)(6), (b)(7)(C) & Spc. (b)(6), (b)(7)(C) searched the house with the man. In front of the house (outside the courtyard) was a broken down bus & a car with bullet holes in the windshield, the family sat peacefully on a rug.

INITIALS OF PERSON MAKING STATEMENT _____ PAGE 5 OF 3 PAGES

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

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STATEMENT OF _____ TAKEN AT _____ DATED _____

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

from within I hear Sgt. (b)(6), (b)(7)(C) & Spc. (b)(6), (b)(7)(C) say something about finding weapons. One of the three (I can not remember which it was) came out with one AK-47, four to six magazines (some loaded, some empty), & one rusty old revolver & told me to take them all to PFC (b)(6), (b)(7)(C) position. He then went back in. I brought all that they had found & placed it next to PFC (b)(6), (b)(7)(C) & returned to previous position in front of the family. Behind me I hear 2 gunshots fired & the man's wife begins to cry, rocking back & forth with the baby. Sgt. (b)(6), (b)(7)(C) Spc. (b)(6), (b)(7)(C) & Spc. (b)(6), (b)(7)(C) came out & Sgt. (b)(6), (b)(7)(C) told Spc. (b)(6), (b)(7)(C) (who's team had fallen into a security position sometime after the items were brought out) to secure the family elsewhere. Bravo team took the family to another, abandoned house, left them there, & returned. I was instructed to fall in with Bravo to set up security to the front of our position, & while Spc. (b)(6), (b)(7)(C) & Spc. (b)(6), (b)(7)(C) moved

INITIALS OF PERSON MAKING STATEMENT

PAGE 6 OF 12 PAGES

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

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STATEMENT OF _____ TAKEN AT _____ DATED _____

(b)(6), (b)(7)(C) COMMENT (Continued)

the body. A short while later I hear screaming behind me, the family had come out & seen Spc (b)(6), (b)(7)(C) & Spc. (b)(6), (b)(7)(C) going about their grisly endeavors. We continued on without incident & we stayed quiet.

A short time after that I had discussed PFC (b)(6), (b)(7)(C) treatment of the man who had been killed at the OP. ^{with Lt. (b)(6), (b)(7)(C)} # (b)(6), (b)(7)(C) & I had been tasked to move the body out of the sight of civilians until it could be picked up (this was the day after the 1st incident) (b)(6), (b)(7)(C) I told of how he spat on, kicked, threw rocks (bricks) at & cursed the body the entire time that we moved him & how it upset me. I also told him of the events of the night before (minus the ~~star~~ (b)(6), (b)(7)(C) bandanna). He agreed that the treatment was wrong & promised to talk to him about it. After that I kept quiet about the three killings until the subject was brought into question by the P.H. Sgt. (b)(6), (b)(7)(C) Lt. (b)(6), (b)(7)(C) yesterday 14 Sept 03. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

PAGE 7 OF 12 (b)(6), (b)(7)(C) S

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

When before them I protected those in question by leaving out incriminating facts. Only the ~~first~~ second instance listed here was in question. I told them no more. When I left & stood waiting to be released, I felt dirty & ashamed. I knew that what they had done was wrong but had still protected them (mostly out of fear). I couldn't let myself get away with that. We were released I scrawled condensed versions of what I have written here on a pad of paper & indiscreetly passed it on to Lt. He showed my note to Sgt & I went on to surf the net. They both came & got me a short while later & brought me before the 1st Sgt & the CO Cpt. to repeat what I had written. The following day (the date of this statement) I was brought to Camp Victory N. with Lt. to give my statement to C.I.D.

INITIALS OF PERSON MAKING STATEMENT _____ PAGE 8 OF 12 _____ ES

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

0331 04 CID 259-80336

STATEMENT OF _____ TAKEN AT _____ DATED _____

STATEMENT (Continued)

Q Reference the first incident. Why do you think the order was given to "light him up"?

A I think it was a split decision, he wanted us to get our heads down, he couldn't cover him, so he decided to kill him.

Q Was it possible this Iraqi man was there to give away your position and that is why the order was given?

A Yes, but I don't think that was the case, but I don't know it is possible that is why I didn't bring this up before it was an iffy one.

Q Ref. the 2nd Incident, Why do you think you were told "never mind" for taking off the Iraqi's flexy cuffs?

A I was told by one of the 2 team leaders, I don't remember which one, either SPC (b)(6), (b)(7)(C) or SPC (b)(6), (b)(7)(C) to cut the flex cuffs, SGT (b)(6), (b)(7)(C) is the one who told me "never mind" I think he told me this because he had something in mind. I think it was for reason of deniability.

Q Who all was inside when this man was shot?

A SGT (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C) & SPC (b)(6), (b)(7)(C)

Q Who all was outside at that time?

A SPC (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C), PVT (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C) and myself.

Q Ref the 3rd Incident, what did you mean when you said that

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 9 OF 12 SES

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

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

SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) were going about their grisly endeavor?

A. They were dragging the body, got caught up in Constriction wire & moving it across the field.

Q. Ref the 1st Incident, was it SPC (b)(6), (b)(7)(C) who asked SGT (b)(6), (b)(7)(C) what they should do about the man w/ the flag?

A. Yes, SGT (b)(6), (b)(7)(C) next to us. I am the assistant gunner for SPC (b)(6), (b)(7)(C) at the time.

Q. Did you ever go to the LT & tell him you were having a hard time with the manner in which one of the men were killed?

A. What I told him was that (b)(6), (b)(7)(C) I was disturbed and concerned with how PFC (b)(6), (b)(7)(C) treated the body. He spit on it, kicked it, threw rocks & bricks at it & cursed it.

Q. Have you ever heard or told anyone that SPC (b)(6), (b)(7)(C) shot a man in the head to see what it was like?

A. No.

Q. On the 2nd Incident after SGT (b)(6), (b)(7)(C) tried to take the AK47 apart, could not, how what happened to the AK47?

A. I was in the court yard pulling security, I saw him try to take it apart, he asked SPC (b)(6), (b)(7)(C) how to take it apart, I don't remember if there was a magazine in the weapon or if he cleared it. They kept (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

PAGE 10 OF 13 PAGES

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

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STATEMENT OF _____ TAKEN AT _____ DATED _____

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

_____ in their possession. I believe SGT (b)(6), (b)(7)(C), but I am not certain.

Q. Where was the detainee at this time?

A. I believe he was in the court yard.

Q. How much time had passed from when you were told to take the flexy cuffs off to when you heard the shots?

A. about 2-5 minutes.

Q. What was (b)(6), (b)(7) was the AK 47 at this time?

A. when he was shot I don't know, but the last person I saw in possession was SGT (b)(6), (b)(7)(C)

Q. Did anyone else go into the house before the Lt arrived?

A. No.

Q. The 3rd Incident, Who came out with the weapons?

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

Q. How much time passed from when the weapons were brought out to the shooting?

A. About 5 minutes

Q. Do you know for sure that the only weapons in the house were the pistol & the AK-47 w/ magazines?

A. I don't know for certain, but that is all that was turned in to the Battalion. And those weapons were outside when the shooting happened.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 1 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) ES

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STATEMENT OF _____ TAKEN AT _____ DATED _____

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

Q. How far away were you when the shooting took place, did you hear anything (people talking) prior to or after the shooting from inside?

A. I was about 4 to 5 yards outside, I didn't hear any audible voices before, but after all I heard was when SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) to move the family.

Q. Why didn't you come forward with this before?

A. I was afraid of what would happen, how the squad would look at me, 2 of the guy's involved are fathers, I don't want to take them away from their families.

Q. Did you ever witness any of the shootings?

A. Negative, the first guy I was next to them when they started firing (SPC (b)(6), (b)(7)(C) & SGT (b)(6), (b)(7)(C)), I ducked down & didn't actually see it. The other two I didn't see. After SGT (b)(6), (b)(7)(C) saw how I responded to the first guy, he tried to keep me away from the other bodies. I didn't break down, I was disgusted & depressed.

Q. Is there anything else you want to add to this statement?

A. No End of Statement

INITIALS OF PERSON MAKING STATEMENT

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

PAGE

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

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

OF

13

PAGES

STATEMENT (Continued)

03081004

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

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

AFFIDAVIT

I, PFC (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE ... 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 15th day of Sep, 2004 at 78th MP Det CZD (Fwd) Baghdad, IZ

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

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

PAGE 1 OF 12 PAGES

10-L-0126 LU DD III (CID ROI) 2103

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION 78 th MP Det CID (FWD) Baghdad, IZ	2. DATE 15 Sep 09	TIME 2230	FILE NO. (b)(6), (b)(7)(C)
5. NAME (Last, First, MI) (b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS 441 Inf (Fort Riley, KS) Camp CuEELU, IZ		
	7. GRADE/STATUS SPC		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

suspected/accused MURDER.

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE (b)(6), (b)(7)(C)
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 78 th MP Det CID (FWD) Baghdad, IZ
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-Waiver

1. I do not want to give up my rights:

I want a lawyer.

I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

SWORN STATEMENT

0331 04 CID 259-80336

For use of this form, see AR 190-45; the proposing agency is ODCSORS

LOCATION 78 th MP Det CID (FWD) Baghdad, IZ	DATE 15 Sep 04	TIME 2358	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		RANK/STATUS SPC/RA
ADDRESS/ORGANIZATION C CO 1/41 INF			

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

At the beginning of August, 2nd sqd 3rd Plt went out on a standard patrol on RTE Predator. We set up in an OP. At around 0200, a truck had passed the platoons A section and was throwing out items on fire and some that weren't. At this time, SSG (b)(6), (b)(7)(C) called up on the radio to engage the truck. Followed shortly after by 2LT (b)(6), (b)(7)(C) order. My squad leader, Sgt (b)(6), (b)(7)(C) then said to engage. I, A team leader, then flexed my guys Spc (b)(6), (b)(7)(C) Pfc (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) to the north side of the wall. I initiated fires upon the truck and then my squad engaged. I then requested permission to fire my M203. It was granted. I fired 4 rounds total. I only saw Spc (b)(6), (b)(7)(C) fire besides my guys. He fired two M203 rounds. I witnessed the two Bradleys, in B section, engage with 25mm and coax. I can only assume Spc (b)(6), (b)(7)(C) had his guys positioned around the OP. Sgt (b)(6), (b)(7)(C) was monitoring the radio. After we called the cease-fire, a man approached the OP with a white flag. Sgt (b)(6), (b)(7)(C), Spc (b)(6), (b)(7)(C) and myself stood up. Sgt (b)(6), (b)(7)(C) called it up to the SFC (b)(6), (b)(7)(C), the PSG. After we got up, we received fire from the south. At this time, Sgt (b)(6), (b)(7)(C) and Spc (b)(6), (b)(7)(C) engaged the man. After they shot we were picked up from the OP due to small arms fire. We were then taken up to the road. We then moved to a location where a Cobra element had engaged a truck. We were dismounted and told to search along the road for bodies. We came across one body that was shot in the back of the ear with a large caliber round. We stayed in that location for a couple hours and pulled security. After that we were relieved. We returned to Camp Cuervos for rest. We continued to patrol RTE Predator for a week or so. On 18 Aug 04, we received a mission to clear a sector of Sadr City. We had an early SP time. When we got on location we dismounted and pulled security. 1st squad had moved out to start clearing their part of the objective. Shortly after, a huge explosion occurred not too far away. 2nd Squad then moved up to start clearing the assigned sector. Spc (b)(6), (b)(7)(C) new A team leader, and Spc (b)(6), (b)(7)(C) Pfc (b)(6), (b)(7)(C) and Pfc (b)(6), (b)(7)(C) were told to clear the first house. We cleared it and found nothing. The second house was assigned to B team to clear but it was larger so they pulled A team in as well. We cleared that house and the squad leader, Sgt (b)(6), (b)(7)(C) told the team leaders to stay and for the rest of us to go outside to pull security. I was in the 9 o'clock position in relation to the doorway. I am unsure where the rest of the guys were setup. I heard a couple shots fired. I didn't know what had happened. The squad leader came outside with the team leaders and from what I understood got B team to grab the body. Later I found out he went for an Ak47 while we were outside and Sgt (b)(6), (b)(7)(C) shot him. We moved on with the mission. We cleared numerous houses. At the last couple houses, Sgt (b)(6), (b)(7)(C) split up the teams. He sent B team to clear another house and A team to clear the house where the second incidence occurred. A team knocked on the gate of the house. The people came outside. Spc (b)(6), (b)(7)(C) and myself were clearing the house. We got to the back room where I was clearing a wall locker and Spc (b)(6), (b)(7)(C) a hutch. He found an Ak47 in there locked and loaded. He called it up and I quit searching the wall locker. I had possession of the Ak47 at this time while he went out to Sgt (b)(6), (b)(7)(C). I assume he told him to pull security. The other men, Pfc (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both in security position. I gave Sgt (b)(6), (b)(7)(C) the 4 magazines we recovered and he turned around to take them outside. While I was trying to disassemble the weapon, Sgt (b)(6), (b)(7)(C) told me to watch him. I turned my head to acknowledge. When I turned back around, the man was in his wall locker, which was directly behind him. He had a pistol in his hand. At this point I reacted and dropped the Ak47 and engaged the suspect. After this point, I automatically went and threw the pistol away from him. I continued to search the locker. (b)(6), (b)(7)(C)

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

DA FORM 2823. JUL 72

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

10-L-0126 ACLU DD III (CID ROI) 2106

ACLU-RDI 5868 p.45

For Official Use Only
Law Enforcement Sensitive

Exhibit 4
000045

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

Found nothing. After the shots, Sgt (b)(6), (b)(7)(C) told B team to secure the family. They took the family a couple houses up the street and left them. We gathered the weapons up and Spc (b)(6), (b)(7)(C) and myself dragged the body out of the house and were heading to the side of the street. On the way, Ltc (b)(6), (b)(7)(C) was meeting us and asked what happened. I told him. He told us to take him to the medic he had with him. The medic asked where he was shot. I told him as well. After this point we remounted and continued. The next stop was at a school. We took fire when we were about to leave. Pfc (b)(6), (b)(7)(C) engaged the target and missed. 1st squad had eyes on and someone engaged and destroyed the enemy. We again remounted and continued in. We got set up in another OP on RTE Gold. We took some mortar and RPG fire but didn't know from where. Later on, Sgt (b)(6), (b)(7)(C) saw a man with an Ak47 moving along a wall. He engaged the enemy. Soon after we got the word to pull back to Camp Cuervo and we did. When we got back conducted our priorities of work. /// END OF STATEMENT ///

AFFIDAVIT

I, SPC (b)(6), (b)(7)(C) HAVE READ OR 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 OR 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 15th day of Sep, 2004 at 78th MP Det CID, Ft Riley KS

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
Article 136 (b)(4) UCMJ
(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

10-L-0126 ACLU DD III (CID ROI) 2107

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <u>78th MP Det CIP (FWD) Iraq</u>	2. DATE <u>18 SEP 04</u>	TIME <u>0957</u>	4. FILE NO.
5. NAME (Last, First, MI) (b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS <u>C Co 1/41 Inf</u>		
	7. GRADE/STATUS <u>SFC</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject 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. **(b)(6), (b)(7)(C)** willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me **(b)(6), (b)(7)(C)**

WITNESSES (If Applicable)

1a. NAME
SA **(b)(6), (b)(7)(C)**

b. ORGANIZATION OR ADDRESS AND PHONE
78th MP Det (CFO) (FWD)
Bushfield, FZ

2a. NAME (Type or Print)

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

b. ORGANIZATION OR ADDRESS AND PHONE

6. ORGANIZATION OF INVESTIGATOR
78th MP Det CFO (FWD)
Bushfield, FZ

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

10-L-0126 ACLU DD III (CID ROI) 2108

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED Exhibit 5

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: 78th MP Det (CID/FWD) Baghdad, IZ
2. DATE (YYYYMMDD): 18 SEP 2004
TIME: 1416
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: SPC
8. ORGANIZATION OR ADDRESS: C Co 1/41 INF.

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

I think it was Midgy August (b)(6), (b)(7)(C) 08-2004. We were set up in a building O.P. We were pulling security when a call came over the net, about a Bunk truck throwing I.E.Ds off the back towards the Bratleys. We saw the truck on the road, & Sgt (b)(6), (b)(7)(C) ordered us to open fire. Pfc (b)(6), (b)(7)(C) & Pfc (b)(6), (b)(7)(C) started firing up the truck. Sgt (b)(6), (b)(7)(C) had told me to get the 240s so I got it, set it up & opened fire. When they told us to stop firing, there was still (b)(6), (b)(7)(C) We had started taking fire from the south. We were trying to determine whether it was friendly fire or not. And then Pvt (b)(6), (b)(7)(C) told me there was a guy running towards us from the truck. I could not see him, because I didn't have any Pvs 7B on. I kept asking how were they? The guy was running from. As he got closer, I could see that he had a white flag in his hand & yelling Baby, Baby. We told Sgt (b)(6), (b)(7)(C)

10. EXHIBIT: (b)(6), (b)(7)(C) INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 15 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

(b)(6), (b)(7)(C) about the Guy. Then we started taking fire again - SGT. (b)(6), (b)(7)(C) told Everybody to Get Down. I had ask what about the Guy. Then he got up & told Me to fire him up. I stood their for a few seconds, & then SGT. (b)(6), (b)(7)(C) fired a shot off. I Couldn't really see the Guy. So I shifted to the left & fired up about 10 Rounds. (SGT. (b)(6), (b)(7)(C) had ^{his} Notes. on & A Pack 2) We were still taking fire from the South, so we got back down & SGT. (b)(6), (b)(7)(C) called it on the Radio. Then the Bradleys Moved up to the Building, they ordered us to move Downstairs & Get back on the Bradleys. We Moved up to ^{The} Truck location, But Never got out of the Bradleys. 1st Squad had gotten out to secure the site & ^{Asses} ~~Asses~~ (b)(6), (b)(7)(C) the Casualties. While we moved on to Next Truck site. (Don't know what happened their)

(This was about 0300 in the Morning.) We stayed at that location for about 2 hours. When we got back to the Building we were set up in. It was already day light. SGT. (b)(6), (b)(7)(C) Sgt. (b)(6), (b)(7)(C) & SPC (b)(6), (b)(7)(C) went to look at the Body. They said their was one Bullet wound on the Body, it was on the chest. We went back to the Building & set up our O.P. (same Build.)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 2 OF 13 PAGES

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

(b)(6), (b)(7)(C) Sgt. (b)(6), (b)(7)(C) had ordered Pfc. (b)(6), (b)(7)(C) & Pvt. (b)(6), (b)(7)(C) to move the body closer to the building & cover it up. We stayed at that O.P. for most of the day. Scouts came out later on & moved the body. (When I shifted my fire to the left when SGT (b)(6), (b)(7)(C) had told me to fire up the guy. I didn't want to shoot him. That's why I shifted, I'm sure I didn't hit him.) Everyone in the squad said it was only one round that hit him. That made me ~~feel~~ even positive that I didn't hit him.) I'm sure the decision SGT (b)(6), (b)(7)(C) made ~~that~~ that night was wrong, but it was one he had to make as a leader under the situation we were in. (We had a squad up on that building that night, about 10 men.)

I can't remember the date, but that we were conducting movement to contact through the city. (Not sure which part) We started searching through the buildings, it was about the 3rd or 4th building we went up to. We went into the house & there was one male inside. Brown team had searched the room & found a AK-47. I had my team search the court yard SGT (b)(6), (b)(7)(C) told me & SPC (b)(6), (b)(7)(C) to move our teams out (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 13 PAGES

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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 _____ TAKEN AT _____ DATED _____

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

To Secure the Perimeter. (Before^{we tell us to go outside} that Sgt. Williams told us to Flex-cuff the Guy. So We Did. thats when he told Everybody to Go outside, But the team leaders, Myself & (b)(6), (b)(7)(C) Sgt. (b)(6), (b)(7)(C) told spc. (b)(6), (b)(7)(C) to Cut off the flex cuffs, So he Did. He pushed the Guy in the Room & looked at us, And Said, he went for his Weapon, & shot the Guy twice in the chest. (Before^{we shot him} Sgt. (b)(6), (b)(7)(C) Placed the Weapon in the Bed in the Room. (Before he shot him.) At that point I turned around, & Walked outside, I took a knee Next to My team, & My team looked at Me, like they what happenet, I just shook My head & looked to the Ground. At that point our PVT. Leader, Walked up & went into the Building, (After Sgt. (b)(6), (b)(7)(C) Called him on the Patio & Told him, we had one Enemy KIA) When he Walked Back out, I heard another shot fired from Inside the Building. So Sgt. (b)(6), (b)(7)(C) Came out & Orderd me to Move my team to the next Building. While Bravo team Removed the Body from the Building. So we went on with the Mission. When we Got to the last Building. It was me & My team. We Secured the family outside & had Pfc. (b)(6), (b)(7)(C) & Pvt. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 13 PAGES

USAPA V1 00

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

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

(b)(6), (b)(7)(C) Pull Security on the family, while we & spc. (b)(6), (b)(7)(C) searched the house. I had found A AK-47 in one of the cabinets, I walked out of the house & called Sgt (b)(6), (b)(7)(C) over the Radio that we had found A weapon. So he came over to our location & started yelling at me, saying Do not call that over the radio, we will take care of it ourselves. So I took a knee & pulled security with the rest of my team. Sgt (b)(6), (b)(7)(C) went ~~outside~~ (b)(6), (b)(7)(C) inside the house, then a ~~friend~~ (b)(6), (b)(7)(C) a little while after he came back out & got the man. I overheard spc. (b)(6), (b)(7)(C) asking Sgt (b)(6), (b)(7)(C) if he could shoot the guy, then I heard 3 shots go off. Sgt (b)(6), (b)(7)(C) called it over the radio & said we had one enemy KIA. He then got Bravo team to our location, to take the family elsewhere, so they won't see the body. Bravo team secured the family. Sgt (b)(6), (b)(7)(C) ordered me & my team to move the ~~bravo~~ (b)(6), (b)(7)(C) body to the ~~over~~ (b)(6), (b)(7)(C). As we were moving the body, we ran into the B.C., he had asked what had happened. Sgt (b)(6), (b)(7)(C) & May told him that the man pulled out a pistol. B.C. ordered his medic to see what he can do for the man. The family came out & saw the man, so we had to (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 5 OF 13 PAGES

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

pull security for the medic, then they called us to get back on the Bradys. SGT (b)(6), (b)(7)(C) told us to move down to where Bravo team was to help them out with their last building. Then we moved back to the Bradley, & moved on to the next objective. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) About 3 days ago SGT (b)(6), (b)(7)(C) had suspected Pvt. (b)(6), (b)(7)(C) of saying anything. SGT (b)(6), (b)(7)(C) had said, the first chance he gets, he's going to shoot Pvt. (b)(6), (b)(7)(C) & then after chow that day, he had told me that he was thinking about a good way to get back to (b)(6), (b)(7)(C). Then he said he was thinking about going back to the U.S. & kill his family

Q. Did you write the above statement?

A. Yes.

Q. Reference the dump truck incident and the unarmed Iraqi, did SGT (b)(6), (b)(7)(C) give you an order to shoot him?

A. Yes, he said to fire him up.

Q. Why did he give that order?

A. Because we were taking fire and we had no eyes on him

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 13 PAGES

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STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

(b)(6), (b)(7)(C) and no way to secure him. That guy could have been there to give away our position and that may be why he gave the order.

Q. Did SGT (b)(6), (b)(7)(C) have rods on?

A. Yes.

Q. What did SGT (b)(6), (b)(7)(C) have on his weapon?

A. PAC 2, he said he had it on the mans chest.

Q. Who shot first?

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

Q. Did the man go down after he shot?

A. I couldn't really see, I didn't have rods on.

Q. Why did you shoot?

A. SGT (b)(6), (b)(7)(C) gave me the order.

Q. Did you hit him when you shot?

A. I don't believe so.

Q. Could you see him?

A. Not really, I could see he had a white shirt.

Q. How far away was he?

A. 50 to 100 meters.

Q. Why did you aim to the left of him? (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 7 OF 13 PAGES

STATEMENT OF:

TAKEN AT:

DATED:

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

A. Because I didn't want to shoot him.

Q. Why didn't you want to shoot him?

A. He had a white flag in his hand.

Q. The next day when the Scouts came out, do you know if any of them saw the body?

A. I was told the Scouts came out and picked up the body. I don't know who that was, it might have been our Scouts but I don't know.

Q. During the cordon and search of the first residence, who found the AK47?

A. I am not sure.

Q. Do you know where the weapon was found?

A. I know it was in the rooms somewhere.

Q. Did you witness SGT (b)(6), (b)(7)(C) shoot the man?

A. Yes.

Q. Where did he shoot him?

A. It looked like body shots, I couldn't really tell, he fell to the ground and I turned around and walked away.

Q. Did the man go for a weapon?

A. No.

Q. Was he flexi-cuffed?

A. Yes he was, when SGT (b)(6), (b)(7)(C) told the team to go outside except for the team leaders. Then he had SPC (b)(6), (b)(7)(C) cut them off. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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EXHIBIT:

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STATEMENT OF:

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

TAKEN AT:

DATED:

After he cut them off, SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) to pick the guy up. SGT (b)(6), (b)(7)(C) then put the guy in the room. SGT (b)(6), (b)(7)(C) had already put the AK47 on the bed, there was no magazine in the weapon and SPC (b)(6), (b)(7)(C) had already cleared it earlier. Then he looked at us and said "He went for his weapon" and shot him.

Q. Did SGT (b)(6), (b)(7)(C) ever tell you why he wanted to shoot him?

A. No.

Q. Who was inside when you heard the third shot?

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

Q. Do you know who fired the 3rd shot?

A. SGT (b)(6), (b)(7)(C) told me later that he did.

Q. When did he tell you that?

A. I don't remember when, but he said he shot the guy in the head and the guy's eye ball popped out.

Q. Who is the PLT Leader?

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

Q. Did he know what happened?

A. I don't think so.

Q. Where was he when this happened?

A. We had another squad on the other side and he was probably with them.

Q. What was the LT told?

A. I heard SGT (b)(6), (b)(7)(C) yell over the radio saying we had one enemy KIA. That is when the LT came over and

INITIALS OF PERSON MAKING STATEMENT

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

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EXHIBIT:
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STATEMENT OF:

TAKEN AT:

DATED:

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

looked.

Q. Did the LT say or do anything?

A. He went in the house, I was outside. I didn't hear or see what happened inside with the LT.

Q. Reference the next incident, why did SGT (b)(6), (b)(7)(C) yell at you for calling in over the radio that you found a weapon?

A. He said that we would take care of this ourselves.

Q. What do you think he meant by that?

A. I thought that when he said that he was thinking of shooting the guy.

Q. Has he said anything like that in the past?

A. No, that was the first time.

Q. Did he or anyone else ever put out not to call that up over the radio?

A. No.

Q. Are you suppose to call that up over the radio?

A. YES, he wasn't with me, I had to call him & give him a sit rep.

Q. Has anyone ever taken a kept, without turning in, any weapons you found at a scene?

A. SFC (b)(6), (b)(7)(C) had the AK-47, from the one SGT (b)(6), (b)(7)(C) shot 3 times, it was found in his vehicle about a week later. SFC (b)(6), (b)(7)(C) was investigated for that. That is the only one I know of.

Q. Have you ever heard of anyone keeping the weapons to plant on Iraqis to justify shooting them, i.e. a "drop weapon"?

A. SGT (b)(6), (b)(7)(C) always talked about it, but I don't think he ever did it. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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EXHIBIT:
Exhibit
000057

STATEMENT OF:

TAKEN AT:

DATED:

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

Q. Where were you when you heard SPC (b)(6), (b)(7)(C) ask if he could shoot the guy?

A. I was on a knee next to the family at the gate of the court yard, SPC (b)(6), (b)(7)(C) & SGT (b)(6), (b)(7)(C) were inside the court yard, we were just outside of it. They were no more than 10 feet away.

Q. Could you see them from your location?

A. No, there was a sheet metal wall or fence between us.

Q. Did you hear SGT (b)(6), (b)(7)(C) answer him?

A. No.

Q. How much time had passed between SPC (b)(6), (b)(7)(C) asking if he could shoot him, until you heard the shots?

A. Less than a minute.

Q. Who all was inside the court yard when the shooting took place?

A. SPC (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) and the Iraqi guy.

Q. What weapons were found at that residence?

A. AK47 and a pistol, I didn't have any knowledge about the pistol until after the body was drug out.

Q. Where were the weapons found?

A. I found the AK47, inside a cabinet inside the room. After I found it, I gave it to SPC (b)(6), (b)(7)(C) and he was trying to disassemble it. Then I walked outside and tried to get SGT (b)(6), (b)(7)(C) on the radio. After he came and yallad y-t me, he went inside. He came back out and got the Iraqi guy and brought him back inside and that is when I heard (b)(6), (b)(7)(C) ask if he could shoot the guy. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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EXHIBIT: 5
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STATEMENT OF:

TAKEN AT:

DATED:

Q. What did the family do after the shots were fired?

A. The mother or wife, looked at us, we couldn't look at her, I heard SGT (b)(6), (b)(7)(C) call it over the radio. He told B team to move the family, so they couldn't see the body. Later when the BC arrived the family saw the body being drug and they started screaming and yelling.

Q. Who told the BC what happened?

A. SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) told him that SPC (b)(6), (b)(7)(C) shot him because he went for a weapon.

Q. Ref. the dump truck & the man with the white flag. Did that man with the flag have a weapon?

A. I couldn't see him, that is why I yelled at PVT (b)(6), (b)(7)(C) to tell me what he saw. All I could see was the white flag. No body ever said if he had a weapon or not. I didn't find out until the next day from some people, that all he had was a knife.

Q. Is there anything else you want to add to this statement?

A. No ——— End of Statement ——— (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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Exhibit 5
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STATEMENT (Continued)

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

AFFIDAVIT

I, SPL (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 13. 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 OR 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 by Law to administer oaths, this 18 day of Sep, 2004 at 78th MP Det (FWD), Bushfield, JZ

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 13 PAGES

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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 <i>Camp Victory APO AE 09392</i>	DATE ^{(b)(6), (b)(7)(C)} <i>18 Sept 64</i>	TIME <i>1854</i>	FILE NUMBER ^{(b)(6), (b)(7)(C)}
LAST NAME, FIRST NAME, MIDDLE NAME ^{(b)(6), (b)(7)(C)}	SOCIAL SECURITY NUMBER ^{(b)(6), (b)(7)(C)}	GRADE/STATUS <i>PFC/E-3</i>	

ORGANIZATION OR ADDRESS
C Co 1/41st Inf

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

In early August, Second Squad third Platoon was set up at an abandoned building. I am not sure what time it was but the Bradley's (32) Ssgt ^{(b)(6), (b)(7)(C)} called up that ^{(b)(6), (b)(7)(C)} to destroy a truck, because they thought they were throwing IEDs out of the truck, but it was burning garbage. This was the second time the truck drove by. When the call went to the Brad's, they were late in engaging the target. Sgt. ^{(b)(6), (b)(7)(C)} told us to engage the truck. After we stopped the truck there were people running in front of the truck. This was night time so we were able to see them with the truck lights. I looked the opposite direction and there were tracer fire coming at us. During the time about 10, 15, 20 min. a guy came to the building. Sgt. ^{(b)(6), (b)(7)(C)} and Spc ^{(b)(6), (b)(7)(C)} yelled at the guy to stop and get down. Sgt. ^{(b)(6), (b)(7)(C)} ordered us to watch for fire. Sgt. ^{(b)(6), (b)(7)(C)} and Spc ^{(b)(6), (b)(7)(C)} had their weapons pointed toward the guy. Suddenly, I saw tracer fire coming from the ^{(b)(6), (b)(7)(C)} same area and then Sgt. ^{(b)(6), (b)(7)(C)} fired his weapons as well as Spc. ^{(b)(6), (b)(7)(C)} at the guy. I wasn't sure why they shot him. Then we were ordered to get off the building. When we came back the next morning we ^{(b)(6), (b)(7)(C)} the body was covered. I can't remember who covered it. I only had a glimpse of the body. During the day we learned that there were children on the truck. I didn't know what to feel.

Two to three weeks past and we had another mission to do. We had to clear ^{(b)(6), (b)(7)(C)} eleven to twelve sectors.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT ^{(b)(6), (b)(7)(C)}	PAGE 1 OF <u>5</u> ^{(b)(6), (b)(7)(C)} 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 CONTINUED ON THE REVERSE SIDE OF EACH PAGE.

FILE NUMBER:

STATEMENT OF

TAKEN AT

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

DATED

CONTINUED

but we only cleared one really. ~~the~~ We were told that there were known enemy in the area ~~in~~ in our order from Sgt. (b)(6), (b)(7)(C). We then dismantled and each squad had their own area to clear. We started clearing some buildings and found nothing. Then we were able to find an AK in some guys house. Spc. (b)(6), (b)(7)(C) and PV2 (b)(6), (b)(7)(C) ended up finding it. Sgt. (b)(6), (b)(7)(C) had the guy zipped stripped and put on his knees. Then Bravo team cleared the rest of the building. Sgt. (b)(6), (b)(7)(C) told ~~the~~ PFC (b)(6), (b)(7)(C) to cut the zip strips. And then sent Bravo team outside. If I can remember right Alpha team stayed inside. I am part of Bravo team. ~~the~~ I think the only one from Bravo that was inside was our team leader Spc. (b)(6), (b)(7)(C). Then, I heard a shot. I wasn't sure who shot, but I asked around and Sgt. (b)(6), (b)(7)(C) said he shot because the guy was reaching for his weapon. I didn't know if it was BS or not. ~~the~~ Spc. (b)(6), (b)(7)(C) and PV2 (b)(6), (b)(7)(C) removed the body and took the body to the brads. Then we continued the rest of the mission. The squad got split apart Bravo team had to clear a courtyard/Hut while Alpha continued down. ~~While~~ After we clear our building we heard two shots. I didn't know what was going on. They told us to hold. About five minutes later we were told by the S/Leader to hook up with him and Alpha. When we ran up I saw four people outside ~~the~~ a courtyard. Spc. (b)(6), (b)(7)(C) and Sgt. (b)(6), (b)(7)(C) were still inside. We were told to move the family by Sgt. (b)(6), (b)(7)(C) so they Alpha could move the ~~the~~ body. Then we pulled security. I still wasn't sure why they shot the guy but I found out ~~the~~ he had a weapon or two from (b)(6), (b)(7)(C) to pictures of the guy he killed. He bragged about it saying that he got to shot the guy. That's when I found out that he was the one who shot the guy. I wasn't sure whether or not Sgt. (b)(6), (b)(7)(C)

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FILE NUMBER:

STATEMENT OF

TAKEN AT

DATED

CONTINUED

shot or not. I wasn't really worried about it at the time. A couple of days to a week went by, we were on an op, when Sgt. (b)(6), (b)(7)(C) decided to do search some buildings. In one building we found an AK 47 and three mags in a bandaker. We found the owner of the weapon and Sgt. (b)(6), (b)(7)(C) had us take him upstairs to the roof. When we got on the roof Spc. (b)(6), (b)(7)(C) put the guy on his knees. Sgt. (b)(6), (b)(7)(C) put it out to us that this guy is enemy. Sgt. (b)(6), (b)(7)(C) and Spc. (b)(6), (b)(7)(C) were discussing on what to do with the guy. The rest of us pulled security. I was pulling security on the guy. I asked Sgt. (b)(6), (b)(7)(C) what we were going to do with the guy. Sgt. (b)(6), (b)(7)(C) said why do you want to kill him? I said I don't know or care. Surprisingly we let him go. I didn't know exactly why Sgt. (b)(6), (b)(7)(C) let him go but I figured that we would of made a lot of noise. I was glad they didn't do anything because I knew we would of got in big trouble, although I was worried about the guy coming back up to kill us. I didn't think that this whole event was going to be so serious until Ssgt. (b)(6), (b)(7)(C) got here and that (b)(6), (b)(7)(C) brought it up, or told us Sgt. (b)(6), (b)(7)(C). Over the past couple of days we started to get investigated. At the time I wasn't sure what was going on. They first started to talk to (b)(6), (b)(7)(C), then (b)(6), (b)(7)(C) and Sgt. (b)(6), (b)(7)(C). They didn't talk to Bravo or (b)(6), (b)(7)(C) the next day. Sgt. (b)(6), (b)(7)(C) got the squad together. Later, that night Sgt. (b)(6), (b)(7)(C) came up to me and asked if I saw the weapon, when (b)(6), (b)(7)(C) shot the guy. I said "No." The next day Sgt. (b)(6), (b)(7)(C) got the squad together. When (b)(6), (b)(7)(C) came outside he told him to go away and that he wasn't part of the squad. Sgt. (b)(6), (b)(7)(C) told us a little about what's going on, that (b)(6), (b)(7)(C) was bringing up more stuff on Sgt. (b)(6), (b)(7)(C) and Spc. (b)(6), (b)(7)(C) and that he was out to get them in trouble. Sgt. (b)(6), (b)(7)(C) told us that we all should be fine. He told us that we were going to get talked to in the next few days. Spc. (b)(6), (b)(7)(C) said that we are family and that we don't rat our family out. That

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FILE NUMBER:

STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED _____

is sort of what it sounded like. Spc (b)(6), (b)(7)(C) said that when he sees (b)(6), (b)(7)(C) he is going to kick his ass. Two days ago our whole platoon started to get investigated. When I got back to Victory, Spc (b)(6), (b)(7)(C) told us that Sgt (b)(6), (b)(7)(C) and Spc (b)(6), (b)(7)(C) were in deep shit and for us to tell you the truth. I heard rumors that Sgt (b)(6), (b)(7)(C) put a death threat out for (b)(6), (b)(7)(C), I can't remember if it was Spc (b)(6), (b)(7)(C) that said it or not. That is why our weapons got taken away. I have been told by the (b)(6), (b)(7)(C) 1st Sgt (b)(6), (b)(7)(C) and Ssgt (b)(6), (b)(7)(C) to tell the truth. This is the truth to my knowledge. This is what I can remember. I don't like rating people out. I don't agree with what they did, but at the time I wasn't in any place to really say anything. I know a little that (b)(6), (b)(7)(C) hated Sgt (b)(6), (b)(7)(C) and Spc (b)(6), (b)(7)(C), because they fucked with him a lot. I think it is wrong that Sgt (b)(6), (b)(7)(C) threatened (b)(6), (b)(7)(C) but I still don't know if it was true or not.

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

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

Q: When you were on the roof and a man was approaching your position did he have a white flag?

A: I could not see him.

Q: Do you believe he was giving away your position?

A: No

Q: Do you believe he was a threat?

A: I don't know because I don't if he had a weapon.

Q: Where were you during the second shooting of the Gordon Search?

A: About 50 to 100 meters away clearing a separate building and didn't arrive until after the shooting.

Q: The last incident on the roof top you describe happened when?

A: A couple days to week after the Gordon Search

Q: Who else was there with you? Sgt (b)(6), (b)(7)(C)

A: Sgt (b)(6), (b)(7)(C), Spc (b)(6), (b)(7)(C), Spc (b)(6), (b)(7)(C), Puz (b)(6), (b)(7)(C)

Q: What do you think should happen to Sgt (b)(6), (b)(7)(C)?

A: Jail time, but I wouldn't like to see him there.

STATEMENT OF TAKEN AT DATED CONTINUED:

STATEMENT (Continued)

Q: Do you feel what SPC (b)(6), (b)(7)(C) and Sgt (b)(6), (b)(7)(C) was wrong?

A: Roger

Q: Is there anything you wish to add to this statement?

A: No /// LAST ENTRY /// (b)(6), (b)(7)(C)

AFFIDAVIT

(b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of Sep, 2009 at Camp Vicuña, IZM

ORGANIZATION OR ADDRESS

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

(Signature)

SA

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, JCSJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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PAGE 5 OF 5 PAGES (b)(6), (b)(7)(C)

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SWORN STATEMENT

FILE NUMBER : _____ -04-CID259-
 LOCATION : Camp Victory, Iraq
 DATE 18 Sept (b)(6), (b)(7)(C) TIME: 1708 (b)(6), (b)(7)(C)
 NAME : (b)(6), (b)(7)(C)
 SSAN : _____ Grade/Status: E3/ RA
 ORG/ADDRESS : C Company, 1-41st Infantry Regiment, Fort Riley, KS (Deployed to Iraq)

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

The night we shot the dump truck we where on a roof top of an empty building. I was on the south facing the wall. When they called to light up a truck then I saw the truck and someone in the back threw out some kind of box about ten meters in front of C33. I could not fire from where I was at. So I moved to the northwest corner, SPC (b)(6), (b)(7)(C) took the first shot. Then SPC (b)(6), (b)(7)(C) and I opened up and other people fired too. I could not hear over the saw and 240 they said to stop fire. Then people started to get out of the truck. They said to open up again after reloading. I stared to fire. But the link I had load did not have any tracers so I stopped cause I could not see where my rounds where going at that time. SGT (b)(6), (b)(7)(C) said to free fire the 203. So, they started to fire at the truck. There were maybe 9 or more 203 rounds fired at the truck. At that time a guy came running up to the Observation Post. SPC (b)(6), (b)(7)(C) told him to stop and get down. I could not see him. Then we started to take fire from the south. So, I returned to where I was at to try to return fire. When I was moving, I think SPC (b)(6), (b)(7)(C) asked what about the guy. SGT (b)(6), (b)(7)(C) said light him up. So, SPC (b)(6), (b)(7)(C) fired. I heard later that SGT (b)(6), (b)(7)(C) had maybe shot him from there. We had broke contact and remounted the brads. We went to find someone the tankers had shot. After we found him, we got in the brads. At first light, we went back to the op. On the path to the op, we came across the dead guy that came up to the op. They said someone was coming to pick him up but they just left. So PFC (b)(6), (b)(7)(C) and I had to move the body, so that the locals could not see him when we where trying to cover up the body. I could not get his arm to stay under the rug so I kicked it a few times and got it to stay. I did not try to mess up the body or anything like that I was just mad about getting dead guy pee on me. I was told later not to do that again. I said ok. We heard later that they were not sure if the truck was enemy and that there were some kids in the back. I still don't know what had happened with the truck someone said they had to put one guy down cause he was so messed up they said he had his innards hanging out but I don't know how shot him or who gave the order. Several days later, we stared out the mission as a court on knock react to contact raid. We started out knocking on the doors if no one was there we would kick it in after two or three houses we started to hear AK fire. So we stared to do raids and we found a mortar round next to a house. LT (b)(6), (b)(7)(C) marked it with a piece of marking on VS 17 panel. From there we came to a house where I kicked in the door and instead of the door opening the wall fell down. B team pass us as we where leap fogging hut to hut that is when I believe that B team came across a man with an AK in his house. We regrouped in the court yard then moved outside and set up on the wall to head to the next hut. When we where outside I heard two shoots then a third one a short time later. Later on, SGT (b)(6), (b)(7)(C) talked about how the guys eye (b)(6), (b)(7)(C)

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

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Exhibit 7
000066

"Statement of (b)(6), (b)(7)(C) taken on 18 Sep 04, at Camp Victory, Iraq Continued:"

(b)(6), (b)(7)(C) popped out of his head. I think we cleared one or two more house then we moved on to the last house. I think the family was asleep outside when we came up. A woman saw us and she started to cry like she knew something was wrong. The rest of the team moved into the house and cleared it. They came out and SPC (b)(6), (b)(7)(C) called up SGT (b)(6), (b)(7)(C) to report the AK. SGT (b)(6), (b)(7)(C) did not reply when he got there. SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) not to call that shit up on the net. I thought it was because he wanted to do it. Then we were sent to clear a bus that was in the yard next to a car that had bullet holes in the windshield. We came out the bus and I returned to pulling guard on the family and our rear. They were all pretty calm but the lady was crying trying to talk to me but I did not understand what she was saying. I was trying to keep them calm that's when I believe that they brought out the AK and three magazines. I looked at the mags. And one was empty, one was half full and the other was full. So to me it was in my mind that this guy been firing his AK. Then there was the car with the shot up windshield so it seemed to me that he has been up to something at that time SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) went into the hut. SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) took the guy into the hut. A little bit after that I heard two shoots and I know the guy was dead. It did not make sense to me why they took the guy in the house but then they came out with a hand gun. SPC (b)(6), (b)(7)(C) gave me the hand gun. I looked inside the cylinder and it was empty. I placed the handgun back on the ground. SGT (b)(6), (b)(7)(C) called up B team to come to move the family so they can't see the body. We move the body and the guns from the house to where the Battalion Commander was at. We turned over the guns to someone with the Battalion Commander. We turned the body over to the medic for evaluation. The Battalion Commander asked what happened and SGT (b)(6), (b)(7)(C) said the guy tried to reach for the hand gun so they shot him. The guy showed the Battalion Commander the handgun and the Battalion Commander told him that you win some and you lose some. We went and remounted. SPC (b)(6), (b)(7)(C) started to talk about how he killed the guy from close up and that he shot him once in the head and in the chest. I heard later that SPC (b)(6), (b)(7)(C) asked if could shoot the guy. I didn't like the fact the guy was shot with his family so close by. At the time, it seemed like they had no choice in the matter. They never came out and said to me they killed the guy, just for the hell of it. But I heard little things that didn't seem right so, I tried not to talk about it to much. It was in the past so I left it there. After we left the village, we went into the town we had to clear a school. We got to the school and could not find a way in. So, we had to jump a big wall to get in. Right after we did that the care-taker of the school told us where the door was from there we started to clear the school. I end up on the 3rd floor in a big open area. I took cover behind a big spot light. When they told us to move, I started to get up and one shot went by me. So, I rolled out and went down to the first floor, SGT (b)(6), (b)(7)(C) asked where did that shot came from. I told him I think a sniper had almost got me. So, we went back up. SGT (b)(6), (b)(7)(C) passed next to the window. Someone opened up with AK fire. So, SGT (b)(6), (b)(7)(C) told me to spray the roof tops to flush him out. So, I did and right after that I heard 1st squad say we got him or something like that. I believed they shot him but they never recovered a body that I know of. After that we left and cleared more of the city.

Q. Who told you that they had to put someone down because his innards were showing?

A. It was someone in 1st Squad. I don't recall his name. This was back at Cuervo, may be a day or two after.

Q. Who are the members of B Team?

A. SPC (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) PV2 (b)(6), (b)(7)(C)

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

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“Statement of (b)(6), (b)(7)(C) taken on 18 Sep 04, at Camp Victory, Iraq Continued:”

(b)(6), (b)(7)(C) Q. Reference the first Iraqi who was shot, when you were clearing the houses and found an AK 47, what all did you see and hear?

A. My team didn't clear the house, after the other team cleared the area, my team went in and we went inside the courtyard. We were pulling security and I remember SGT (b)(6), (b)(7)(C) tried to remove the bolt from the AK but SPC (b)(6), (b)(7)(C) have to show him how to do it. I think every one was outside in the courtyard at that time. Then my team left and we moved out to the post up on the wall outside. A few minutes later I heard two shots and then later a third shot. The first two shots were close together than about 30 seconds later I heard another shot. Then shortly after we moved on to the next place.

Q. While you were there, did you see how many Iraqi's were at that residence?

A. I think there was only one.

Q. Did you ever see him?

A. I don't remember seeing the guy.

Q. Do you know if he was ever put in flexi cuffs?

A. I didn't see it, but I heard later on that he was flexi cuffed and someone had to cut the flexi cuffs off. I don't know if he had the flexi cuffs on or off when he was shot.

Q. Did you hear anything about that incident after it occurred?

A. I am not sure, but I heard that SGT (b)(6), (b)(7)(C) hates Iraqi's, I think one of his friends was killed over here. I heard that the Iraqi was laughing at him. SGT (b)(6), (b)(7)(C) said that he shot the guy the last time his eyes popped out. That is all I can remember.

Q. What was you location during the first incident?

A. I was in the courtyard.

Q. How far was the courtyard from the entrance to the house?

A. 15 feet

Q. Do you recall seeing anyone going into the residence of the first incident?

A. I don't know who went into the residence before I got there.

Q. Do you know who cleared the residence regarding the first incident?

A. It was a small house so it would have been SPC (b)(6), (b)(7)(C) and PV2 (b)(6), (b)(7)(C)

Q. What was SPC (b)(6), (b)(7)(C) role during the missions?

A. A Team leader

Q. What was SGT (b)(6), (b)(7)(C) role during the missions?

A. Squad leader

Q. What happened to the confiscated AK47 and magazines from the first incident?

A. I saw them in the back of C34.

Q. Do you recall if the B Team cleared the residence and detained anyone?

A. I know they cleared. I heard later that they had the guy zipped tied. I never saw the guy.

Q. What happened at the second residence when someone was shot?

A. We moved on from the last place and the family was outside sleeping, so we came up, I pulled security on the family and I believe, SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) went in the house to clear it. SPC (b)(6), (b)(7)(C) came back outside and he called up SGT (b)(6), (b)(7)(C) to tell him they found an AK and several magazines. SGT (b)(6), (b)(7)(C) didn't answer him, but when he got there he told SPC (b)(6), (b)(7)(C) not to call that shit over the net. SGT (b)(6), (b)(7)(C) sent SPC (b)(6), (b)(7)(C) out and he and I went and cleared a bus. After we got off the bus and didn't

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

“Statement of (b)(6), (b)(7)(C) taken on 18 Sep 04, at Camp Victory, Iraq Continued:”

(b)(6), (b)(7)(C) find anything, I picked up security on the family again. I am not sure about the order of what happened, but I believe SGT (b)(6), (b)(7)(C) brought out the AK and the magazines, then SGT (b)(6), (b)(7)(C) took the guy back in the house. I believe SPC (b)(6), (b)(7)(C) was already in the house. A short time after that I heard two shots and they came out with a revolver. They didn't say anything, SGT (b)(6), (b)(7)(C) called up B team to get the family out of there and to move the body. I guess while they were moving the body, someone in the family saw and started freaking out. The BC arrived and me and SGT (b)(6), (b)(7)(C) went up to them and we gave the weapons to the NCO and he looked at the revolver and noticed it was empty, he told the BC and then SGT (b)(6), (b)(7)(C) told the BC that during the search they found an AK and then the guy reached for a revolver so they shot him.

Q. Was the guy that SPC (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) took back into the hut restrained in any manner?

A. No.

Q. Was the weapon a handgun or a revolver?

A. It was a revolver.

Q. Do you know who shot the guy?

A. SPC (b)(6), (b)(7)(C) He bragged about it because he shot him from close up, I guess he was proud of it because he never shot anyone from that close. I saw a picture on his digital camera, he showed it to me. The picture of was the guy on the ground and a blood splat on the wall. He said that he posted it on a web site, but I never saw it.

Q. What can you tell me about the man that was shot after the dump truck incident that came up to your position?

A. After we engaged the dump truck and it was neutralized. A guy came running up to our position, I think he said something about a baby and SPC (b)(6), (b)(7)(C) said stop and get down. We started taking fire from the south, once we started taking fire, I think SPC (b)(6), (b)(7)(C) asked SGT (b)(6), (b)(7)(C) what to do about this guy and SGT (b)(6), (b)(7)(C) said to light him up. Then I heard the 240 go off. I didn't hear SGT (b)(6), (b)(7)(C) shot, but later I heard that SGT (b)(6), (b)(7)(C) shot him. When I went up to the body the next morning I saw two bullet holes in the guy's chest. SGT (b)(6), (b)(7)(C) lifted up the shirt and I saw the bullet holes in the mans chest. They didn't look like big holes, I don't know if it was 7.62 or 5.56. I didn't see any other holes in him.

Q. Do you know why SGT (b)(6), (b)(7)(C) gave the order to light him up?

A. We thought he was hostile, because we thought they were throwing out IED's and once we started taking fire from the one side, we didn't know if he was friendly or not, so instead of putting the whole squad at risk, he decided to just pop him.

Q. Do you know if SGT (b)(6), (b)(7)(C) threatened anyone in the squad?

A. SGT (b)(6), (b)(7)(C) said something like I should shoot that mother fucker. He said this a few days ago, when this stuff just started coming out.

Q. Did you ever hear SGT (b)(6), (b)(7)(C) threaten PVT (b)(6), (b)(7)(C) family?

A. No.

Q. Is there anything else you wish to add to this statement?

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

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

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Exhibit 7
000069

“Statement of (b)(6), (b)(7)(C) taken on 18 Sep 04, at Camp Victory, Iraq Continued:”

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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 UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of September 2004 at Camp Victory, Iraq

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

ORGANIZATION AND ADDRESS

(Typed Name of Person Administering Oath)

ART 136 UCMJ
(Authority to Administer Oath)

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

Page 5 of 5 Pages

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10-L-0126 ACLU DD III (CID ROI) 2131

SWORN STATEMENT

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

0331 04 CID259-80336

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: Camp Victory, IZ
2. DATE (YYYYMMDD): 20030918
3. TIME: 1500 1709
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: E-2

8. ORGANIZATION OR ADDRESS: C Company / 1/41st Infantry
9. (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

It was mid august around midnight when we had to clear a house and set up an OP. This was a big house about 4 stories. We walked up as a squad, alpha team first, and began to search the house. After clearing the first we made it up to the 2nd, then on to the roof top. Once we made it to the rooftop we pulled 50% security. There was machine gun fire and IED's around up but none directed towards us. All of a sudden, Sgt. (b)(6), (b)(7)(C) called everyone up to engage the truck. So we all got on line and engaged the truck. Sgt. (b)(6), (b)(7)(C) both shot 203's at the truck, and there were 2 Saw's, 3 M16's, and 1 240's fired at the truck. After that was fired we had 100% security and we received fire from our 6 of the shooting. After that ended, (b)(6), (b)(7)(C) saw a guy come up and (b)(6), (b)(7)(C) was on the 240, (b)(6), (b)(7)(C) called Sgt (b)(6), (b)(7)(C) up and he came over with his M4. I was to the right of them but could not see the guy.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 8 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.

0331-04 CID259-80336

STATEMENT OF:

TAKEN AT:

DATED:

I heard him yelling something, and they said he didn't have a weapon. Then we received fire from our 6 and Sgt (b)(6), (b)(7)(C) popped a round and (b)(6), (b)(7)(C) let about 10 round burst go. I saw them shoot the rounds, but I did not see the guy get shot. That was the rest of the action that happened for the night involved with kills. The next morning was when I saw the body, and it only appeared to have 1 bullet whole in the chest. Looked to be 5.56 round I only had a brief look at the body though, that was the only bullet whole I saw. So early that morning Sicksels and Romriell moved the body to a ditch, and that's all I saw involving the body and shooting.

The next incident happened in late August early September. It was early morning, right at sunrise. We were clearing our sector of buildings in Saar City. We cleared (b)(6), (b)(7)(C) It was about the fifth house we cleared and Bravo (b)(6), (b)(7)(C) Spec (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) Spec (b)(6), (b)(7)(C) Pvd (b)(6), (b)(7)(C) team was set up outside the gates. (b)(6), (b)(7)(C) kicked in the gate and I moved in with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) following me (b)(6), (b)(7)(C) and I saw a guy ~~laying~~ sitting up and we told him to get on the ground. I believe (b)(6), (b)(7)(C) was pulling Security on him but I didn't see behind me as I moved into a room. (b)(6), (b)(7)(C) and I began to search closets and drawers, finally (b)(6), (b)(7)(C) found an AK-47 and reported it to Sgt (b)(6), (b)(7)(C) Sgt (b)(6), (b)(7)(C) began playing with it and I believe he took the bolt out. Sgt (b)(6), (b)(7)(C) then ordered Spec (b)(6), (b)(7)(C) to zip strip the guy. He did that, and then Sgt (b)(6), (b)(7)(C) sent Bravo team out of the gates to pull Security. Few seconds later I heard a bang, then another one. Sgt (b)(6), (b)(7)(C) shot the guy in the head 2 times. Then the LT went in there to see what had happened and reported it

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

PAGE 2 OF 8 (b)(6), (b)(7)(C)

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STATEMENT OF:

TAKEN AT:

DATED:

up to higher. Then Sgt (b)(6), (b)(7)(C) ordered (b)(6), (b)(7)(C) and myself to take to body to around where 34 was at. We dragged him out there, and saw that they put the AK47 on track 34. Then (b)(6), (b)(7)(C) made me run back in and pick up the zip strip. With the AK was a magazine with, I believe, 10 7.62 rounds. We layed the body next to 34 and that was the last I saw that body.

So we continued on with our mission, kept kicking in doors and clearing houses. When we reached the next incident. Bravo team was outside pulling security around the next house when Alpha (Sgt (b)(6), (b)(7)(C) Ser (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C)) team plus Sgt (b)(6), (b)(7)(C) cleared the next house.

I only heard Sgt (b)(6), (b)(7)(C) saying they found I think 2 pistols and an AK-47. I did not see any of the weapons. He did bring the weapons outside. Then I heard a bang. One 5.56 to the guys head. DP (b)(6), (b)(7)(C) put one in his head and took a picture

on his digital camera with. May did show me the picture on a rooftop about a week later. While Bravo team was pulling security, Sgt will had us escort the guys family to another building so they wouldn't see us dragging the body out. So Bravo team escorted the family to the house next door and we returned to pulling security. When we returned Alpha dragged the body near one of the Bradleys. I never saw the body. I did see the picture that (b)(6), (b)(7)(C) took of the guy.

The picture that May showed me was of the guy laying on the ground with some blood on his head and on the wall behind him. I heard he put it on some website. I only heard a rumor about it. I'm not sure what the website was. He showed me that picture around afternoon time early september.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 8

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

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Exhibit: 8

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0331 04 CID259-80336

STATEMENT OF:

TAKEN AT:

DATED:

Today Sept 18, 2004 I heard that Sgt (b)(6), (b)(7)(C) put out a death threat to (b)(6), (b)(7)(C) That was the only thing I heard, it was very vague. Just that he put out a death threat to (b)(6), (b)(7)(C)

One night we were on an OP, about 2 weeks ago. It was about midnight and we were on a roof top. Our only mission was to pull security on that roof as overwatch, but Sgt (b)(6), (b)(7)(C) wanted to go and clear some houses. So we started jumping roofs and we cleared a few houses. When finally we got to this ~~one~~ house with an AK-47. We gathered up (b)(6), (b)(7)(C) It was Bravo team plus Sgt (b)(6), (b)(7)(C) everyone except (b)(6), (b)(7)(C) (who was pulling security on the roof of that house) went inside the house. Once we were in there Sgt (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) searched the house and I gathered everyone into one room. There was about 12 guys, 1 female, and one boy in that room. One old man spoke broken english. So Sgt (b)(6), (b)(7)(C) kept asking that guy if he had any weapons. The guy pointed it out to Sgt (b)(6), (b)(7)(C) and he found the AK-47. I saw Sgt (b)(6), (b)(7)(C) handle the weapon, I did not see him break it down. He then gave it (b)(6), (b)(7)(C) who put it in his assault pack. Sgt (b)(6), (b)(7)(C) asked whose gun it was, and one guy said it was his. Sgt (b)(6), (b)(7)(C) said bring that guy upstairs. He told me to tell the people in the room that if they come out before sunrise, they will all be killed. I told that to guy who spoke some english and they all stayed in there. Then we were on the roof top. I was pulling security down a stairway and the rest of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were pulling security in the 2 other corners. Sgt (b)(6), (b)(7)(C) made the guy sit down in the middle of the roof. ~~Then~~ Sgt (b)(6), (b)(7)(C) screamed, "You guys all know this guy is enemy, right?" Then Sgt (b)(6), (b)(7)(C) was talking to (b)(6), (b)(7)(C), but I could not hear what

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

PAGE 4 OF 8 (b)(6), (b)(7)(C)

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0331 04 CID259-80336

STATEMENT OF:

TAKEN AT:

DATED:

They were talking about. That was the last I saw of the guy. After that, we continued to clear houses. When we got up to jump some more roofs, I didn't see what they did with the guy, where they put him. Before the mission started, I heard Sgt (b)(6), (b)(7)(C) joking about how he wanted to kill a haji with a knife. He said he didn't want to shoot one, he wanted to stab one. Sgt (b)(6), (b)(7)(C) would always joke about killing the guys. He would make fun of the way their bodies looked after they were shot. I never heard Spec. (b)(6), (b)(7)(C) say anything jokingly about the bodies. The 2nd incident was Sgt (b)(6), (b)(7)(C) shot the guy in the head, his eye popped out a little bit from his socket. Sgt (b)(6), (b)(7)(C) would always make a joke about his eye. He would just talk about how funny it looked. Another time was with the dump truck incident. The guy, after he was shot, his arm became really stiff in an awkward position. Sgt (b)(6), (b)(7)(C) would laugh and say stuff about that a lot.

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

A: PV2 (b)(6), (b)(7)(C)

Q: Did you see the man approach your position in reference to the first incident you describe?

A: I didn't see him

Q: Was this man perceived as a threat by your squad?

A: I didn't think so, but others might have based on their personal observations

Q: Do you feel the man was giving away your position?

A: No

Q: Where did you go when Sgt (b)(6), (b)(7)(C) ordered you out of the gates in reference to the second incident?

A: I went out to the front of the house to the left, McKinney was in the middle and (b)(6), (b)(7)(C) was to the right pulling security on a knee

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

PAGE 5 OF 8 (b)(6), (b)(7)(C)

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Exhibit 8

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STATEMENT OF:

TAKEN AT:

DATED:

Q: Do you know where anyone else was at this time?

A: Sgt (b)(6), (b)(7)(C) was within the gates with the Iraqi, SPC (b)(6), (b)(7)(C) was also with Sgt (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) may have been with Sgt (b)(6), (b)(7)(C) but I'm not sure.

Q: Why did SPC (b)(6), (b)(7)(C) tell you to go back and get the zip strip?

A: He didn't tell me why, but I assume he didn't want to leave evidence the man was zip stripped then shot.

Q: What do you believe happened in the gates?

A: I believe Sgt (b)(6), (b)(7)(C) shot the guy because he had a weapon, but I don't believe the guy was a threat at all.

Q: Why wasn't the Iraqi a threat?

A: Because we had his weapon and he was zip stripped.

Q: In the second shooting during the Cordon search, did Sgt (b)(6), (b)(7)(C) bring out the weapons before or after you arrived to pull security?

A: After

Q: How long after Sgt (b)(6), (b)(7)(C) brought out the weapons did you hear shots fired?

A: About a minute or two

Q: What did you do after the shots were fired?

A: We were startled and wondered what happen. Then Sgt (b)(6), (b)(7)(C) came out and told us to move the family

Q: What do you think happened?

A: I think SPC (b)(6), (b)(7)(C) killed the Iraqi man because he had weapons.

Q: Why do you say that?

A: Because that's what they did with the other guy

Q: Do you think these actions were wrong?

A: Yes

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

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

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 Exhibit
 000076

STATEMENT OF:

TAKEN AT:

DATED:

Q: In the last incident you describe on the roof. Did you hear anything else said by Sgt (b)(6), (b)(7)(C)?

A: No

Q: Is there anything you wish to add to this statement?

A: No /// LAST ENTRY /// (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 7 OF 8

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

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EXHIBIT
Exhibit
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STATEMENT (Continued)

0331 04 CID259-80336

Not used

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

AFFIDAVIT

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

HAVE READ OR 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT.

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

(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 18 day of Sep, 2004

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE OF 8 PAGES 8

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

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SWORN STATEMENT

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

0331 04 CID 259-80336

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: 78th MP Det CID (FWD) Baghdad, IZ
2. DATE: 16 Sept 04
3. TIME: 1748
4. FILE NUMBER:
5. LAST NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E4/RA

8. ORGANIZATION OR ADDRESS: C, Co 1/41 Inf.

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

The incident with the dump truck started sometime after midnight I just sat down for my break when I heard over the radio to engage the dump truck, because it was trouncing stuff the back which they said that something appeared to have exploded in front of a Bradley. Well by the time I got back up and got my stuff on, the rest of the squad was already firing. They fired for about 30 seconds, then stopped, we seen a guy come around the front of the truck. We started shattering again but missed then we saw him again, that's when SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) fired some 20's rounds. Then we started taking fire from behind us. We all got down and we thought it was our own guys shooting. So SGT (b)(6), (b)(7)(C) gets on the radio asking for everyone to cease fire. Then he tells us to go back and pull security. So I go back to the back side wall with PFC (b)(6), (b)(7)(C) and then I guess someone saw a guy walking towards the building with his hands up and a white rag in his hand. So SPC (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C)

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT:
PAGE 1 OF 8 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6), (b)(7)(C) 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.

0331 04 PIN259-80320

STATEMENT OF:

TAKEN AT:

DATED:

(b)(6), (b)(7)(C)
 b(6), b(7)(C) pull security on him then we start receiving fire again. I heard after the incident that they got down, but SGT (b)(6), (b)(7)(C) gave the order to fire. SPC (b)(6), (b)(7)(C) was on the 2410 and I later heard that there was only one round in the body but I didn't see it. Both him (SPC (b)(6), (b)(7)(C)) and SGT (b)(6), (b)(7)(C) fired on the guy. After that the Bradley's moved up and we reloaded. We then moved down to a different truck site to secure that. Later that morning we moved back to the same house. ~~we~~ moved passed the body but didn't look at it. SGT (b)(6), (b)(7)(C) then orders 2 people, I don't remember which 2, to move the body and cover it up. Later that day sometime after noon, ^{People} (b)(6), (b)(7)(C) US military, comes and gets the Body. This is the only time I looked ~~at~~ the body and I didn't see any bullet holes.

About a couple weeks after that, our platoon gets a mission to cordon and search/knock a several sectors. I forget when the mission started but it was around 0700. The first house we move to we started on. I'm the number 3 man. PFC (b)(6), (b)(7)(C) then is PIC to kick in the gate. He attempts to but falls on his back. We finally get in, and we first set up security on the court yard. By the time I got in there, the guy that lives there was sitting up. I move around the car that parked there and look into 2 rooms, I don't go in a search but just to make sure ^{(b)(6), (b)(7)(C)} no one else is there. Well 2 people, PVT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) start searching the rooms. They didn't get very far when one of them, I'm not to sure which one, finds an AK. They bring it out and hand it to SGT (b)(6), (b)(7)(C) who then orders the man they called SGT (b)(6), (b)(7)(C) then tries to talk the weapons apart but has some trouble and asks if any one knew ~~any~~ anything about an AK. I'm still pulling security when I'm told that Bravo team is to ^{(b)(6), (b)(7)(C)} move

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

PAGE 2 OF 8

10-L-0126-AGLU USE ONLY (CID ROI) 2141

Law Enforcement Sensitive

EXHIBIT 9

ACLU-RDI 5868 p.80

Law Enforcement Sensitive

000080

STATEMENT OF:

TAKEN AT:

DATED:

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

Duck outside and help pull security with Alpha team, As I'm going out, SGT (b)(6), (b)(7)(C) told someone, I think it was PFC (b)(6), (b)(7)(C) to cut the cuffs. After a little bit I hear 2 gun shots, then the LT comes up asking whats going on and moves in the court yard to where SGT (b)(6), (b)(7)(C) is. I don't know what was said but I later heard that the guy was still alive and I heard one more shot. After all that, the LT and SGT (b)(6), (b)(7)(C) comes back out of the court yard, and has SPC (b)(6), (b)(7)(C) and PVT (b)(6), (b)(7)(C) move the body over to 3-4 track and I was to move the weapon, which was still partly disassembled, over to the same track. I later heard that the reason SGT (b)(6), (b)(7)(C) shot was he ~~was~~ went for his weapon. While we are moving the body and some weapon over to the track, SGT (b)(6), (b)(7)(C) talks ~~the~~ Alpha team to ~~see~~ search more homes

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

After we searched some home, Bravo team moved down an alley way to search another house. Alpha team moves to a different house. Initially SGT (b)(6), (b)(7)(C) is with us, but then gets a call on his radio, and he moves ~~to~~ the Alpha teams position. After a little bit we ~~heard~~ a gun shot, then SGT (b)(6), (b)(7)(C) gets a call on the radio to move to their location. When we get there, I see a family, 2 females and ~~one~~ male. We were told to move the family to a court yard and ~~to~~ tell them to stay there. As we are walking ~~over~~ the oldest female tries talking to me, she is crying. The ~~man~~-male didn't have an expression on his face but I think he was mad. The other female had a scared look on her face. I think as we were moving the ~~body~~ family over, Alpha team was moving the body over. I know the family didn't see the body being moved but they did see after we left. Then we moved on to different buildings.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 8

10-L-0126-AGLU USE ONLY (CID ROI) 2142

Law Enforcement Sensitive For Official Use Only

EXHIBIT 9 000081

STATEMENT OF:

TAKEN AT:

DATED:

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

I later heard that someone ask the medic to look at the guy because he was still alive. The medic looked at him for a while and said there's no way he could save him. I later over heard that the reason he was shot was because he bent down really fast to pick up a weapon. And that SPC (b)(6), (b)(7)(C) shot him in the head. I also heard that SPC (b)(6), (b)(7)(C) took some pictures of a body. I'm not sure which one because I didn't see it, and that he was putting pictures on the computer, but I don't know of what type. (b)(6), (b)(7)(C)

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

late that day we moved to a different sector and as soon as we dismounted we heard shots. The first thing I did was was to a wall. We were then ordered into a courtyard and then into a house. The door took a little while to break into. Once inside Bravo team cleared the down stairs and Alpha moved upstairs. Once everything was cleared SPC (b)(6), (b)(7)(C) and PVT (b)(6), (b)(7)(C) moved up stairs, leaving me and PFC (b)(6), (b)(7)(C) to watch the door. After about 10 or 15 mins, they came back down and we re-mount the tracks. (b)(6), (b)(7)(C)

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

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

About a week or two after that, we start doing security from roof tops. One night SGT (b)(6), (b)(7)(C) with the approval of the PLT SGT, decides he wants to go "roof hooping". He take Bravo team with him. We make it all the way down to the end of the street, and on the way back we start searching houses. For the first few houses, I was told to stay on the roof. Then the one house I get to go into. I think it was an apartment building, because there looked to be different families in it. We gather everyone up in one room, and turned out all the lights. I then go down stairs and searched one room, didn't find anything. Some one found an (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 8

10-L-0126-ACLU USE ONLY (CID ROI) 2143

Law Enforcement Sensitive

EXHIBIT 9
000082

0331 04 CID259-80336

STATEMENT OF:

TAKEN AT:

DATED: *

(b)(6), (b)(7)(C) HK, then SGT (b)(6), (b)(7)(C) starts asking who it belongs to, why they have it, and they IP, stuff like that. The one guy who spoke the best english told us it was his brothers. So we moved him upstairs and I moved to the far corner, pulling security on other roof tops. I then hear SGT (b)(6), (b)(7)(C) say "Everyone knows that he's the enemy, right?" After that I was expecting a gun shot but it never came. I didn't know what happened and I didn't look back. But when we were ordered to move on, I looked around the roof and I didn't see a body. We took the AK with us. SGT (b)(6), (b)(7)(C) held on to it a few days but someone came and talked to one of the tracks asking about a weapon that was taken. I then over heard SPC (b)(6), (b)(7)(C) tell SGT (b)(6), (b)(7)(C) "Aren't you glad you didn't do what you wanted to do?" SGT (b)(6), (b)(7)(C) I didn't hear SGT (b)(6), (b)(7)(C) reply (b)(6), (b)(7)(C)

Q Did you write the above statement?

A. Yes

Q Did you see who shot the man that approached your position after the dump truck incident?

A. No, thought it was SPC (b)(6), (b)(7)(C), but I heard they only found one hole. I just know they both shot.

Q Did you hear SGT (b)(6), (b)(7)(C) give the order to "light him up"?

A. No I was getting shot at, at the time. (b)(6), (b)(7)(C)

Q Reference the cordon and search and the first residence, did you see the Ivory in flex cuffs?

A. Yes, he was sitting on the ground with flex cuffs on.

Q Who took them off?

A. SGT (b)(6), (b)(7)(C) told PUT (b)(6), (b)(7)(C) to cut them off.

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

PAGE 5 OF 8

10-L-0126-ACLU-ROD III (CID ROI) 2144

Law Enforcement Sensitive

EXHIBIT 9

STATEMENT OF:

TAKEN AT:

DATED:

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

Q. Who all was there in sight of the shooting when it occurred?

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

Q. Reference the second shooting, was that man ever put in floor cuffs?

A. I don't know, I was in a different court yard when I heard the shot.

Q. Reference the first shooting, was the AK loaded w/ the magazine in?

A. Before the shooting SGT (b)(6), (b)(7)(C) had it and there was no magazine in the weapon, he cleared it, because at first he tried to, but the safety was on and he couldn't pull back the charging handle, so he took the weapon off safe and cleared it. He also took off the upper receiver & put above the charging handle. This was all done before he shot him.

Q. Did you ever hear SGT (b)(6), (b)(7)(C) threaten anyone in your squad?

A. No, I know he didn't like PVT (b)(6), (b)(7)(C).

Q. When did the incident take place on the roof top, when SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) "you know this is the enemy"?

A. I think it was a couple weeks after the shooting.

Q. Do you know who all heard SGT (b)(6), (b)(7)(C) say that?

A. PVT (b)(6), (b)(7)(C), PVT (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C) and me.

Q. Who was close to him when he said this?

A. SPC (b)(6), (b)(7)(C), than either (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 6 OF 8

10-L-0126-ACLU USE ONLY (CID ROI) 2145

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

EXHIBIT 9

03031034 CID 259880366

STATEMENT OF:

TAKEN AT:

DATED:

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

Q Did you see any of the photographs from SPC (b)(6), (b)(7)(C)?

A. No.

Q Is there anything else you want to add?

A. No / — End of Statement — (b)(6), (b)(7)(C)

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

PAGE 7 OF 8

10-L-0126 ACLU DD III (CID ROI) 2146

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EXHIBIT 9
000085

STATEMENT (Continued)

0331 04 CID259-80336

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

AFFIDAVIT

I, Spc (b)(6), (b)(7)(C) HAVE READ OR 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, 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 Sep, 2004 at 78th MP Det of CID (FWD), Baghdad, IZ

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

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

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 8 OF 8 PAGES

10-L-0126 ACLO DD III (CID ROI) 2147

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <u>78th MP Det CID (FWD)</u>	2. DATE: <u>18 SEP 04</u>	3. TIME: <u>2006</u>	4. FILE NO.
5. NAME (Last, First, MI) <u>(b)(6), (b)(7)(C)</u>	8. ORGANIZATION OR ADDRESS <u>C Co 4th Inf</u>		
6. SSN <u>(b)(6), (b)(7)(C)</u>	7. GRADE/STATUS <u>E5</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy, Murder (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.
 - Anything I say or do can be used as evidence against me in a criminal trial.
 - (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE <u>(b)(6), (b)(7)(C)</u>	
1a. NAME <u>SA (b)(6), (b)(7)(C)</u>	b. ORGANIZATION OR ADDRESS AND PHONE <u>78th MP Det (CID) (FWD) Baghdad, FZ</u>	4. SIGNATURE OF INVESTIGATOR <u>(b)(6), (b)(7)(C)</u>	
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>78th MP Det (CID) (FWD) Baghdad, FZ</u>	
b. ORGANIZATION OR ADDRESS AND PHONE			

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

10-L-0126 ACLU DD III (CID ROI) 2148

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 3881) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED. Exhibit. 10

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

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

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

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

- or -

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

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

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

THE WAIVER

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

FOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

RIGHTS TRAINING PROCEDURE/WAIVER CERTIFICATE

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

0331-04 CID259-80336

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: 78th MP Det CIO (FWD)
2. DATE: 16 Sep 04
3. TIME: 2115
4. FILE NO.
5. NAME (Last, First, MI): (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: SPC
8. ORGANIZATION OR ADDRESS: CCo 141 IAF

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy, False Official Statement, murder

- 1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning...
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time...

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above (b)(6), (b)(7)(C) 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): SA (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE: 78th MP Det (CIO)(FWD) Baghdad, IZ
2a. NAME (Type or Print): (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE:
3. SIGNATURE OF INTERVIEWEE: (b)(6), (b)(7)(C)
6. ORGANIZATION OF INVESTIGATOR: 78th MP Det CIO (FWD) Baghdad, IZ

Section C. Non-waiver

- 1. I do not want to give up my rights.
I want a lawyer. I do not want to be questioned or say anything.
2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

10-L-0126 ACLU DD III (CID ROI) 2151

SWORN STATEMENT

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

0331 04 010259-8033

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 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Before we went on this deployment, SGT (b)(6), (b)(7)(C) said we are not going to take any EPWs. He said we are to kill them. When we got to Iraq, we sat around here at Camp Victory doing nothing. Eventually, I think around the beginning of August, we got sent to Camp Cuervos. We only did patrols on Rte Predator. One night at around 0200hrs, a truck throwing out suspected IEDs passed our platoons A section. SSG (b)(6), (b)(7)(C) and ZLT (b)(6), (b)(7)(C) gave the call to engage the truck. SGT (b)(6), (b)(7)(C) said shoot the truck. I initiated fire and told my guys to fire, Spc (b)(6), (b)(7)(C), Pfc (b)(6), (b)(7)(C) and Pfc (b)(6), (b)(7)(C). I fired 30 rds before asking to use a 40mm HEDP. SGT (b)(6), (b)(7)(C) gave the authorization to use it. At this time, SPC (b)(6), (b)(7)(C) ran out of ammo and Pfc (b)(6), (b)(7)(C) being the ammo bearer went and got the rounds. He acted as an AG. Pfc (b)(6), (b)(7)(C) had finished his first 100rd pouch and was on his second.

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

0331 04 CID 259-80336

STATEMENT OF:

TAKEN AT:

DATED:

(b)(6), (b)(7)(C) I had fired 4 40mm rounds at the truck, SPC (b)(6), (b)(7)(C) fired 2. We had ceased fire for a minute and a man in a red shirt was trying to flee. SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) to open up on him. When he did, Pfc (b)(6), (b)(7)(C) started firing again. We all ceased firing again. A call on the net came up. SSG (b)(6), (b)(7)(C) said on the radio "there is a guy crawling away, do you want me to engage?" I heard no response and no fire. After a few minutes of scanning, the person on the northwest corner of the wall saw a man waving a white flag. Myself used my PEGZ floodlight to check for weapons. SPC (b)(6), (b)(7)(C), SGT (b)(6), (b)(7)(C), Pfc (b)(6), (b)(7)(C) were also aiming in that direction. SGT (b)(6), (b)(7)(C) had his PEGZ on the guys heart. At this point, we took fire from our rear. At this point we all got down. SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) to light him up. They both shot. The entire squad was down. Prior to this SGT (b)(6), (b)(7)(C) was monitoring the radio. SFC (b)(6), (b)(7)(C) said to remount. We were under fire and that's what SGT (b)(6), (b)(7)(C) said to him. So at this point the 2 Bradleys came up to the door and we remounted. Prior to this SPC (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) were arguing about who claimed the kill. Even prior to the day, SSG (b)(6), (b)(7)(C) had a poll to see ^{(b)(6), (b)(7)(C)} who would get the first confirmed kill. I forget who bought in. So the Bradleys went up to the street and scanned the open field. (b)(6), (b)(7)(C)

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

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Exhibit:
Exhibit 11
000092

STATEMENT OF:

TAKEN AT:

DATED:

(b)(6), (b)(7)(C) I fell asleep in the back of the Bradley. I was later told that 1st squad was checking out and securing the site where we had attacked the truck. I heard that SGT (b)(6), (b)(7)(C) shot a guy in the head. Well I was wcke up by the ramp dropping. We dismounted and I set my guys Spc (b)(6), (b)(7)(C) Pfc (b)(6), (b)(7)(C) Pfc (b)(6), (b)(7)(C) into a flank security position. I got down with them. Prior to that I took a picture of the burning truck. We got word to pick up and search along the road for bodies. The squad made an initial sweep and found nothing. On the way back, SGT (b)(6), (b)(7)(C) found a body. It had a large hole behind his ear from what SGT (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) said to me later. I got a picture of him. When we continued with the sweep, I lost my camera and knife. After the sweep, the whole squad went up to pull security in the same position. I got up to get my guys water and SGT (b)(6), (b)(7)(C) posted me at the end to stop traffic from coming through. After a long period of time, we remounted and went back to the original Op where we shot the truck. The 1-41 scout were cleaning up the bodies by the truck. We, 2nd squad, moved back up the road to the house. SGT (b)(6), (b)(7)(C) stepped the formation and went to look at the body with SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) told me to flip the body over. I did. SGT (b)(6), (b)(7)(C) lifted up his shirt and I saw 1 shot to his heart and a couple possible shots to the shoulder. We all continued back to the roof of the Op. (b)(6), (b)(7)(C)

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

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10-L-0126-ACLU DD III (CID ROI) 2154

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Law Enforcement Sensitive

Exhibit:
Exhibit 11
000093

0331-04 CID 259-80336

FILE NUMBER:

STATEMENT OF

TAKEN AT

DATED

CONTINUED

(b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) sent Pfc (b)(6), (b)(7)(C) and Pfc (b)(6), (b)(7)(C) down to drag the body to cover. SGT (b)(6), (b)(7)(C) then called up that the scouts forgot a body. Eventually Cpt (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) came back and got it. The squad sat up on the OP for a couple more hours. Pfc (b)(6), (b)(7)(C) was talking about how whoever was in the cab of that truck was dead. Also SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) still arguing about whose kill the guy with the flag was. We got remounted and rolled back to Camp. Not too many days later, we got a mission to clear a sector close to the OP from before. I had been relieved as A team leader prior to this. SGT (b)(6), (b)(7)(C) told everyone in the squad to kill the oldest male in the family if we find a weapon. We found no weapons that day. Another mission came down about a week after, to go back into Sadr City and clear a sector. Before the mission, SGT (b)(6), (b)(7)(C) gave the same orders as before. It was to kill the oldest male if we found a weapon. Well we went out and got dismantled in our sector. A team, SPC (b)(6), (b)(7)(C) + (b)(6), (b)(7)(C) Pfc (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), linked up with B team, SPC (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) Pfc (b)(6), (b)(7)(C) P2 (b)(6), (b)(7)(C) and pulled security. 1st sqd moved out to start clearing their sector. When they left, a huge explosion occurred. SGT (b)(6), (b)(7)(C) told us to move out and start using our cordon and knock. Each house was assigned a team and the other in a security and support position. We got to a house that B team was clearing. I heard they found an AK47. SGT (b)(6), (b)(7)(C) called A team in to help finish the search. I never actually saw the weapon. SGT (b)(6), (b)(7)(C) then sent everyone outside to pull security. The team leaders and himself stayed in the room. I heard 2 shots. I later heard that 2Lt (b)(6), (b)(7)(C) came and said he was still alive so SGT (b)(6), (b)(7)(C) shot him in the head. He always talked about his eye popping out. I also heard the man was zip stripped. Before SGT (b)(6), (b)(7)(C) shot him they took them off. SGT (b)(6), (b)(7)(C) always (b)(6), (b)(7)(C)

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STATEMENT OF:

TAKEN AT:

DATED:

(b)(6), (b)(7)(C) told the story of the man laughing at him when he was trying to disassemble the AK47. He also (b)(6), (b)(7)(C) said that he said you won't be laughing in a minute. Bteam dragged the body outside. SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) suppressively got off the track and grabbed the AK47 to keep. I later saw it in the track. Well after all of this we continued on the mission. The squad (b)(6), (b)(7)(C) cleared several houses along the way. One of the last houses SGT (b)(6), (b)(7)(C) split the teams up to make things easier. A team was told to clear a house, 2nd incident, SPC (b)(6), (b)(7)(C) and myself were clearing it. The last room SPC (b)(6), (b)(7)(C) found an AK47 and called it up to SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) gave me the AK47 and I disassembled it. I saw 3 more magazines in the wall locker. I grabbed them and took everything outside. I went back in to finish searching and found a pistol. I yelled it out. I took it outside as well. SGT (b)(6), (b)(7)(C) the man and myself all went back in. SGT (b)(6), (b)(7)(C) told me to put him at gunpoint. I did. SGT (b)(6), (b)(7)(C) said to me you know what you have to do. I said can I shoot him. He said shoot. I shot him in the head twice. I took a picture of him. I walked back outside and SGT (b)(6), (b)(7)(C) said for Ateam to clean it up. SPC (b)(6), (b)(7)(C) and myself went back in and dragged the body outside until we met up with LtC (b)(6), (b)(7)(C). He asked what happened. I told him a lie. He said take the body to the medics. The medic asked where he was shot. I said the head. At this point, the family, which was secured by Bteam after the shots, saw the body. Later I heard (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

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

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ACLU-RDI 5868 p.95

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EX-111
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0331 04 CID 259-80336

STATEMENT OF:

TAKEN AT:

DATED:

(b)(6), (b)(7)(C) etc (b)(6), (b)(7)(C) gave the body to the family. Prior to the shooting, while searching I observed 5.56mm shots in the guys windshield. Also with the 4 mags, one was full and loaded in the weapon, one half full, and 2 empty. Pfc (b)(6), (b)(7)(C) also observed the shots in the windshield. We cleared 3 more houses and told to remount. Prior to this SGT (b)(6), (b)(7)(C) said that the son of the (b)(6), (b)(7)(C) I shot was of fighting age and said he thought about shooting him to prevent him from growing up to fight us. We went to a schoolhouse next and set up for a while. Right before we left, we took contact. SGT (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C), Pfc (b)(6), (b)(7)(C), and someone else went upstairs to see if they could find him. The rest of the squad secured the exit. Pfc (b)(6), (b)(7)(C) fired up a rooftop and missed the guy. 1st squad was nearby and had eyes on. SGT (b)(6), (b)(7)(C) gave the order to someone in his squad to kill him. So they did. We remounted and continued on with the mission. We jumped from several rooftops along Rte Gold after we dismounted again. We took RPG and mortar fire. SGT (b)(6), (b)(7)(C) was pulling security and from what he said observed a man with an AK47 moving along a wall. He shot him. When he took him down time in the shade, he talked about before he left he was going to kill a man with a grenade and the AT4. He has said this a couple times. We set up on a rooftop until we got the order to retrograde back to Camp Cuervo. In a later patrol, we sat up on a rooftop on Rte Bravo for many days in a row. One night SGT (b)(6), (b)(7)(C) asked if he could (b)(6), (b)(7)(C)

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

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Law Enforcement SensitiveEXHIBIT
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0391-04-CID259-80336

STATEMENT OF:

TAKEN AT:

DATED:

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

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

go out and clear building with Bteam. Cpt (b)(6), (b)(7)(C) said ok. That night before they left, SGT (b)(6), (b)(7)(C) said how he was going to kill someone with a knife. He asked for mine. I told him I lost it. SGT (b)(6), (b)(7)(C) then asked PFC (b)(6), (b)(7)(C) for his. He gave it to him. They, Bteam and SGT (b)(6), (b)(7)(C) went rooftop to rooftop searching houses. They finally found an AK47. SGT (b)(6), (b)(7)(C) told me after they got back he would have killed but there were too many witnesses. He decided to keep the AK47. He had for a day until ZLT (b)(6), (b)(7)(C) destroyed it. A couple weeks go by and ZLT (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) were told of the real story of the Z shootings. Their story was slightly off. (b)(6), (b)(7)(C) they asked SGT (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C), and myself the story. We told our fake stories and we got away with it. Later that night it went higher. I am not sure how. Prior to that, SGT (b)(6), (b)(7)(C) got the squad together and told us not to talk to Pfc (b)(6), (b)(7)(C) or include him in anything social. He said we were going to be investigated by CID and to stick to the stories. Later he took SPC (b)(6), (b)(7)(C) and myself outside and told us that we are going to try to get Pfc (b)(6), (b)(7)(C) chaptered. He said to counsel him for everything. For his NUGs to come up missing or something like that. He also said when we get back who knows his car might just blow up when he is in the barracks. He suggested making his life hell when we get back. That night the PSL, SSG (b)(6), (b)(7)(C), took me to the TOC. I was then brought to Camp Victory. I talked with CID. (b)(6), (b)(7)(C) The next day the rest of the squad was brought down. SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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Law Enforcement SensitiveEXHIBIT 11
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STATEMENT OF:

TAKEN AT:

DATED:

(b)(6), (b)(7)(C) came to my room. SGT (b)(6), (b)(7)(C) told me to meet him in his room at 2400 hrs. I told him ok. I went back into the room and wrote a note summarizing what I told CID. Prior to this, when he came to my room with his personal hygiene bag and towel. I went to the latrine and gave SGT (b)(6), (b)(7)(C) the note. Prior to all of this, the picture I took of the guy I shot was posted on my website. It said The Eternal Scar "an everlasting story to tell." Also SGT (b)(6), (b)(7)(C) came to me today and told me to get ahold of SPC (b)(6), (b)(7)(C) and Pfc (b)(6), (b)(7)(C). I tried but didn't find them. Prior to this, After the platoon leader, 2LT (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) held their little trial in Camp Cuervo. When we had our squad meeting, I was pissed and said I was going to kick Pfc (b)(6), (b)(7)(C) ass. Also prior to this, SGT (b)(6), (b)(7)(C) told me that CID tries to scare you and to stay with the story because he will never tell.

Q Did you write the above statement?

A Yes

Q When SGT (b)(6), (b)(7)(C) shot the Iraqi in his residence twice in the chest, did the LT arrive in the house prior to him shooting the man for the third time?

A Yes

Q How do you know this?

A SGT (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) said the LT was in the residence when SGT (b)(6), (b)(7)(C) shot him the third time. LT (b)(6), (b)(7)(C) saw him shoot him the third time. That is to the best of my knowledge, I didn't see it, but that is what they told me. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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EXHIBIT

STATEMENT OF:

TAKEN AT:

DATED:

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

Q. Why did you shoot the unarmed Iraqi male?

A. Because I was ordered to.

Q. Did SGT (b)(6), (b)(7)(C) see you shoot him?

A. No, he turned around and left.

Q. Was the man armed or threatening you or anyone else at that time?

A. No.

Q. After (b)(6), (b)(7)(C) When you were in the residence with SGT (b)(6), (b)(7)(C) prior to shooting the man, what exactly did SGT (b)(6), (b)(7)(C) say; what did you say?

A. SGT (b)(6), (b)(7)(C) said you know what to do and I said either do you want me to shoot him or can I shoot him. After the third or fourth time I said if he said yes (b)(6), (b)(7)(C)

Q. After the dump truck incident and the man with the white flag was shot, did you see who shot him?

A. I saw SGT (b)(6), (b)(7)(C) shoot and SFC (b)(6), (b)(7)(C) shoot. I didn't see if they hit him, but I saw the body like 5 hours after.

Q. Prior to you shooting the Iraqi man in his residence, were all the weapons outside the house?

A. Yes.

Q. When SGT (b)(6), (b)(7)(C) told you he would have killed the Iraqi he found with a weapon but there were too many witnesses, who was with him and when did he say that?

A. He told me, he had B team with him at the time, about a week after the cordon on searches. (b)(6), (b)(7)(C)

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

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Exhibit 11
000099

0331 04 CID259-80336

STATEMENT OF:

TAKEN AT:

DATED:

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

Q. Who all did SGT (b)(6), (b)(7)(C) fall to lie to CID about these incidents?

A. Everyone but (b)(6), (b)(7)(C) He said this numerous times. He pulled me and SPC (b)(6), (b)(7)(C) aside about 4 or 5 days ago. He said he only trusts us and that if we stick to our story we would be good.

Q. Did you ever hear SGT (b)(6), (b)(7)(C) threaten PFC (b)(6), (b)(7)(C)?

A. No, just the car blowing up.

Q. Why did you have the website?

A. To show people what it was really like here.

Q. Were you given smoke breaks, bathroom breaks/during this interview?

A. Yes

Q. Were you given food and water?

A. Yes

Q. How were you treated during this interview?

A. Good, like a soldier.

Q. Is there anything else you want to add to this statement?

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

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

PAGE 10 OF 11

10-L-0126-ACLU DD III (CID ROI) 2161

STATEMENT (Continued)

0331 04 CID259-80336

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

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

AFFIDAVIT

I, Spc (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 11. 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 19th day of Sept, 2004 at 78th MP Det CID, Baghdad, IZ

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 11 OF 11 PAGES

10-L-0126

EXHIBIT III (CID ROI) 2162

Date 19 Sep 04

CONSENT TO SEARCH
(USACIDC SUPPL 1 TO AR 190-22)

0371-04 Time 0170

1. Name of person consenting to search

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

2. Organization and location

C 1-41 Inf

3. I have been informed by the undersigned USACIDC Special Agent that an inquiry is being conducted in connection with the following possible violation(s) of law

Murder

4. I have been requested by the undersigned USACIDC Special Agent to give my consent to a search of my person, premises, or property as indicated below. I hereby authorize the undersigned USACIDC Special Agent to conduct the search of. (Check and Sign applicable blocks)

a.	My Person	Check	Signature
----	-----------	-------	-----------

b.	My Quarters	(b)(6), (b)(7)(C)	
----	-------------	-------------------	--

Located at: RM (b)(6), (b)(7)(C)

Camp Victory

c.	My Vehicle	Check	Signature
----	------------	-------	-----------

Located at:
Described as:

d.	Other	Check	Signature
----	-------	-------	-----------

Located at:
Described as:

For the following general types of property which may be removed by the undersigned USACIDC Special Agent and retained as evidence under the provisions of AR 195-5, or other applicable laws or regulations:

Digital Camera, Digital Photographs, or Digital Images

5. This written permission is given to the undersigned USACIDC Special Agent freely, voluntarily, and without threats or promises of any kind.

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

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

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

Signature or witness (if available)

ROI 04-CID259-80336-5H

Exhibit(s): 13

Page(s): 103 thru 110

Referred to:

**FOIA Office (IMWE-HOD-HRA)
Bldg 4230, 78th St & Santa Fe Ave
Fort Hood, Texas 76544-5000**

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG				PAGE NO.		NO. OF PAGES	
For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans				1		4	
ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED			
1-41				FROM		TO	
				HOUR	DATE	HOUR	DATE
				0000	8/28/04	0000	8/29/04
ITEM NO.	TIME	INCIDENTS, MESSAGES, ORDERS, ETC.		ACTION TAKEN		INL	
1	0115	CONDUCTED RADIO CHECKS		LOGGED		(b) (6)	
2	0205	CONDUCTED RADIO CHECKS		LOGGED		(b) (6)	
3	0300	CONDUCTED RADIO CHECKS		LOGGED		(b) (6)	
4	0350	CONDUCTED RADIO CHECKS		LOGGED		(b) (6)	
5	0430	LIGHTNING 7 REPORTS GREEN 2 GREEN		LOGGED		(b) (6)	
6	0432	BARBARIAN X REPORTS GREEN 2 GREEN		LOGGED		(b) (6)	
7	0440	SCORPION 4 LEAVES CUERVO 4 VEH. 14 PAX		LOGGED		(b) (6)	
8	0458	STALWART Y REPORTS GREEN 2 GREEN		LOGGED		(b) (6)	
9	0458	COYOTE BASE REPORTS GREEN 2 GREEN		LOGGED		(b) (6)	
10	0505	LIGHTNING 6 LEAVES CUERVO TO IRONHORSE 7 VEH. 22PAX		LOGGED		(b) (6)	
11	0513	LIGHTNING 6 ARRIVES AT IRONHORSE 7VEH 22PAX		LOGGED		(b) (6)	
12	0515	COBRA 6 SP CUERVO		LOGGED		(b) (6)	
13	0515	SCORPION 1 REPORTS GREEN 2 GREEN		LOGGED		(b) (6)	
14	0530	COBRA LD		LOGGED		(b) (6)	
15	0535	BARBARIAN REPORTS CROSSING IRONHORSE 2 TANKS, 2 BRADS, 6 113, 10 1114, 1 ADD ON ARMOR		LOGGED		(b) (6)	
16	0535	COBRA REPORTS SET		LOGGED		(b) (6)	
17	0545	STALWART 3 REPORTS CURRENT LOCETION OF TAC MB485 903		INFORMED BATTLE CPT		(b) (6)	
18	0554	C-1 HIT IED NO DAMAGE TO EQUIP AND NO CASUALITIES MB 498 912		INFORMED BDE		(b) (6)	
19	0558	COBRA REPORTS POSIBLE RPG AND NOT IED		INFORMED BDE		(b) (6)	
20	0612	COBRA REPORTS RPG ATTACK NE OF OBJ 1. NO CASUATIES OR DAMAGE TO EQUIPMENT		INFORMED BDE		(b) (6)	
21	0618	SAF REPORTED IN C-12. COBRA 6 REPORTS. ONE ENEMY DEAD AND RECOVERED ONE AK-47		INFORMED BDE		(b) (6)	
22	0630	COBRA 6 REPORTS POSSIBLE IED HANGING FROM TELEPHONE POLE MB 4820 9080		INFORMED BDE		(b) (6)	
23	0635	RPG ATTACK INTERSECTION ROUTE GOLD CP-1 REPORTED BY COBRA (ATTACK HELO IN AREA)		INFORMED BDE		(b) (6)	
24	0640	BATTLE CPT REQUESTED FROM BDE IP TO PICK UP ENEMY BODY		LOGGED		(b) (6)	
25	0644	SOCCER STADIUM SECURED BY BARBARIAN		INFORMED TOC		(b) (6)	
26	0655	LIGHTNING SP 22 PAX 7 VEH (4 1114, 6 1064) MOVING TO COBRA 2		LOGGED		(b) (6)	
27	0706	LIGHTNING 6 REPORTS ARRIVING AT OBJ C-2		LOGGED		(b) (6)	
28	0710	RED CROSS MESSAGE Received FOR A SSG (b) (6) (b) (6) CASE #1066771 IN REGARDS TO BIRTH OF DAUGHTER BABY AND MOTHER DOING FINE NOTIFY		NOTIFIED BATTLE CPT		(b) (6)	
TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY				SIGNATURE			
(b) (6) SSG							

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG					PAGE NO.		NO. OF PAGES	
For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans					2		4	
ORGANIZATION OR INSTALLATION			LOCATION		PERIOD COVERED			
1-41					FROM		TO	
					HOUR 0000	DATE 8/28/04	HOUR 0000	DATE 8/29/04
ITEM NO.	TIME	INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN		INL	
		RED CROSS W/IN 24 HOURS (318) 822-1442						
29	0714	STALWART 6 REPORTS 1 AIF DESTROYED EAST OF OBJ. CHARLIE 2, AIF HAD ONE PISTOL AND ONE AK			LOGGED ON SIGACT		(b) (6)	
30	0728	BDE REPORTS IP ARE BEING DISPATCHED TIME NOW			LOGGED		(b) (6)	
31	0737	BARBARIAN HAS COURDONED BRAVO 2			PLOTTED ON MAP		(b) (6)	
32	0741	STALWART 6 GIVES IRON HORSE 6 A SIT REP			LOGGED		(b) (6)	
33	0741	BARBARIAN 6 REPORTS RPG FIRE NORTH OF OBJ C1 UXO LOOKS LIKE A BOOSTER FOR RPG9 IS AT GRID MB 4920 8978 CURRENTLY MOVING TO HIS CP AT GRID MB 4911 8967			PLOTTED ON MAP AND LOGGED ON SIGACT		(b) (6)	
34	0752	STALWART 3 REPORTS TAC IS LOCATED AT GRID MB 488 908			PLOTTED ON MAP		(b) (6)	
35	0800	COBRA 6 REPORTS THEY HAVE THEIR DISMOUNTS ON ROOFTOPS VIC. OBJ C11, WILL BE THERE FOR ABOUT 30MIN THEN THEY WILL BE MOUNTING UP AND MOVING TO CP9			PLOTTED		(b) (6)	
36	0805	COBRA 6 RADIOED TO LIGHTNING ASKING HIM TO SECURE NW LANE OF FLORIDA C2-C13			LOGGED		(b) (6)	
37	0810	COBRA 6 REPORTS OBSERVING BURNING TIRES SURROUNDED BY CONCERTINA WIRE NORTH BOUND LANE OF ROUTE GOLD, 600M NW OF C1 AT GRID MB 495 916			PLOTTED		(b) (6)	
38	0813	RED 4 REPORTS ENGAGED I DISMOUNT WOUNDED			NOTIFIED BATTLE CPT		(b) (6)	
39	0815	STALWART 3 REPORTS AIF AT GRID MB 495 916 DIRECTING TRAFFIC AWAY			NOTIFIED BDE		(b) (6)	
40	0816	COBRA 6 REPORTS TAKING RPG FIRE NORTH OF OBJ C1, NO DAMAGE TO EQUPT. OR PERSONAL			PLOTTED		(b) (6)	
41	0822	STALWART 6 REPORTS TO STALWART X-RAY TO START MAKING PLANS TO HAVE ICE MOVE TO B3			LOGGED		(b) (6)	
42	0833	ADVISED COBRA 6 AND STALWART 3 THAT THERE IS NO IP STATIONS OR FRIENDLIES AT THE GRID OF 495 916 CLEAR TO FIRE IF FIRED UPON			LOGGED		(b) (6)	
43	0836	LANCER IS CURRENTLY AT GRID MB 491 924			LOGGED		(b) (6)	
44	0839	LIGHTNING 6 REQUESTS PERMISSION TO ALLOW 1 VEH TO PASS TO MOVE TO THE HOSPITAL, STALWART 6 GRANTS PERMISSION			LOGGED		(b) (6)	
45	0841	STALWART 3 REPORTS CURRENT SET FOR TAC IS AT GRID MB 4912 9090			PLOTTED		(b) (6)	
46	0843	STALWART 6 REPORTS TO STALWART 3 THAT COBRA'S GREEN PLATOON FRONT LINE TRACE IS MB 490 913			PLOTTED		(b) (6)	
47	0846	COBRA 6 REPORTS TAKING SPERATIC RPG FIRE NORTH AND NORTH EAST OF VIC. CP1 GRID MB 498 915			PLOTTED		(b) (6)	
48	0856	STALWART 7 REPROTS HAVING 3 DETAINEES THAT HAVE PASSPORTS SHOWING INDICATING THEY HAVE			REPORTED TO BDE		(b) (6)	
TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY					SIGNATURE			
(b) (6) SSG								

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans				PAGE NO. 3		NO. OF PAGES 4	
ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED			
1-41				FROM		TO	
				HOUR	DATE	HOUR	DATE
				0000	8/28/04	0000	8/29/04
ITEM NO.	TIME	INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN		INL
		BEEN TRAVELING AROUND EGYPT AND JORDAN, DETAINED FOR HAVING 2 AK47'S IN THE HOUSE, REQUESTING FURTHER INSTRUCTIONS ON WEATHER OR NOT TO BRING THEM IN, ALSO TO CONDUCT VAPOR TRACE					
49	0901	STALWART 5 REPORTS TO STALWART 3 THAT THERE IS NOT ENOUGH ON THE DETAINEES TO BRING THEM IN BUT VAPOR TRACE WILL BE CONDUTED AND IF POSITIVE THEN THEY CAN BE BROUGHT IN			RELAYED TO STALWART 7 AND STALWART 6		(b) (6)
50	0906	STALWART 5 REPORTS TO STALWART 3 THAT ITS NOT THE INTENT OF IRON HORSE TO CLEAR EVERY HOUSE ONLY IF THERE IS INTEL INDICATING SEARCH IS NEEDED OF IF FIRE HAS COME FROM THAT HOUSE			LOGGED AND STALWART 3 RELAYED		(b) (6)
51	0907	COBRA 6 REPORTS TO STALWART 3 MOVING TO OBJ C4			LOGGED		(b) (6)
52	0912	STALWART 3 REPORTS THAT HE RECOMENDS B6 AND B7 BE SEARCHED DUE TO POSSIBLE ENEMY CASCHE IN AREA			LOGGED		(b) (6)
53	0915	COBRA 6 REPORTS OBSERVING AN RPG GUNNER ON THE TOP OF A ROOF NORTH EAST OF C1 RIGHT SIDE OF THE ROAD GRID MB 499 914, CURRENTLY LAYING SURPRESSIVE FIRE			NOTIFIED BDE AND STALWART 6		(b) (6)
54	0940	STALWART 3 REPORTS A POSSIBLE FRIENDLY SNIPER POINT GRID MB 4890 9115			LOGGED		(b) (6)
55	0942	STALWART 3 AND STALWART 6 CURRENTLY MOVING TO C9			PLOTTED		(b) (6)
56	0954	COBRA 6 REPORTS SENDING 1 SECTION TO IRONHORSE TO REFUEL			LOGGED, NOTIFIED STALWART 4		(b) (6)
57	0956	STALWART 6 REPORTS PASSING CP1 ON ROUTE GOLD FROM THE WEST			LOGGED		(b) (6)
58	1004	COBRA GREEN 1 REPORTS HAVING HIS DISMOUNTS SETTING UP AN LP ONA ROOFTOP GRID MB 4943 9146			PLOTTED		(b) (6)
59	1005	COBRA GREEN 4 REPORTS HAVING THERE DISMOUNT SQUAD ON A 3 STORY BUILDING ROOF AT GRID MB 4934 9155			PLOTTED		(b) (6)
60	1017	COBRA 6 REPORTS OBSERVING MORTAR FIRE, 7 ROUNDS VIC C1, NO DAMAGE TO PAX OR EQUIPT.			NOTIFIED STALWART 5 AND BDE		(b) (6)
61	1028	COBRA 6 REPORTS THAT THE NUMBER OF MORTARS HE HAS OBSERVED TO HIT VIC. C1 IS NOW 10 ROUNDS			NOTIFIED STALWART 5		(b) (6)
62	1032	ROADHOG 6 REPORTS RETURNING TO IRON HORSE TIME NOW 1 1026 AND 3 M977 11PAX			LOGGED		(b) (6)
63	1034	COBRA 6 REPORTS THE LOCATION OF THE MOTAR FIRE GRID MB 499 914, NORTH EAST OF C1, COBRA 6 RETURNED FIRE WITH .50CAL POSSIBLY KILLED ONE MOTARMEN BUT NOT CONFIRMED, REQUESTS PERMISSION TO ENGAGE WITH A HEAT ROUND			NOTIFIED BDE		(b) (6)

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY (b) (6) SSG	SIGNATURE
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DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG				PAGE NO.		NO. OF PAGES	
For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans				4		4	
ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED			
1-41				FROM		TO	
				HOUR	DATE	HOUR	DATE
				0000	8/28/04	0000	8/29/04
ITEM NO.	TIME	INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN		INL
64	1039	IRON HORSE REPORTS THEY WILL BE SENDING UAV TO TARGET AREA TO CONFIRM IF COBRA SHOULD OR SHOULD NOT ENGAGE			NOTIFIED COBRA 6 AND STALWART 6		(b) (6)
65							
66							
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TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY (b) (6) SSG	SIGNATURE
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DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans				PAGE NO. 1		NO. OF PAGES 4	
ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED			
TF 1-41 IN TOC		CAMP VICTORY NORTH MB 2881 8446		FROM		TO	
				HOUR 0000	DATE 17 Aug 04	HOUR 0001	DATE 18 Aug 04
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INL		
	IN	OUT					
1	1050		OPENED NEW LOG	SAVE PREVIOUS LOG	(b) (6)		
2	1051		1BCT FRAGO 209 READY FOR PICK-UP	NOTIFIED TOC	(b) (6)		
3	1111		COBRA SP'D FROM DAC IN ROUTE TO IRONHORSE	LOGGED	(b) (6)		
4	1112		TF 1-41 IN CURRENT SLAT IS 5/12 M-1 4/6 M2 10/10 M113 20/21 M1114 3/3 MORTARS 8/10 SCOUTS	NOTIFIED XO	(b) (6)		
5	1120		RECEIVED 3 MECHANICS FROM HHC AND 3 DELTA MAINT FROM CAMP VICTORY NORTH.	NOTIFIED S-1	(b) (6)		
6	1130		COBRA CLOSED ON CAMP QUERVO	LOGGED	(b) (6)		
7	1134		COBRA 7 ARRIVED AT CAMP QUERVO	LOGGED	(b) (6)		
8	1135		BDE CALLED STATED THAT THE 39 TH BDE HAD A POO AT MB 483901	NOTIFIED TOC	(b) (6)		
9	1200		BARBARION6 REPORTS BEING POSITIONED AT MB 537898	LOGGED	(b) (6)		
10			Computer lost information from 1200-2300	LOGGED	(b) (6)		
11	2303		COBRA 6 REPORTS STOPPING DUMP TRUCKS LOADED WITH PERSONNEL @ 545932	LOGGED	(b) (6)		
12	2309		BARBARIAN 6 REPORTS AUDIO CONTACT WITH ONE SHOT FIRED	LOGGED	(b) (6)		
13	2352		TWO 1114S, 1x M113, SP W/ BARBARAIAN 5 FROM CUERVO	LOGGED	(b) (6)		
14	2355		BARBARIAN 6 REPORTS KIDS PICKING UP TRASH ON THE SIDE OF THE ROAD	LOGGED	(b) (6)		
15	0001		CLOSE LOG	LOG CLOSED	(b) (6)		
16	0015		LANCER REPORTS 1XM2/3x1114 GOING THROUGH LIGHTNING CP	LIGHTNING NOTIFIED	(b) (6)		
17	0039		BCT INFORMS OF 2 POSSIBLE VBIED ORANGE IN COLOR IN AO, MIGHT BE TAXIS	LOGGED	(b) (6)		
18	0051		COBRA REPORTS RPG FIRED MB 541905, NO CASUALTIES OR DAMAGE TO EQUIPMENT	LOGGED	(b) (6)		
19	0119		BARBARIAN 6 REPORTS TRACER AND EXPLOSIONS TO THE NORTH	LOGGED	(b) (6)		
20	0121		COBRA SIX REPORTS HIS ATTACHED BRADS ENGAGED AND DESTROYED A DUMP TRUCK PLACING IEDs ON ROAD AT MB 536898	LOGGED	(b) (6)		
21	120		BARBARIAN 6 REPORTS SAF AT CP CHARLIE, MB 5274 8841 BY MG AT EXTREME RANGE FROM NORTH	LOGGED	(b) (6)		
22	0126		COBRA SIX REPORTS SECOND DUMP TRUCK PLACING IEDs ON ROAD AT MB 536898. Truck engaged and destroyed. MB 550913				
23	133		REDCROSS MESSAGE RECEIVED FOR SPC (b) (6) (b) (6) B CO, (b) (6)	LOGGED	(b) (6)		
24	0137		COBRA 6 REPORTS THE MG FIRE THAT W THAT	LOGGED	(b) (6)		
TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY (b) (6) SSG				SIGNATURE			

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG				PAGE NO.		NO. OF PAGES	
For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans				2		4	
ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED			
TF 1-41 IN TOC		CAMP VICTORY NORTH MB 2881 8446		FROM		TO	
				HOURL	DATE	HOURL	DATE
				0000	17 Aug 04	0001	18 Aug 04
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INL		
	IN	OUT					
			BARBARIAN OBSERVED AS HIS FIRE				
25	0138		COBRA 6 REPORTS THAT THE OBJECTS BEING THROWN FROM TRUCKS WERE MINES	LOGGED		(b) (6)	
24	0139		BOUNTYHUNTER 6 REPORTS OBSERVING TRUCKS W/ SQUARE AND ROUND OBJECTS IN BED OF TRUCK	LOGGED		(b) (6)	
25	0143		BARBARIAN ENGAGED TRUCK MOVING AT A HIGH RATE OF SPEED	LOGGED		(b) (6)	
26	0156		BOUNTYHUNTER 6 OBSERVING 2 TRUCKS POSSIBLY EMPLACING IEDS	LOGGED		(b) (6)	
27	0210		BARBARIAN OBSERVES 4 PEOPLE DISMOUNTING FROM A VEHICLE AND LINGERING NEAR THE ROADSIDE	LOGGED		(b) (6)	
28	0223		BARBARIAN STOPS TRUCK FULL OF PEOPLE, INDIVIDUALS SCATTER, MB 5388	LOGGED		(b) (6)	
	0230		LATE ENTRY 2 TRUCKS TURN AROUND AT COBRA'S CHECK POINT VIC SILVERS AND PREDATORS	LOGGED		(b) (6)	
29	0237		COBRA 6 REPORTS 3x ENEMY KIA AND 7x EWIA AT MB 536 898	LOGGED		(b) (6)	
30	0241		LUMBERJACK IS NOTIFIED OF POSSIBLE IEDs/Mines	LOGGED		(b) (6)	
31	0242		IRONHORSE 5 CALLS FOR SITREP, STALWART 5 REPORTS CURRENT SITREP	LOGGED		(b) (6)	
32	0248		SCORPION AND STALWART 19 NOTIFIED TO PREPARE TO MOVE	LOGGED		(b) (6)	
33	0300		APACHES CALLSIGN VAMPIRE 16 ARE SENT TO REINFORCE COBRA AND BARBARIAN FROM BRIGADE	LOGGED		(b) (6)	
34	0316		EOD LEAVES FOB ON RTE GOLD, THEN LEFT ON PREDATORS	LOGGED		(b) (6)	
35	0335		SCORPION AND BANDAID SP TO GET ENEMY WOUNDED	LOGGED		(b) (6)	
36	0342		ECHO MEDIC CALLS TO CONFIRM THAT EWIA EN ROUTE	LOGGED		(b) (6)	
37	0415		COBRA REPORTS 2/2 AT TRUCK 1, 2/2 AT TRUCK 2, 0/2 AT PREDATORS/GOLD	LOGGED		(b) (6)	
38	0450		BCT S2 REQUESTS DETAINEE INFORMATION	LOGGED		(b) (6)	
39	0455		SCORPION 4 REPORTS 3 WW, 7xKIA (2 burning on truck), 6x LOADED ON M113 (2 CRITICAL, 1 IMMEDIATE w/ MASSIVE HEAD TRAUMA NOT EXPECTED TO LIVE) INDIVIDUALS ARE WEARING CIVILIAN CLOTHING, NO UNIFORMS	LOGGED		(b) (6)	
40	0507		SSG (b) (6) CALLS FROM BALAD ASKING FOR DETAINEE PAPERWORK OF WOUNDED PERSON MEDEVAC	LOGGED		(b) (6)	
41	0525		SCORPION 4 REPORTS THAT HE WILL BE READY TO MOVE OUT IN 10 MINUTES WITH ALL WOUNDED PERSONEL, RECOMMENDS THAT COBRA 6 KEEP ROAD CLOSED UNTIL THE TRUCKS AND ENEMY KIA CAN BE REMOVED FROM SCENE	LOGGED		(b) (6)	

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY (b) (6) DARIC, SSG	SIGNATURE
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DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-15; the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans				PAGE NO.		NO. OF PAGES		
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TF 1-41 IN TOC			CAMP VICTORY NORTH MB 2881 8446		FROM		TO	
					HOUR	DATE	HOUR	DATE
					0000	17 Aug 04	0001	18 Aug 04
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN				INL
	IN	OUT						

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY	SIGNATURE
(b) (6) DARIC, SSG	

DA FORM 1594

PREVIOUS EDITION OF THIS FORM IS OBSOLETE

Electronic Form

~~For Official Use Only~~

Exhibit 13

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE 0331 04 CID 259-803
For use of this form. see AR 190-30: the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION 78th MP Det (CID) (FWD), Baghdad, IZ	2. DATE 20 SEP 2004	3. TIME 0948	FILE NO.
5. NAME (Last, First, MI) (b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS C CO, 1/41 INF		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS SPC/RA		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

suspected/accused Murder, Conspiracy, False Official Statement /

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

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

6. ORGANIZATION OF INVESTIGATOR
78th MP Det, CID (FWD)
Baghdad, IZ

Section C. Non-Waiver

1. I do not want to give up my rights:

I want a lawyer.

I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

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

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

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

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

SPECIAL INSTRUCTIONS

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

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

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

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

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

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

COMMENTS (Continued)

SWORN STATEMENT

0331 04 CID259-80336

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

LOCATION 78th MP Det (IN) (FWD) Bns, Sld, 7Z	DATE 21 SEP 2004	TIME 1258	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		RANK/STATUS SPC
CI-41			

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

Reference to 1st statement. (Correction)
 Mid Aug 2004. We were set up in an O.P. On top of a Building, Pulling Security. The call came over the net About a truck (Dump Truck) Throwing I.E. Ds off the back. SGT. (b)(6), (b)(7)(C) Ordered us to fire up the truck. Pvt. (b)(6), (b)(7)(C) & Pvt. (b)(6), (b)(7)(C) had started firing up the truck with the rest of the Squad. I Ran over picked up the 240 B & started firing. When we were told to lift fire the truck had stop moving. Then Pvt. (b)(6), (b)(7)(C) had told me that there was a man Running towards our location. I Didn't have any Nobs on (Pvs TB). So I Couldn't really see the Guy. I was trying to locate him & shoot him, Because we Couldn't see what (b)(6), (b)(7)(C) If he had any Weapons or anything of that sort. When he got a little closer ~~was~~ I could see him. Everybody had Notice the white flag in his hand. At this time we had started to take fire from the South. SGT. (b)(6), (b)(7)(C) had ordered us to get on the ground. I had looked over at Sgt. (b)(6), (b)(7)(C) and asked, what about this man (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 210 PAGES (b)(6), (b)(7)(C)
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

"STATEMENT OF _____ TAKEN AT _____
DATED _____ CONTINUED."

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The Man was about 50 to a 100 Meters from our location. And Sgt. (b)(6), (b)(7)(C) had said to fire him up. So I got up & stood there for a few seconds, because I couldn't really see the guy. Sgt. (b)(6), (b)(7)(C) fired off a shot, then I fired about 10 rounds. I really don't know if I hit him. We got back down, and Sgt. (b)(6), (b)(7)(C) had called it up that we had one enemy KIA. And we were still taking fire. So the Bradleys had pulled up to our location, and we went down stairs & got in the Bradley. They sent us to a second location (Dump truck) I don't know what had happened there. Me & Sgt. (b)(6), (b)(7)(C) had debated on who shot the guy. Sgt. (b)(6), (b)(7)(C) said he had his pack 2 on his chest. Prior going to the mission that day, we had made a bet, to see ^{who} gets the first kill in action. That person would win the money. But nobody had won the money. Because nobody was sure who hit him. We went back to the building that morning & saw the guy. Everybody had said there's a bullet hole on the body. But not sure if it was 5.56 or 7.62. We stayed there most of the day. Sgt. (b)(6), (b)(7)(C) ordered PFC. (b)(6), (b)(7)(C) & Pvt. (b)(6), (b)(7)(C) to drag the body to the building & cover him up. The scouts came out later & took the body away.

Q. Did you write the above statement?
A. Yes.

Q. Did you shift your fire left as you stated in your previous statement?
A. No.

Q. Why did you put that in your previous statement? (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT _____ PAGE 2 OF 10 PAGES.

STATEMENT OF:

TAKEN AT:

DATED:

A. I was scared, I was thinking about my wife and kids.

Q. Did you shoot that man?

A. I shot at him, I don't know if I hit him.

Q. Why did you and SGT (b)(6), (b)(7)(C) argue about who shot him?

A. Because we had made a bet about who would get the first kill, I was also trying to impress SGT (b)(6), (b)(7)(C)

Q. Why did you feel the need to try and impress him?

A. SGT (b)(6), (b)(7)(C) was a very strict squad leader, he was very hard to impress.

Q. Did you see if the man went down after SGT (b)(6), (b)(7)(C) shot?

A. I couldn't tell, I didn't have my necks on, I couldn't see him very well, I just saw a white shirt.

Q. How long after he shot did you shoot?

A. Maybe 3 or 4 seconds after he fired his first round.

Q. How many times did he shoot?

A. All I heard was one shot, then I fired the 240, he could have fired another shot, but I wouldn't have been able to hear it.

Q. Has anyone in the squad spoke with SGT (b)(6), (b)(7)(C) after this has become known?

A. I never spoke with him, I don't know about the rest of the squad.

Q. Did SGT (b)(6), (b)(7)(C) ever hold a formation or meeting and discuss the investigation?

A. Yes.

Q. What was discussed? (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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STATEMENT OF:

TAKEN AT:

DATED:

Q. SGT (b)(6), (b)(7)(C) said, told everyone, If you don't know anything, you don't know anything. It is just me and SPC (b)(6), (b)(7)(C) who has pulled the trigger. He said something like PFC (b)(6), (b)(7)(C) failed on trying to fuck us on the first try so he is trying again. He looked at me and said, I trust you. Remember squad cohesion, stick together. Everyone just knuckled their heads.

Q. Did SGT (b)(6), (b)(7)(C) ever tell you to lie?

A. Yes, when he told me the guy went for his weapon, just before he shot him. Then he had a meeting with me and SPC (b)(6), (b)(7)(C) before, I think, day before, the squad formation, and he said to stick with the story. I just nodded my head.

Q. Did SGT (b)(6), (b)(7)(C) ever tell you what to say?

A. Yes, when me and SPC (b)(6), (b)(7)(C) were in the room and he said "he went for his weapon". Me and SPC (b)(6), (b)(7)(C) were playing Ping Pong, this was just after the shooting, he called me and SPC (b)(6), (b)(7)(C) out and said there was questions coming up about the shooting. He said to remember, the guy got scared of him and he went for his weapon and he had to shoot him.

Q. Did SPC (b)(6), (b)(7)(C) ever tell you to lie?

A. Before we were called up to the Battalion and questioned by the PLT SGT, we were all separated and SPC (b)(6), (b)(7)(C) said to remember all the weapons were still inside and not outside when he shot the guy, I told him to say what he had to say and I would say what I had to say.

Q. Did SGT (b)(6), (b)(7)(C) ever tell you, he only trusted you and that if you, SPC (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) stuck to your stories (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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EXHIBIT 14

STATEMENT OF:

TAKEN AT:

DATED:

(b)(6), (b)(7)(C)
 you would all be OK?

A. Yes, he said that when he talked with me and SPC (b)(6), (b)(7)(C)

Q. What did you think he meant by that?

A. He was asking us to lie.

Q. Did SGT (b)(6), (b)(7)(C) tell you and/or other squad members not to talk with PFC (b)(6), (b)(7)(C) or include him in any social or squad activities?

A. Yes, when we had that squad meeting, PFC (b)(6), (b)(7)(C) came up and SGT (b)(6), (b)(7)(C) told him to get out of here you little shit, you are not a part of the squad anymore. He said we don't account for (b)(6), (b)(7)(C) anymore.

Q. Did you ever hear SGT (b)(6), (b)(7)(C) say he was going to make PFC (b)(6), (b)(7)(C) life a living hell?

A. He said something like he wanted to keep him in the squad so he could make his life a living hell, that he was going to fuck him every chance he could get.

Q. Did SGT (b)(6), (b)(7)(C) ever tell you he wanted to get PFC (b)(6), (b)(7)(C) charged?

A. I heard him say it to SPC (b)(6), (b)(7)(C)

Q. Did SGT (b)(6), (b)(7)(C) ever tell you to counsel PFC (b)(6), (b)(7)(C) for anything?

A. Yes, I think that was because he would fall asleep on guard.

Q. Did SGT (b)(6), (b)(7)(C) suggest that something of PFC (b)(6), (b)(7)(C) should come up missing, like NUG's or anything like that?

A. No.

Q. Did SGT (b)(6), (b)(7)(C) ever say anything like; PFC (b)(6), (b)(7)(C) car (b)(6), (b)(7)(C)

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

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STATEMENT OF:

TAKEN AT:

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(b)(6), (b)(7)(C)
might just blow up?

A. No.

Q. Did you ever hear him threaten to kill (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) family?

A. Yes, he said that after we were getting questioned about all this PFC (b)(6), (b)(7)(C) heard him say it.

Q. Did SPC (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) ever contact you after CTD starts the investigation?

A. No, I have seen them but they didn't try and talk to me and I didn't try and talk to them.

Q. After SPC (b)(6), (b)(7)(C) shot the unarmed Iraq in the residence, did you hear SGT (b)(6), (b)(7)(C) make a comment about that man's son?

A. Yes, he said the boy was of fighting age and he should shoot him to.

Q. Prior to SPC (b)(6), (b)(7)(C) shooting the man, did you hear him say anything?

A. Yes, he asked SGT (b)(6), (b)(7)(C) if he could shoot, something like "can I shoot this guy".

Q. Did he say "can I shoot him" or "do you want me to shoot him"?

A. Can I shoot him.

Q. Did you hear SGT (b)(6), (b)(7)(C) say anything to SPC (b)(6), (b)(7)(C)

A. I never heard him answer.

Q. Prior to that shooting, did you hear or see, SGT (b)(6), (b)(7)(C) direct SPC (b)(6), (b)(7)(C) to put him at gunpoint inside the residence?

A. No.

Q. Where the weapons and magazines taken out of the residence prior to the shooting? (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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STATEMENT OF:

TAKEN AT:

DATED:

A. I don't think so, I had to clear a bus and a vehicle, SGT (b)(6), (b)(7)(C) told me and PFC (b)(6), (b)(7)(C) to clear them. The weapons could have been brought out while we were clearing.

Q. Did PFC (b)(6), (b)(7)(C) give the weapons and magazines to PFC (b)(6), (b)(7)(C)?

A. No, when I came, I thought SPC (b)(6), (b)(7)(C) still had the weapons in the house. Before I searched the bus, I gave SPC (b)(6), (b)(7)(C) the AK, to clear. This was before SGT (b)(6), (b)(7)(C) came. I thought it was still inside because it was the last time I saw it until we were dragging the body out. But they could have been outside. I was busy clearing the bus and car.

Q. Did anyone order the man flexi cuffed, prior to SGT (b)(6), (b)(7)(C) shooting?

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

Q. Did anyone tell PFC (b)(6), (b)(7)(C) while the squad was still in the court yard to remove the flexi cuffs?

A. I don't remember, there was a lot going on.

Q. Prior to SGT (b)(6), (b)(7)(C) shooting. Did you hear or see the Iraqi man laughing at SGT (b)(6), (b)(7)(C)?

A. Yes.

Q. Did SGT (b)(6), (b)(7)(C) say anything to that man?

A. Not then, but later when we were back at Camp Cervero, he said when the guy was laughing he was thinking, he won't be laughing in a minute.

Q. Did you ever hear SGT (b)(6), (b)(7)(C) brag about the shooting?

A. Yes, he said when he shot the guy in the head an eye ball popped out. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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STATEMENT OF:

TAKEN AT:

DATED:

Q Was SGT (b)(6), (b)(7)(C) in possession of the AK47 prior to him shooting the man?

A. Yes and the weapon was cleared.

Q. So is there any reason this man posed a threat?

A. No.

Q. Do you know if SGT (b)(6), (b)(7)(C) had taken the bolt out of the weapon?

A. Not that I know of.

Q. Do you know if anyone went back to pick up the flexi-cuffs after the shooting?

A. I don't know.

Q. Did you see LT (b)(6), (b)(7)(C) come into the residence after SGT (b)(6), (b)(7)(C) shot the man twice?

A. Yes.

Q. Did you hear if LT (b)(6), (b)(7)(C) said anything?

A. No.

Q. Where was LT (b)(6), (b)(7)(C) when the third shot was fired?

A. I think he was at the door of the court yard, still inside, when the 3rd shot was fired.

Q. Was he close enough to hear the shot?

A. Absolutely.

Q. After the third shot did LT (b)(6), (b)(7)(C) say or do anything?

A. No, he just walked away.

Q. Did you hear LT (b)(6), (b)(7)(C) tell SGT (b)(6), (b)(7)(C) the man was still alive, when he was in the house?

INITIALS OF PERSON MAKING STATEMENT

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STATEMENT OF:

TAKEN AT:

DATED:

(b)(6), (b)(7)(C)
 A. No, not when they were in the house, but SGT (b)(6), (b)(7)(C) said when we were back at Camp Coarua, that when the Lt came in he said the guy was still alive, SGT (b)(6), (b)(7)(C) said he told the Lt, he would take care of it. Then he shot the guy again.

Q Did you exit the residence before SGT (b)(6), (b)(7)(C) fired the third shot.

A Yes, I was outside the gate on a knee.

Q Did you ever hear SGT (b)(6), (b)(7)(C) say he wanted to kill a man with a knife?

A Yes, he said he wants to cut someones throat and watch them die.

Q Do you know if he ever did?

A I don't think he ever did.

Q Do you know about a "roof hopping" mission?

A Yes, I wasn't with that mission, when they got back, they had an AK47 with them, SGT (b)(6), (b)(7)(C) said he almost pushed a guy over the roof. He also said while they were searching the residence he asked the people if they had any weapons and if they lied and he found one, he would kill everyone. They gave up the weapon.

Q Did you ever hear SGT (b)(6), (b)(7)(C) put out that he wanted to kill anyone he found with an AK47?

A He always talked about that we should kill everyone that is of fighting age. He mentioned stuff about a Vietnam movie of a group of soldiers that would cut off peoples arms and legs, ~~took~~ arms (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

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STATEMENT (Continued)

and legs, so when they would grow up, they wouldn't be combat effective. In the movie the commander said if I had a Battalion like that the war would be over. SGT (b)(6), (b)(7)(C) said, that's like Iraq.

Q. Did SGT (b)(6), (b)(7)(C) put out any standing orders?

A. While at Ft. Riley, he said we take no prisoners

Q. Did SGT (b)(6), (b)(7)(C) say what should happen when a weapon was found when clearing houses?

A. I just remember him saying we should kill everyone of fighting age.

Q. Were there any other incidents in the past, when SGT (b)(6), (b)(7)(C) wanted you to kill someone?

A. Yes we were on an OP, on top of a building, I was on watch, I told SGT (b)(6), (b)(7)(C) there was a man waving his hands on another roof top. SGT (b)(6), (b)(7)(C) came over and looked at the guy and told me to shoot him. I told him no, and he said it like three times to shoot him, I kept shaking my head no, he finally told me to fire a warning shot. I fired a warning shot in the air and the guy took off running. Then SGT (b)(6), (b)(7)(C) called me a whimp.

Q. Is there anything else you want to add?

A. No. / End of Statement

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2 AND 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 OR 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 21st day of SEP, 2004 at 78th MP Det CID (FWD), Baghdad, IZ

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

ORGANIZATION OR ADDRESS

Article 136 (b)(4) UCMJ

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

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Date: 23 SEPT 04		Consent To Search (USACIDC Supplement 1 to AR 190-22)		Time: 1650	
1. Name of person: CPT (b)(6), (b)(7)(C) (cook consent)		2. Organization and location: HHC/1-4/1N Camp Vic. North, Iraq			
3. I have been informed by the undersigned USACIDC Special Agent that an inquiry is being conducted in connection with the following possible violation(s) of law: Murder					
4. I have been requested by the undersigned USACIDC Special Agent to give my consent to a search of my person my soldier's , premises, or property as indicated below. I have been advised of my right to refuse a search of my person, premises, or property. (If you <u>do not</u> give your consent, do not sign this form.)					
5. I hereby authorize the undersigned USACIDC Special Agent and/or other Authorized Law Enforcement Officials assisting the undersigned USACIDC Special Agent to conduct a search of: (Initial and sign applicable blocks)					
a.	My Person	Initials	Signature		
b.	My Quarters	(b)(6), (b)(7)(C)			
Located At: Room					
c.	My Vehicle	Initials	Signature		
Located At:					
Described As:					
d.	Other	Initials	Signature		
Located At:					
Described As:					
I am authorizing the above search(s) for the following general types of property which may be removed by the authorized law enforcement personnel and retained as evidence under the provisions of Army Regulation 195-5, or other applicable laws or regulations: Note, paper					
6. This written permission is given to the undersigned USACIDC Special Agent freely, voluntarily and without threats or promises of any kind:					
(b)(6), (b)(7)(C)		(b)(6), (b)(7)(C)			
Special Agent		Signature of Witness (If Available)			

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

Name: (b)(6), (b)(7)(C) Rank: PFC/E-3 SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

I knew it was coming after I was told by Sgt. (b)(6), (b)(7)(C)

If so, What do you know about it?

I know about all three shootings

I know I got investigated

I know about what Sgt. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) did

Who told you about it?

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

Do you know SGT (b)(6), (b)(7)(C)?

Yes

Do you talk with SGT (b)(6), (b)(7)(C)?

Yes

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

~~No~~ ~~No~~ ~~No~~ Yes

If so, Explain?

~~He talked about how~~

He shot a guy that supposedly had a white flag

I was there on the rough

Do you know SPC (b)(6), (b)(7)(C)

Yes

Do you talk with SPC (b)(6), (b)(7)(C)

No

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

~~No~~ Yes

If so, Explain?

Pictures on the internet

Have you heard any rumors about this Investigation?

Yes

If so, by who and what were the rumors?

I heard we were getting investigated by Sgt. (b)(6), (b)(7)(C)

Is there anything that you would like to speak with us offline about involving this Investigation?

If so, Explain?

I would like to clear up. I told the caption that I was 2nd squad Alpha team, but I am in 1st

Name: (b)(6), (b)(7)(C) Rank: PFC SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

Yes

If so, What do you know about it?

Sgt (b)(6), (b)(7)(C) & SPC (b)(6), (b)(7)(C) are being investigated for murder.

Who told you about it?

NEWS.

Do you know SGT (b)(6), (b)(7)(C)?

Yes

Do you talk with SGT (b)(6), (b)(7)(C)?

Yes

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE? No

If so, Explain?

Do you know SPC [REDACTED]?

Yes

Do you talk with SPC [REDACTED]?

Yes

Have you witnessed SPC [REDACTED] do anything that may be against the ROE? Or Has SPC [REDACTED] told you about himself doing anything that may be against the ROE?

Yes, verbally.

If so, Explain? I'm the platoon medic, so I spend most of the time in the back of the Bradley while the rest of the platoon continues the mission. After one mission, the platoon had completed one mission and remounted onto the Bradley. SPC [REDACTED] was talking about how he shot an Iraqi civilian.

Have you heard any rumors about this Investigation?

No

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

No

If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: SPC SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

Everything

If so, What do you know about it?

I know that some parties of
3rd platoon are being investigated
for murder.

Who told you about it? Noone

Do you know SGT (b)(6), (b)(7)(C)? Yes

Do you talk with SGT (b)(6), (b)(7)(C) Sometimes

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

If so, Explain?

I've never seen, nor spoke with Sgt (b)(6), (b)(7)(C) about anything against the ROE.

Do you know SPC [REDACTED]? Yes

Do you talk with SPC [REDACTED]? Sometimes

Have you witnessed SPC [REDACTED] do anything that may be against the ROE? Or Has SPC [REDACTED] told you about himself doing anything that may be against the ROE?

If so, Explain?

I've never seen SPC [REDACTED] do anything against the ROE, nor have I spoke with him regarding anything he may have done.

Have you heard any rumors about this Investigation?

~~Yes~~ No

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

If so, Explain? No

I've already spoke to you

Name: (b)(6), (b)(7)(C) Rank: SPC SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation? yes

If so, What do you know about it? individuals in our platoon were accused of breaking certain laws of war. (ROE)

Who told you about it? CID

Do you know SGT (b)(6), (b)(7)(C) yes

Do you talk with SGT (b)(6), (b)(7)(C) yes

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

If so, Explain? no

Do you know SPC [REDACTED] *yes*

Do you talk with SPC [REDACTED] *yes*

Have you witnessed SPC [REDACTED] do anything that may be against the ROE? Or Has SPC [REDACTED] told you about himself doing anything that may be against the ROE?

If so, Explain? *no*

Have you heard any rumors about this Investigation? *yes*

If so, by who and what were the rumors? *just really rumors just people saying we were being investigated before CID questioned me. No details though*

Is there anything that you would like to speak with us offline about involving this Investigation?

If so, Explain? *no*

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

Rank: SGT

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

Do you know about this Investigation?

yes

If so, What do you know about it?

Just what I've heard on the news

Who told you about it?

CNN

Do you know SGT (b)(6), (b)(7)(C)?

yes

Do you talk with SGT (b)(6), (b)(7)(C)?

yes I have he was my friend

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

No I have not

If so, Explain?

Do you know SPC [REDACTED]?

yes

Do you talk with SPC [REDACTED]?

yes also my friend

Have you witnessed SPC [REDACTED] do anything that may be against the ROE? Or Has SPC [REDACTED] told you about himself doing anything that may be against the ROE?

No I have not

If so, Explain?

Have you heard any rumors about this Investigation?

No

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

AG

If so, Explain?

The night of the truck
already gave a statement

Name: (b)(6), (b)(7)(C) Rank: SFC E-4 SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

Yes

If so, What do you know about it?

Just that there were ROE violations

Who told you about it?

Overhearing conversations

Do you know SGT (b)(6), (b)(7)(C)?

Yes

Do you talk with SGT (b)(6), (b)(7)(C)?

Sometimes

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

No

If so, Explain?

N/A

Do you know SPC (b)(6), (b)(7)(C)?

Yes

Do you talk with SPC (b)(6), (b)(7)(C)?

Not a whole lot

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

NO

If so, Explain?

N/A

Have you heard any rumors about this Investigation?

NO

If so, by who and what were the rumors?

N/A

Is there anything that you would like to speak with us offline about involving this Investigation?

NO

If so, Explain?

N/A

Name: **(b)(6), (b)(7)(C)** Rank: E-4 SSN: **(b)(6), (b)(7)(C)**

Do you know about this Investigation?

YES

If so, What do you know about it?

ALREADY GAVE A STATEMENT.

Who told you about it?

~~YES~~ RUMORS

Do you know SGT **(b)(6), (b)(7)(C)**

YES

Do you talk with SGT **(b)(6), (b)(7)(C)**

NOT NOW

Have you witnessed SGT **(b)(6), (b)(7)(C)** do anything that may be against the ROE? Or Has SGT **(b)(6), (b)(7)(C)** told you about himself doing anything that may be against the ROE?

NO

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C) [REDACTED]?

YES

Do you talk with SPC (b)(6), (b)(7)(C) [REDACTED]?

NOT NOW

Have you witnessed SPC (b)(6), (b)(7)(C) [REDACTED] do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) [REDACTED] told you about himself doing anything that may be against the ROE?

NO

If so, Explain?

Have you heard any rumors about this Investigation?

YES. AROUND THE PIT.

If so, by who and what were the rumors?

AROUND THE PIT.

Is there anything that you would like to speak with us offline about involving this Investigation?

NO. I GAVE MY STATEMENT ALREADY.

If so, Explain?

Name: **(b)(6), (b)(7)(C)** Rank: SSG(P) SSN: **(b)(6), (b)(7)(C)**

Do you know about this Investigation? *yes*

If so, What do you know about it?

SFC **(b)(6), (b)(7)(C)** and Sgt **(b)(6), (b)(7)(C)** are charged
w/ 3 counts of murder

Who told you about it?

FOX news

Do you know SGT **(b)(6), (b)(7)(C)**? *yes*

Do you talk with SGT **(b)(6), (b)(7)(C)**? *yes, as a Plt. Sgt to a Sqdn Leader*

Have you witnessed SGT **(b)(6), (b)(7)(C)** do anything that may be against the ROE? Or Has SGT **(b)(6), (b)(7)(C)** told you about himself doing anything that may be against the ROE?

ND

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)

only for about 10 days

Do you talk with SPC (b)(6), (b)(7)(C)

NO

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

NO

If so, Explain?

Have you heard any rumors about this Investigation?

yes

If so, by who and what were the rumors?

that he wanted to shoot someone
to know how it feels to kill
someone

Is there anything that you would like to speak with us offline about involving this Investigation?

NO

If so, Explain?

Name: **(b)(6), (b)(7)(C)** Rank: SPC SSN: 328-76-0737

Do you know about this Investigation?

Yes

If so, What do you know about it?

Only what I have been told about it and seen on the news
The only thing I know is SPC **(b)(6), (b)(7)(C)** and SGT **(b)(6), (b)(7)(C)** are being accused of murder.

Who told you about it?

CID

Do you know SGT **(b)(6), (b)(7)(C)**?

Yes

Do you talk with SGT **(b)(6), (b)(7)(C)**?

Yes

Have you witnessed SGT **(b)(6), (b)(7)(C)** do anything that may be against the ROE? Or Has SGT **(b)(6), (b)(7)(C)** told you about himself doing anything that may be against the ROE?

no

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)?

yes

Do you talk with SPC (b)(6), (b)(7)(C)?

yes

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

no

If so, Explain?

Have you heard any rumors about this Investigation?

no

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

no

If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: PFC SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

Yes

If so, What do you know about it?

It is an investigation about a shooting death of an Iraqi citizen and actions taken by 2nd Squad

Who told you about it?

CID

Do you know SGT (b)(6), (b)(7)(C)

Yes

Do you talk with SGT (b)(6), (b)(7)(C)

Some times

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

No

If so, Explain?

NA

Do you know SPC (b)(6), (b)(7)(C)?

Yes

Do you talk with SPC (b)(6), (b)(7)(C)

NO

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

NO

If so, Explain?

N/A

Have you heard any rumors about this Investigation?

Yes only what cid had asked me

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

NO

If so, Explain?

Name: **(b)(6), (b)(7)(C)** Rank: SPC SSN: **(b)(6), (b)(7)(C)**

Do you know about this Investigation?

yes

If so, What do you know about it?

I know that some guys from our platoon
are being investigated.

Who told you about it?

my PLT SGT

Do you know SGT **(b)(6), (b)(7)(C)**?

yes

Do you talk with SGT **(b)(6), (b)(7)(C)**,

no

Have you witnessed SGT **(b)(6), (b)(7)(C)** do anything that may be against the ROE? Or Has SGT **(b)(6), (b)(7)(C)** told you about himself doing anything that may be against the ROE?

no

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)?

yes

Do you talk with SPC (b)(6), (b)(7)(C)?

yes

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

no

If so, Explain?

Have you heard any rumors about this Investigation?

I've only heard what they showed on the news.

If so, by who and what were the rumors?

TV

Is there anything that you would like to speak with us offline about involving this Investigation?

no

If so, Explain?

Name: **(b)(6), (b)(7)(C)** Rank: E-2 SSN: **(b)(6), (b)(7)(C)**

Do you know about this Investigation?

Yes

If so, What do you know about it?

Sgt. **(b)(6), (b)(7)(C)** and Spc. **(b)(6), (b)(7)(C)** are being charged with the murder of three Iraqis.

Who told you about it?

CID

Do you know SGT **(b)(6), (b)(7)(C)**,

Yes, he was my squad leader.

Do you talk with SGT **(b)(6), (b)(7)(C)**

Only on a job related basis.

Have you witnessed SGT **(b)(6), (b)(7)(C)** do anything that may be against the ROE? Or Has SGT **(b)(6), (b)(7)(C)** told you about himself doing anything that may be against the ROE?

Yes

If so, Explain?

already spoke with CID

Do you know SPC (b)(6), (b)(7)(C)?

Yes, team leader within the squad.

Do you talk with SPC (b)(6), (b)(7)(C)?

A little bit off the job.

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

Yes

If so, Explain?

Spoke with CIA

Have you heard any rumors about this Investigation?

None that haven't happened

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

If so, Explain?

Spoke with CIA

Name: (b)(6), (b)(7)(C) Rank: E-6 SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

Very little

If so, What do you know about it?

Just rumors, already gave statement.

Who told you about it?

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

Do you know SGT (b)(6), (b)(7)(C)?

Very little

Do you talk with SGT (b)(6), (b)(7)(C)?

No

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

No

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)?

Very little

Do you talk with SPC (b)(6), (b)(7)(C)?

No

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

No

If so, Explain?

Have you heard any rumors about this Investigation?

Yes.

If so, by who and what were the rumors?

That they did things against ROE, already gave statement.

Is there anything that you would like to speak with us offline about involving this Investigation?

No

If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: SSG SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation? Yes

If so. What do you know about it? General Idea of who is involved and what their being charged with.

Who told you about it? I was informed about some of the incidents prior to the investigation by SSG (b)(6), (b)(7)(C) I reported it and it's covered in my statement.

Do you know SGT (b)(6), (b)(7)(C)? Yes

Do you talk with SGT (b)(6), (b)(7)(C)? No

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE? No

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)? *Yes*

Do you talk with SPC (b)(6), (b)(7)(C)? *No*

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE? *No*

If so, Explain?

Have you heard any rumors about this Investigation? *No*

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation? *No*

If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: SPC SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation? *yes*

If so, What do you know about it? *ONLY what I have heard on the news, and what The Investigators have told me.*

Who told you about it? *Investigator, NEWS*

Do you know SGT (b)(6), (b)(7)(C)? *yes*

Do you talk with SGT (b)(6), (b)(7)(C)? *yes*

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE? *NO*

If so, Explain?

Do you know SPC [REDACTED]? *Yes*

Do you talk with SPC [REDACTED]? *NO*

Have you witnessed SPC [REDACTED] do anything that may be against the ROE? Or Has SPC [REDACTED] told you about himself doing anything that may be against the ROE? *NO*

If so, Explain?

Have you heard any rumors about this Investigation? *NO*

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation? *NO*.

If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: *PFC* SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

Yes

If so. What do you know about it?

I WAS NEARBY

Who told you about it?

Do you know SGT (b)(6), (b)(7)(C)?

Yes

Do you talk with SGT (b)(6), (b)(7)(C)?

Yes

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

Yes

If so, Explain?

Already TALKED TO

Do you know SPC (b)(6), (b)(7)(C)? *yes*

Do you talk with SPC (b)(6), (b)(7)(C)? *yes*

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

yes

If so, Explain?

Already Talked To

Have you heard any rumors about this Investigation?

yes

If so, by who and what were the rumors?

Already Talked to

Is there anything that you would like to speak with us offline about involving this Investigation?

NO

If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: SPC SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

If so, What do you know about it? after I was talked to I found out what the investigation was about

Who told you about it?

The investigation

Do you know SGT (b)(6), (b)(7)(C)?

yes

Do you talk with SGT (b)(6), (b)(7)(C)?

yes

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

no

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)?

yes

Do you talk with SPC (b)(6), (b)(7)(C)?

yes

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

no

If so, Explain?

Have you heard any rumors about this Investigation?

no

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

no

If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: SPC/E-1 SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation? NOT REALLY.

If so, What do you know about it? ONLY WHAT I HEARD ON THE NEWS.

Who told you about it? THE NEWS

Do you know SGT (b)(6), (b)(7)(C)? YES

Do you talk with SGT (b)(6), (b)(7)(C)? YES

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE? NO, (b)(6), (b)(7)(C)

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)? YES

Do you talk with SPC (b)(6), (b)(7)(C)? YES

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE? NO, (b)(6), (b)(7)(C)

If so, Explain?

Have you heard any rumors about this Investigation? NO

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation? NO

If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: SGT SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

Yes

If so. What do you know about it?

Already gave a statement.

Who told you about it?

C 15

Do you know SGT (b)(6), (b)(7)(C)?

Yes

Do you talk with SGT (b)(6), (b)(7)(C)?

Occasionally

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

No

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)

Yes

Do you talk with SPC (b)(6), (b)(7)(C)

Occasionally

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

No

If so, Explain?

Have you heard any rumors about this Investigation?

No

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

No

If so, Explain?

Name: ~~██████████~~ (b)(6), (b)(7)(C) Rank: Pvt SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

no

If so. What do you know about it?

N/A

Who told you about it?

N/A

Do you know SGT (b)(6), (b)(7)(C)?

no

Do you talk with SGT (b)(6), (b)(7)(C)?

N/A

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

no

If so, Explain?

N/A

Do you know SPC (b)(6), (b)(7)(C)?

NO

Do you talk with SPC (b)(6), (b)(7)(C)?

NO

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

NO

If so, Explain?

N/A

Have you heard any rumors about this Investigation?

NO

If so, by who and what were the rumors?

N/A

Is there anything that you would like to speak with us offline about involving this Investigation?

NO

If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: E-2 SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

no

If so, What do you know about it?

Who told you about it?

Do you know SGT (b)(6), (b)(7)(C)?

no

Do you talk with SGT (b)(6), (b)(7)(C)?

no

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

no

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)?

no

Do you talk with SPC (b)(6), (b)(7)(C)?

no

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

no

If so, Explain?

Have you heard any rumors about this Investigation?

no

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

no

If so, Explain?

Name: SPC (b)(6), (b)(7)(C) Rank: E-4 SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

If so, What do you know about it?

Who told you about it?

Do you know SGT (b)(6), (b)(7)(C)

Do you talk with SGT (b)(6), (b)(7)(C)

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)

Do you talk with SPC (b)(6), (b)(7)(C)

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

If so, Explain?

Have you heard any rumors about this Investigation?

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

Have already spoke with C.I.D

If so, Explain?

3 gave statement.

Name: SPC (b)(6), (b)(7)(C) Rank: SPC SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

NOTHING, NEW TO THE PLATOON
If so, What do you know about it?

Who told you about it?

Do you know SGT (b)(6), (b)(7)(C)

Do you talk with SGT (b)(6), (b)(7)(C)

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)

Do you talk with SPC (b)(6), (b)(7)(C)

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

If so, Explain?

Have you heard any rumors about this Investigation?

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: Spl. E-4 SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

Don't know anything, wasn't here

If so, What do you know about it?

Who told you about it?

Do you know SGT (b)(6), (b)(7)(C)

Do you talk with SGT (b)(6), (b)(7)(C)

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C)

Do you talk with SPC (b)(6), (b)(7)(C)

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

If so, Explain?

Have you heard any rumors about this Investigation?

If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

If so, Explain?

Name: SPC (b)(6), (b)(7)(C) Rank: E-4 SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation?

Yes

If so, What do you know about it?

Already gave statement

Who told you about it?

Nobody

Do you know SGT (b)(6), (b)(7)(C)

Yes

Do you talk with SGT (b)(6), (b)(7)(C)

No

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

~~No~~ No

If so, Explain?

Already gave statement

Do you know SPC (b)(6), (b)(7)(C)

ye
Do you talk with SPC (b)(6), (b)(7)(C)
NO

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE?

No
If so, Explain?

already gave statement

Have you heard any rumors about this Investigation?

No
If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation?

No
If so, Explain?

Name: (b)(6), (b)(7)(C) Rank: SPC SSN: (b)(6), (b)(7)(C)

Do you know about this Investigation? Yes

If so, What do you know about it? I know SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) have been charged with murder

Who told you about it? Yahoo

Do you know SGT (b)(6), (b)(7)(C) Yes

Do you talk with SGT (b)(6), (b)(7)(C) Yes

Have you witnessed SGT (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SGT (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE? NO

If so, Explain?

Do you know SPC (b)(6), (b)(7)(C) Yes

Do you talk with SPC (b)(6), (b)(7)(C) NO

Have you witnessed SPC (b)(6), (b)(7)(C) do anything that may be against the ROE? Or Has SPC (b)(6), (b)(7)(C) told you about himself doing anything that may be against the ROE? NO

If so, Explain?

Have you heard any rumors about this Investigation? NO

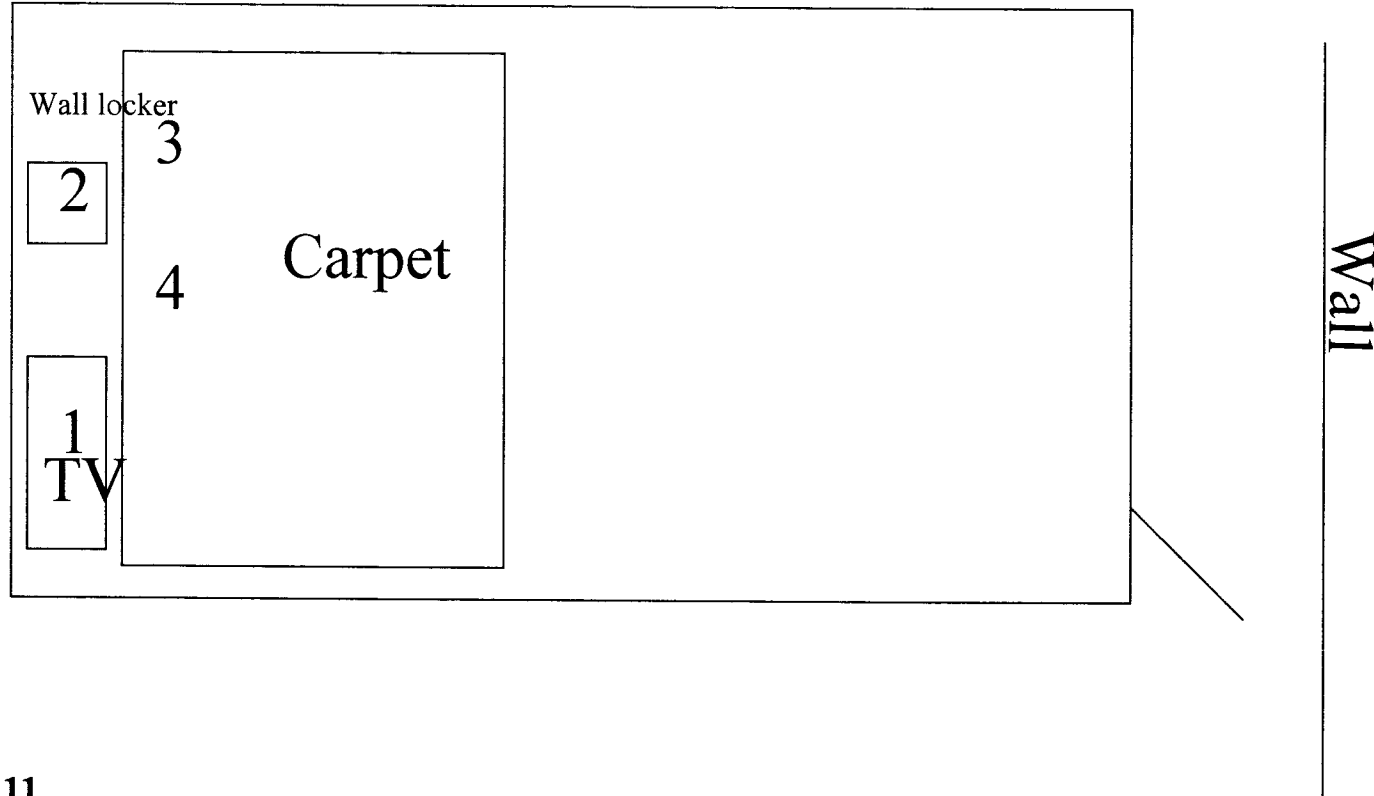
If so, by who and what were the rumors?

Is there anything that you would like to speak with us offline about involving this Investigation? NO

If so, Explain?

Crime Scene Sketch

0331-04-CID259-80336



Wall

Legend

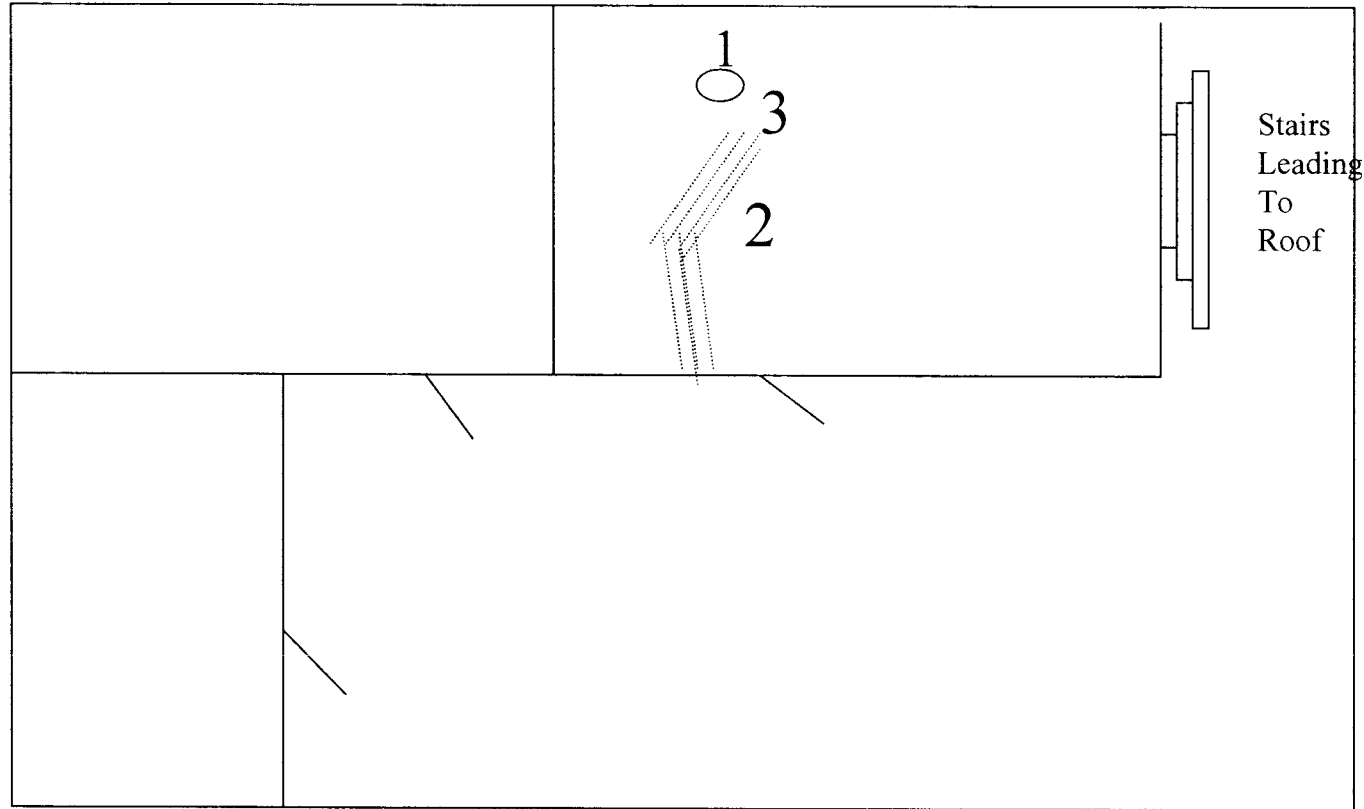
- 1. TV
- 2. Wall locker w/ apparent blood stain
- 3. Carpet w/ apparent blood stain
- 4. Carpet w/ apparent blood stain

Not To Scale 

Title Block
 Case Number: 0331-04-CID259-80336
 Scene Portrayed: Iraqi Residence,
 Grid ME (b)(6), (b)(7)(C) Sadr City, IZ
 Offense: Murder
 Victim: Unknown Iraqi Civilian
 Time/Date Began: 0750, 27 Sep 04
 Sketched By: SA (b)(6), (b)(7)(C)
 Verified By: SA (b)(6), (b)(7)(C)

Crime Scene Sketch

0331-04-CID259-80336



Legend

- 1. Apparent blood stain
- 2. Apparent blood stain transfer pattern
- 3. Cloth (tissue) w/ apparent blood

Not To Scale 

Title Block
 Case Number: 0331-04-CID259-80336
 Scene Portrayed: Iraqi Residence,
 Grid M(b)(6), (b)(7)(C) Sadr City, IZ
 Offense: Murder
 Victim: Unknown Iraqi Civilian
 Time/Date Began: 0830, 27 Sep 04
 Sketched By: SA (b)(6), (b)(7)(C)
 Verified By: SA (b)(6), (b)(7)(C)

Exhibit 18
 10-L-0126
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ROI 04-CID259-80336-5H

Exhibit(s): 19

Page(s): 178

Referred to:

**FOIA Office (IMWE-HOD-HRA)
Bldg 4230, 78th St & Santa Fe Ave
Fort Hood, Texas 76544-5000**



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST CAVALRY DIVISION
CAMP AL-TAHREER, BAGHDAD, IRAQ
APO AE 09344

REPLY TO
ATTENTION OF:

FIVA-CG (27-10d/e)

7 OCT 2004

MEMORANDUM FOR SPC (b) (6) C Company, 1-41st Infantry Regiment, 2d
Brigade Combat Team, 10th Mountain Division, Baghdad, Iraq, 09344

SUBJECT: Grant of Immunity and Order to Testify

1. As an officer with authority to convene general courts-martial, and pursuant to the provisions of Rule for Courts-Martial (RCM) 704, Manual for Courts-Martial, United States, 2002, I hereby find that you possess information that is relevant to possible Uniform Code of Military Justice violations involving the premeditated murder of three unarmed unknown Iraqi civilians, the conspiracy to commit murder, the obstruction of justice during the investigation, and related offenses by SGT (b) (6) SPC (b) (6) 2LT (b) (6) and any other individual.

2. Based on this finding and pursuant to RCM 704, and in compliance with Military Rule of Evidence (Mil. R. Evid.) 301(c)(1), I hereby order you, SPC (b) (6) to furnish truthful evidence, including oral statements, to investigators, prosecutors, and defense counsel, concerning any and all knowledge you have about the premeditated murder of three unarmed unknown Iraqi civilians, the conspiracy to commit murder, the obstruction of justice during the investigation, and related offenses by SGT (b) (6) SPC (b) (6) 2LT (b) (6) and any other co-conspirators identified in the course of this investigation. I further order you to testify truthfully in the trial of the above-named soldiers as to your knowledge of these offenses. You are advised that you are not ordered to testify in any particular way or to any specific version of the facts. You are expected to testify truthfully to all the facts within your knowledge throughout the investigations and courts-martial, if any.

3. This is a grant of testimonial immunity, not transactional immunity. As provided in RCM 704 and Mil. R. of Evid. 301(c)(1), neither your testimony during the investigation or at trial, nor any evidence obtained from your testimony pursuant to this order may be used against you at any subsequent court-martial other than in a prosecution for perjury, false swearing, making of a false official statement committed after this order, or in a prosecution for failure to comply with this order to testify. The words "testimony" and "testify" as used in this order extend to statements given to investigators, prosecutors, or defense counsel in preparation for trial, whether or not given in a judicial proceeding or context.

(b) (6)

Brigadier General, USA
Commanding

CF:
Trial Counsel
Defense Counsel
SPC (b) (6)

SWORN STATEMENT

0331 04 CID259-80336

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

LOCATION 78th MP Det (CID) (FWD) Baghdad, IZ	DATE (b)(6), (b)(7)(C) 7 Oct 04	TIME (b)(6), (b)(7)(C) 2230	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		RANK/STATUS SPC / RA
ADDRESS/ORGANIZATION C CO 1/41 Inf.			

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

(b)(6), (b)(7)(C) These incidents happened in mid to late August. The first one would be the dump truck incident. We had gotten information about dump trucks throwing out IED's out of the back of them over the net. This dump truck comes by and I was told it had things being thrown out of it. Sgt. (b)(6), (b)(7)(C) told us to open fire on it. We did and it stop a few hundred yards after we started firing. We were told to seize fire and we did. We saw movement and were told to fire on it again, so we did. Again we were told to seize fire and we did as ordered. Shortly after we seize fire someone saw a person running up to our position. I believe it was (b)(6), (b)(7)(C) and I asked him if he saw anything in his hands and I didn't get an answer. I asked again and I still didn't get a response. I then saw the person and could not see anything in his possession. Then Sgt. (b)(6), (b)(7)(C) told the person to get on the ground. At that same time, we started to receive fire from our rear. We got down and I saw Sgt. (b)(6), (b)(7)(C) fire along with the 240 which SPC. (b)(6), (b)(7)(C) was on. While this was all going on we got the call to remount on the Bradley's. We then picked our gear up and headed down to remount. After remounting we headed to another area of Sader City to put out fires and find a body. After remounting we went back to the same OP during the early morning daylight hours. When we came back I walked by the body but I didn't examine it and I didn't see any weapon. PFC. (b)(6), (b)(7)(C) and Pvt. (b)(6), (b)(7)(C) were told to move the body to the bottom of the op and cover it up. Sgt. (b)(6), (b)(7)(C) then examined the body. After they picked up the body we left the OP. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) The second incident happened while we were doing a cordon and knock. We set up security up and then stalked against the wall on the outside of the complex. My team was first to enter the building we had to have the person open the door for us. We entered and started to pull security inside the courtyard. After that was done my team started to clear the building. The room that I went in to clear, I found an AK47 in one of the cabinets. I brought the AK47 out of the room with me and gave it to Sgt. (b)(6), (b)(7)(C) and he tried to clear it and couldn't. So he gave it back to me and I tried to do it but I could only get the back cover off. He then told me to bring the person in the room and cut the flex cuffs off. I brought him in the room and laid the AK47 on the edge of the table. Then I proceeded to cut off the flex cuffs and left it on the ground. Then Sgt. (b)(6), (b)(7)(C) told me to come over to him and he said that he felt that his life was being threatened, then he said that the person went for his weapon. I then turn and started to walk out and heard two shots. I turned around and saw Sgt. (b)(6), (b)(7)(C) and the feet of the person on the floor. He then told me to take my team out of the courtyard and wait. I did and then LT. (b)(6), (b)(7)(C) came up and asked me what was happening and I told him that the person in side was shot and he proceeded to go into the courtyard. After a few minutes he came back out and just before or right after he did there was another shot. Then Sgt. (b)(6), (b)(7)(C) came out and told me to bring the body outside and put it next to the Bradley. So I took Pvt. (b)(6), (b)(7)(C) back in with me to bring the body out. When I entered the room I saw the body laying on the ground. I didn't see the weapon when I came back in and I don't know who brought it out. I then picked up the flex cuff and put it in my pocket then started to take the body outside. I noticed that the persons eye was popped out of socket when we carried the body out to the track. We then moved down from building to building clearing until we got to the end of the row. (b)(6), (b)(7)(C)

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.

DA FORM 2823, JUL 72 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

"STATEMENT OF TAKEN AT
DATED ____ CONTINUED."

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(b)(6), (b)(7)(C) I was then pushed out with my team to the next closest building and found a mortar round and let LT (b)(6), (b)(7)(C) know. We then leap frogged from house to house. A couple of house down we got kind of far apart and Sgt. (b)(6), (b)(7)(C) moved from my team to Bravo team were they were clearing. After sitting at our position for a few minutes I heard another shot. A few minutes later we were called over there and started to pull security on the outside of the house. Sgt. (b)(6), (b)(7)(C) told me to take the family some were out of site so they could bring the body out. I took them down a few houses and left them with another family and came back to my position. They brought the body out and put it next to LTC. (b)(6), (b)(7)(C) track and I saw a medic trying to work on his head. We were told to load up and as we did I saw a couple of weapons on the ground in front of the house as I ran by and loaded up (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) About a week or so later my team and Sgt. (b)(6), (b)(7)(C) went on a roof hopping mission. We started out about 2230 and started down the roofs until we couldn't go any farther and started with our searches. About half way back we entered a house with a large number of people inside, we gathered them up and put them in one room. I then started my search of the building. While I was doing this Sgt. (b)(6), (b)(7)(C) was talking to the people in the room asking them if they had any weapons. One of my soldiers did find one, I was still searching. After we were done searching the building Sgt. (b)(6), (b)(7)(C) asked whose weapon it was. They didn't say anything and then he said that he would start killing them if he didn't tell us whose it was. Then they pointed to this one person and Sgt. (b)(6), (b)(7)(C) took him out of the room and told us to take him up to the roof with us. We brought him out on the roof and started pulling security and Sgt. (b)(6), (b)(7)(C) asked me what I wanted to do with him and I said that he didn't give me a reason to do anything. Sgt. (b)(6), (b)(7)(C) said maybe we should throw him off the roof and PFC. (b)(6), (b)(7)(C) said he would shot him. I told Sgt. (b)(6), (b)(7)(C) that we should go. Then Sgt. (b)(6), (b)(7)(C) told the person to go back down stairs and we continued back to the OP (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Another time on a roof pulling security SPC. Young saw a person on top of a roof and asked what Sgt. (b)(6), (b)(7)(C) wanted to do about him. Sgt. (b)(6), (b)(7)(C) said just shot him. SPC. (b)(6), (b)(7)(C) didn't agree so Sgt. (b)(6), (b)(7)(C) said just shot a warning shot in the air. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) got a hold of my mother via e-mail to let me know what was going on in Iraq while I was on R&R back in Kansas. She asked me if I knew what was going on and that Sgt. (b)(6), (b)(7)(C) had been accused of murder and falsifying a statement. I told her I didn't know what was going on other than what she had said to me and keep me informed on what was going on. CID contacted me the next day and asked me to talk to them up in Ft. Riley and I told them I would. I did and Mrs. (b)(6), (b)(7)(C) called to find out if I had made it back and if I was alright, I told her I was and I couldn't talk to anybody about it. She then sent me another e-mail with ways to get a hold of CPT (b)(6), (b)(7)(C) because he wanted to talk to me. (b)(6), (b)(7)(C)

Q. Did you type the above statement?

A. Yes.

Q. Reference the dump truck incident, did you see SGT (b)(6), (b)(7)(C) fire his M16 at the Iraqi man he ordered on the ground?

A. Yes.

Q. Did you see SPC (b)(6), (b)(7)(C) shoot at the same guy?

A. Yes.

Q. Do you know who fired first?

A. Yes, SGT (b)(6), (b)(7)(C)

Q. Do you know who hit him?

A. I believe they both did, later SGT (b)(6), (b)(7)(C) said something about two different size wholes

Q. Who gave the order to shoot the man?

A. I believe SGT (b)(6), (b)(7)(C) said light him up, but I am not positive.

Q. Do you think that was a good call for SGT (b)(6), (b)(7)(C) to give that order or for that man to have been shot?

A. At the time yes, we had no way to secure the guy at the time, we were taking fire from the rear, there is a possibility he might have been hostile.

Q. Do you know if that was the man that you saw later, who was dead?

A. Yes, from where I saw where he was at, we found him in the same spot.

Q. When you saw him the next morning did you see any wounds to the man? (b)(6), (b)(7)(C)

ACLU-RDI 5868 p.182 10-L-0126 ACTU DD III (CID ROI) 2018

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Exhibit 20

A. I might have saw some blood, I didn't see any wholes, he still had his shirt on, I didn't examine him.

Q. Reference the cordon and knock. When you brought the Iraqi male back into the room, how far away was the AK47 in comparison to where the Iraqi was standing when SGT (b)(6), (b)(7)(C) shot him?

A. About 6 feet away, and SGT (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C) and myself were positioned in between the Iraqi male and the weapon. He would have had a way to get to the weapon, but we were close enough to stop him.

Q. Did that man pose any threat to you or anyone else in the squad, prior to SGT (b)(6), (b)(7)(C) shooting him?

A. Not that I saw.

Q. Was that room cleared of all weapons when SGT (b)(6), (b)(7)(C) had you bring in the Iraqi man?

A. Yes, I brought the AK back in, but there were no other weapons in the room, except for ours.

Q. Did you see any reason why SGT (b)(6), (b)(7)(C) should have shot that Iraqi male?

A. No.

Q. Was there any doubt in your mind that Iraqi male was not posing a threat at the time he was shot?

A. He was not posing a threat.

Q. Why did SGT (b)(6), (b)(7)(C) shoot him?

A. I don't know.

Q. Did you see SGT (b)(6), (b)(7)(C) when he shot the Iraqi male?

A. I didn't see him shoot, after he said he went for his weapon, I turned around and started walking out. That is when I heard the shots.

Q. When you turned around what did you see?

A. I saw SGT (b)(6), (b)(7)(C) he was looking at me and I also saw the legs of the Iraqi male.

Q. Did you see SPC (b)(6), (b)(7)(C) exit the room?

A. I don't even remember seeing SPC (b)(6), (b)(7)(C) when I turned around and saw SGT (b)(6), (b)(7)(C) I don't remember if SPC (b)(6), (b)(7)(C) followed me out when I left. I don't even remember when he left the room. But he was in there when SGT (b)(6), (b)(7)(C) told us both that "he went for his weapon"

Q. How much time had passed from when the shots were fired to when LT (b)(6), (b)(7)(C) arrived?

A. It had to be less than 5 minutes.

Q. Did you hear what LT (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) talked about?

A. No.

Q. Where was LT (b)(6), (b)(7)(C) when the third shot was fired?

A. Either he was just outside the courtyard or just coming out of the court yard, no more than 30 feet away.

Q. Did LT (b)(6), (b)(7)(C) do or say anything after the third shot was fired?

A. He came out side with us, outside the courtyard and set up in position with us and asked for help to fix his radio.

Q. Did you ever hear SGT (b)(6), (b)(7)(C) say anything that LT (b)(6), (b)(7)(C) came into the room and said "he is not dead yet" or anything like that?

A. No.

Q. Did SGT (b)(6), (b)(7)(C) ever talk to you after he shot that man, about that shooting?

A. Not that I can remember, he did say something about the guys eye ball, about it being popped out of his skull or something like that.

Q. Reference the second shooting during the cordon and knock. Did anyone tell you what happened?

A. I just remember over hearing that (b)(6), (b)(7)(C) shot him in the head and there was a casche of weapons that they found.

Q. Reference the roof hopping mission, do you know why SGT (b)(6), (b)(7)(C) did not kill the Iraqi male?

A. Other than what I already said, no.

Q. Reference the time when SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) to shoot the Iraqi who was on the roof. Do you know if the Iraqi man was posing any type of threat at the time?

A. No, I did not see the Iraqi, I was getting an IV at the time.

Q. Do you remember how many times SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) to shoot the man?

A. As far as I know once.

Q. Did SGT (b)(6), (b)(7)(C) wife or anyone else ever tell you to not tell the truth or anything along those lines, when you were to talk with CID?

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

(b)(6), (b)(7)(C) INITIALS OF PERSON MAKING STATEMENT. For Official Use Only PAGE 3 OF 4 PAGES. Exhibit 20

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

Q. Do you know where SGT (b)(6), (b)(7)(C) wife is living now?

A. As far as I know, she is living in Tennessee, I don't know an address.

Q. Is there anything else you want to add to this statement?

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

AFFIDAVIT

I, SPC (b)(6), (b)(7)(C) HAVE READ OR 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 OR 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 7TH day of OCT, 2004 at 78th MP Det (CID) (EWD) Baghdad, IZ

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
Article 136 (b)(4) UCMJ/ 5 USC 303

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 4 PAGES

SWORN STATEMENT

0331 04 CID259-80336

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

LOCATION 78th MP Det (CID) (FWD), Baghdad, IZ	DATE (b)(6), (b)(7)(C) 15 OCT 04	TIME (b)(6), (b)(7)(C) 1120	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		RANK/STATUS SPC/RA
ADDRESS/ORGANIZATION D 1/25 th (Attached to HHC 1/41 INF) Camp Iron Horse, Sadr City, IZ			

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

I had been assigned to the Patrol Security Detachment (PSD) as the medic for the team. During the month of August we were out in sector when we stopped at an area where Charlie Co was conducting operations. LTC (b)(6), (b)(7)(C) dismounted to conduct a face to face with the soldiers on the ground. I was acting at the time as the LTC's personal security so I dismounted with him. There was small cluster of houses just to our left. Upon arrival SPC (b)(6), (b)(7)(C) and another soldier walked up to us while dragging an Iraqi man. Each one had an arm and he was face down and limp. Once they got to our position they dropped him on the ground in the prone. I was standing about seven to ten feet away from the LTC. A large crowd began to gather to our left. Approximately twenty or so Iraqi civilians. The LTC asked When this happened. SPC (b)(6), (b)(7)(C) replied "Three minutes ago Sir." Then the LTC asked him what happened. (b)(6), (b)(7)(C) stated that he was disassembling an AK47 when the Iraqi man on the ground pulled out a pistol so his NCO shot him. At that point I turned my back to them and focus on the crowd that was becoming irate. A few moments later the LTC yelled to me "Doc He's got a sucking chest wound!" I had left my aid bag on the Bradley since I dismounted as security. Besides the fact that in combat if I were to treat an injured soldier I would drag them back to the Bradley anyway. This allows for good cover and faster evac. I ran back to the Bradley retrieved my aid bag and headed back to the scene. SPC (b)(6), (b)(7)(C) and the other soldier were once again dragging the Iraqi man toward me. I told them to stop and that I would treat him there since the area was somewhat secure. He was once again face down in the prone. I figured I would address his back first since it was already accessible. I used my rescue knife to cut his shirt off. He had a large oblong exit wound approximately four inches in diameter on the upper right portion of his back. It was pretty much in the location of his right scapula. I began packing the wound with a large gauze roll called Kerlex. The Iraqi man was only breathing once or twice a minute at this point. Each breath was a labored snoring respiration. I placed a piece of three inch tape over the gauze to hold it in place temporarily. That type of wound requires an occlusive dressing, which would come from the plastic cover on the packaging of the Ashmer Chest Seal (ACS). I was going to use the ACS dressing on the front of his chest. As I began to roll him to address the front of his chest SPC (b)(6), (b)(7)(C) who was standing over me at the time, said "uh he's got one in the head too." I tore open his shirt on the front and to my surprise there was no bullet wound anywhere on his anterior torso. I inspected his sides and armpits as well. I found nothing. At that point I checked his head. He had a small entrance wound in the top right of his skull. It was oozing blood with exposed grey matter. I assessed his pulse. There was none. His pupils were nonreactive to light and his snoring respirations had decreased. He had no other visible wound anywhere on his body. The LTC approached me and asked what the situation was. I told him that the Iraqi man had a gunshot wound to the head, which I could do nothing for. The breathing that he heard is called agonal breathing. With no pulse and that type of wound the man was beyond my help. The LTC acknowledged me and headed back to the Bradley. CPT (b)(6), (b)(7)(C) the soldier pulling my security, informed me that the crowd was really becoming restless. I decided to apply a dressing to the head of the Iraqi man to conceal his wound so his family wouldn't have to see it. Once that was done I rechecked his pulse. Again there was nothing. His agonal breathing had stopped. (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 23 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 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

"STATEMENT OF _____ TAKEN AT _____
DATED _____ CONTINUED."

0331 04 CID259-80336

(b)(6), (b)(7)(C) got up and retreated to the Bradley with CPT (b)(6), (b)(7)(C). Once again LTC (b)(6), (b)(7)(C) approached me. He asked me if the Iraqi was expectant. I told him he was. The LTC stated that he was going to call in a medivac but decided to turn the body over to the family. I agreed. At that point the crowd really became hysterical. The men were gesturing to us and the women were screaming. A couple of Iraqi men loaded the body into a side car of a motorcycle and drove off with him. I remained at the Bradley pulling security until we mounted up again and left.

Q. Did you type the above statement?

A. Yes.

Q. Do you know who the other soldier was, that was assisting SPC (b)(6), (b)(7)(C) drag the body to your position?

A. I don't know for sure, but I assume it was SGT (b)(6), (b)(7)(C). I am not originally from their unit, I am simply attached, so I don't know a lot of the soldiers.

Q. Did SPC (b)(6), (b)(7)(C) say that his NCO shot the Iraqi or that he shot the Iraqi?

A. He said his NCO shot the Iraqi.

Q. Do you know who his NCO was?

A. I didn't at the time, I do now.

Q. Why did he say the Iraqi man was shot?

A. The Iraqi pulled a pistol out while SPC (b)(6), (b)(7)(C) was clearing an AK47 rifle.

Q. Can you describe the wound to the Iraqi mans back?

A. It was about 4 inches in diameter, it was oblong shaped, maybe 2 ½ to 3 inches high and 4 inches across. It appeared to be an exit wound.

Q. Can you describe the head wound?

A. It was located on the top right of the mans skull, more towards the front but still on the top of the mans head, well within the hair line. It was a small hole, about ½ inch in diameter. It was an apparent entrance wound with grey matter showing. Grey matter is exposed brain. It appeared this was the entrance and the back wound was the exit.

Q. Are you positive there were no other apparent bullet wounds to the mans chest or head?

A. Yes.

Q. Could you have missed any gunshot wounds to those areas?

A. No.

Q. When you stated that LTC (b)(6), (b)(7)(C) asked you if he was "expectant", what does that mean?

A. It is an e-vac category used to determine the precedence of the e-vac. Expectant means that they are expected to die, they are least priority on e-vac, because their injuries are beyond help.

Q. Was this Iraqi man deceased when you left him?

A. In my opinion yes.

Q. Is there a chance he still could have been alive?

A. No, he was dead.

Q. How are sure of that?

A. The last time I checked him he had no signs of life, no pulse, pupils non-reactive and his respirations had stopped.

Q. Did you see any other Iraqi nationals who had been shot by that same unit, that day?

A. No.

Q. Do you know of any other medics who were on scene that day?

A. No.

Q. Can you explain what type of medical training you have to include past work experience?

A. I went through the Army's 91B course, after my ETS, I went through Paramedic school at Capitol Community College, in Hartford Connecticut. I held Certification in advanced Cardiac Life support, and Pediatric Advanced Life Support. (those are currently expired due to my recent deployment) I hold a current certification in Pre Hospital Trauma Life Support and CPR, as well as a Paramedic license. I worked for a year and a half for American Medical Response a private ambulance company in New Haven, CT. I've responded to and treated hundreds of trauma victims to include but not limited to, gunshot wounds, stabbings, assaults, motor vehicle accidents, and drownings.

Q. Is there anything else you want to add to this statement?

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

STATEMENT (Continued)
NOT USED /// (b)(6), (b)(7)(C)

0331 04 CID259-80336

AFFIDAVIT

I, SPC (b)(6), (b)(7)(C) HAVE READ OR 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, 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 15th day of October, 2004 at 78TH MP DET (CID) (FWD), Baghdad, IZ

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)
Article 136 (b)(4) UCMJ/ 5 USC 303

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

I, LTC [REDACTED] (b)(6), (b)(7)(C) Commander Task Force 1-41 IN make the following statement under oath: On or about 28 0530 Aug 04 the Task Force conducted a Movement to Contact in Area 21 AL Thawra, Baghdad to destroy AIF in order to establish the conditions to restore essential services to the area of operations. I moved into the area of operations in my Bradley Fighting Vehicle roughly splitting the space between Team Barbarian, B/2-14 IN, and their objective area and Team Cobra, C/2-70 AR. At approximately 0545 we pulled into an area in the vicinity of RTE AEROS and RTE FLORIDA at [REDACTED] (b)(6), (b)(7)(C) From this location I monitored the battle for just over an hour. Contacts during this time period included multiple direct fire contacts including small arms and RPG fire and IED contact in Team Cobra's objective area. Specifically, at 0618 Cobra reported destroying one AIF on Objective COBRA 1 in the vicinity of MB [REDACTED] (b)(6), (b)(7)(C) There were also multiple direct fire engagements with Team Cobra and AIF at the intersection of RTE GOLD and RTE AEROS Vicinity [REDACTED] (b)(6), (b)(7)(C). Throughout the morning, I had been monitoring the disposition of Cobra Green 1, 3rd PLT, C Company 1-41 IN, the infantry platoon attached to Team Cobra. At approximately 0700 I saw what appeared to be a dismounted infantry platoon in front of my position at approximate grid [REDACTED] (b)(6), (b)(7)(C) I dismounted with my medic SPC [REDACTED] (b)(6), (b)(7)(C) and approached the unit that was in fact at least one dismounted squad from 3rd PLT. I was greeted by SFC [REDACTED] (b)(6), (b)(7)(C) the Platoon Sergeant, and others from the squad. Two other soldiers approached me dragging the body of an alleged AIF. The body was a large bodied male of apparent Iraqi ethnicity. He was wearing a tee shirt and slacks and had a wound on his head. I looked him over briefly and heard what I thought was a sucking sound of a chest wound. I told SPC [REDACTED] (b)(6), (b)(7)(C) to treat the man and that he obviously had a

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sucking chest wound. I do not remember the exact sequence of events following that order, but in the next few moments I returned to my Bradley to send a report and to get an evacuation vehicle for the wounded man. Prior to walking back to my Bradley I discussed what had occurred with members of the squad and SFC (b)(6), (b)(7)(C) I think that I asked them for an initial report, went back to my Bradley and then returned for a more detailed account. In either case I specifically remember asking what had occurred. The story that I was given primarily from SPC (b)(6), (b)(7)(C) who was a Team Leader in the same squad, was that the squad had found an AK 47 in the man's residence and that in the process of the search the man reached for a pistol in the waste of his pants and was subsequently shot by a soldier in self defense. The squad presented me both the AK 47, which was missing a portion of the upper receiver and a large pistol that looked like an old British Webley. I was intrigued by the pistol and broke open the revolver. I immediately noticed that it was unloaded. I looked at SPC (b)(6), (b)(7)(C) and told him that the pistol was unloaded. SPC (b)(6), (b)(7)(C) told me that he knew that now, but that at the time of the search the man went for the pistol and that he did not know that it was unloaded. SPC (b)(6), (b)(7)(C) was visibly shaken and I needed him to focus on the next fight, so I told him something to let him know that he his actions were in accordance with the ROE. SFC (b)(6), (b)(7)(C) said something to coaberate the story that SPC (b)(6), (b)(7)(C) and the squad told me. I gave them a fragmentary order to mount up and continue the attack north. I remember walking away thinking that I had accomplished a key leader task by refocusing a squad that was shaken by their combat actions. While I had been talking to the squad, an agitated crowd had gathered in proximity to SPC (b)(6), (b)(7)(C) who was still attending to the wounded man. In the crowd was the spouse of the man who was making a violent display of grief and wanted the body. SPC (b)(6), (b)(7)(C)

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told me that the man was dead and that what I had heard before was not a chest wound, but agonal breathing. We started to return to my Bradley, as we approached I was informed by CPT (b)(6), (b)(7)(C) who had been riding in the back of my Bradley, that he had just been engaged by someone driving behind us. When I remounted the Bradley I sent a follow up report to the TOC and asked them to determine what the SOP was concerning evacuation of enemy bodies. At the same time a man pulled up on a motorcycle with a sidecar and laid the body of the AIF on the sidecar. Concerned with a potential hostile crowd and the requirement to move on to the next objective area, I decided to let him take the body. I reissued the guidance I had given to the squad to CPT (b)(6), (b)(7)(C) Cobra 6, and then bounded north to overwatch the rest of Team Cobra's movement. We continued to clear the Task Force objectives and stayed in the AOR through that night and the next day. After returning to Camp Iron Horse on or about 30 August, I mentioned the event to Colonel (b)(6), (b)(7)(C) not as an SIR, but as information because it was an odd engagement. A few days later I was talking to soldiers throughout the Task Force in the motor pool at Camp Cuervo. I ran into the men of 3rd PLT C Company and they reengaged me on the actions from 28 August. SPC (b)(6), (b)(7)(C) was a part of the discussion and I remember SGT (b)(6), (b)(7)(C) being present as well. I was trying to clarify the facts of the engagement and plainly asked SPC (b)(6), (b)(7)(C) if he had shot the man. He replied that he had.

END OF STATEMENT

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0331 04 CID259-80336

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0301-04-CID025

PAGE 1 OF 1 PAGES

DETAILS

BASIS FOR INVESTIGATION:

About 0900, 23 Sep 04, this office received a Request for Assistance (RFA), Category 1 Monitorship, from the 78th MP CET (CID)(FWD), Baghdad, Iraq, APO AE 09342, to locate, identify and conduct a witness interview of SPC (b)(6), (b)(7)(C) C CO, 1/41 INF BN, Fort Riley, KS 66442 (FRKS), regarding his knowledge of American soldiers shooting unarmed Iraqi civilians.

About 1345, 23 Sep 04, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) who stated he had no knowledge of SGT (b)(6), (b)(7)(C) killing or ordering the death of unarmed Iraqi civilians. SPC (b)(6), (b)(7)(C) stated he remembered the cordon and search during which an Iraqi male was detained for possessing an AK-47. SPC (b)(6), (b)(7)(C) stated he did not remember the man being flexi-cuffed, and as soon as the situation appeared under control he went outside the building with his team to pull security. SPC (b)(6), (b)(7)(C) stated he neither saw nor heard of SGT (b)(6), (b)(7)(C) shooting this Iraqi man. SPC (b)(6), (b)(7)(C) stated he heard gunfire, but stated he believed it was from a different area of the city as there is regular gunfire in the city. SPC (b)(6), (b)(7)(C) further remembered 2LT (b)(6), (b)(7)(C) being on the mission, but was not present inside the building when 2LT (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) spoke to one-another. SPC (b)(6), (b)(7)(C) stated he also remembered the "roof-hopping" mission later that same day. SPC (b)(6), (b)(7)(C) stated he remembered an Iraqi being brought to the rooftop, but stated SGT (b)(6), (b)(7)(C) showed no desire to kill the man. SPC (b)(6), (b)(7)(C) stated he told SGT (b)(6), (b)(7)(C) the squad did not have time to deal with the situation, and the man was released and the squad moved on with their operations. SPC (b)(6), (b)(7)(C) stated the reason the squad did not have time was because of an arbitrary timeline SGT (b)(6), (b)(7)(C) had set before the mission started. SPC (b)(6), (b)(7)(C) also remembered the incident involving the firefight with the dump truck. However, SPC (b)(6), (b)(7)(C) stated he did not see anyone approach the squad before, during, or after the engagement. He stated during the firefight he heard someone yell "he's coming toward us," but did not know who made the comment. SPC (b)(6), (b)(7)(C) stated he asked who was coming toward them, but received no answer. SPC (b)(6), (b)(7)(C) stated after the firefight as the squad was moving-out he walked past a dead Iraqi man, but did not know who shot him. SPC (b)(6), (b)(7)(C) further stated he did not hear anyone order the death of the Iraqi man. SPC (b)(6), (b)(7)(C) emphasized he viewed his role as only the leader of his team. SPC (b)(6), (b)(7)(C) stated he paid no attention to the actions of those appointed over him. He simply "watched his lane" in an effort to run his team as well as possible. SPC (b)(6), (b)(7)(C) stated he has never heard anyone "bragging" about killing Iraqi's, and stated he was unaware of any bet to see who in the squad would get the first official kill in Iraq.

About 1730, 23 Sep 04, SA (b)(6), (b)(7)(C) this office, gave SPC (b)(6), (b)(7)(C) a suicide prevention brief, and asked SPC (b)(6), (b)(7)(C) if he wanted to see a chaplain or healthcare professional to discuss anything that may have been on his mind. SPC (b)(6), (b)(7)(C) refused, and stated he would be fine to drive back to Little River, KS (LRKS) for the remainder of his mid-tour leave.

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION Fort Riley Resident Agency, United States Army Criminal Investigation Command, 78 th Military Police Detachment (CID), Fort Riley, KS 66442	
(b)(6), (b)(7)(C)		DATE 23 Sep 04	EXHIBIT 1

0331 04 010259-81336

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AGENT'S INVESTIGATION REPORT

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DETAILS

About 1815, 23 Sep 04, SA ^{(b)(6), (b)(7)(C)} coordinated with the Crime Records Center, Fort Belvoir, VA, who conducted a name check on SPC ^{(b)(6), (b)(7)(C)} which revealed no derogatory information.

////////////////////////////////////Last Entry////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA ^{(b)(6), (b)(7)(C), (b)(7)(F)}

ORGANIZATION

Fort Riley Resident Agency, United States Army Criminal Investigation Command, 78th Military Police Detachment (CID), Fort Riley, KS 66442

SIGNATURE

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

DATE

23 Sep 04

EXHIBIT

1

AGENT'S INVESTIGATION REPORT

0224-04-CID222

CID Regulation 195-1

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About 1400, 22 Sep 04, this office received a Category 1 Request For Assistance (RFA) (0331-04-CID259-80336) through the Fort Belvoir, VA Resident Agency, and the 10th Military Police Battalion, Fort Bragg, NC from the 78th Military Police Detachment (CID)(FWD), Baghdad, Iraq APO AE 09342. The RFA requested this office contact LTC (b)(6), (b)(7)(C) 497th Intelligence Group, Langley Air Force Base, VA and collect Predator video or camera footage for the period 17-18 Aug 04 to grid coordinates (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

Agent's Comment: The telephone number, provided within the RFA, was incorrect and verified to be DSN: 764-3997. This RFA differs from 0224-04-CID259-80336 in that it contains an additional two (2) grid coordinates: (b)(6), (b)(7)(C)

Dispatched, via email, 1st Information Report, indicating receipt of CAT I RFA, the case number assigned and an estimated completion date.

On 22 Sep 04, SA (b)(6), (b)(7)(C) this office, coordinated with LTC (b)(6), (b)(7)(C) and briefed him on all aspects of this RFA and the data requested. A meeting with LTC (b)(6), (b)(7)(C) was scheduled for 0830, 24 Sep 04, at his office on Langley AFB to determine if the video footage is available and when it can be collected.

About 0830, 24 Sep 04, SA (b)(6), (b)(7)(C) met with LTC (b)(6), (b)(7)(C) Deputy Commander, 497th Intelligence Group, Langley AFB, VA 23665 and LTC (b)(6), (b)(7)(C) USAF, same unit. LTC (b)(6), (b)(7)(C) stated his office did monitor U2 and Predator footage for the area from which it is being requested. LTC (b)(6), (b)(7)(C) stated the footage is maintained for a period of 6 months before it is archived and that, if available, would still be on hand. LTC (b)(6), (b)(7)(C) stated he would assign two personnel to locate the footage and transfer it to electronic media (CD/DVD). Both LTC (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) discussed options available to transport the data, since it would be classified as "Secret". LTC (b)(6), (b)(7)(C) stated the process should take no more than a few days and that he will contact this office when ready.

Dispatched 2nd Info Report, indicating the time and date the data should be collected and the available options with transporting it to the originating office.

On 27 Sep 04, SA (b)(6), (b)(7)(C) received a call from LTC (b)(6), (b)(7)(C) who advised that, after reviewing all video footage on hand, his office did not have data for the grid coordinates listed within the RFA.

Dispatched 3d Info Report. Advised by originating office to close RFA; no further investigative activity requested. ///Last Entry///

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

12TH MP DET (CID)
3D MP GP (CID), USACIDC
FORT EUSTIS, VA 23604-5534

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

Date:

29 SEP 04

Exhibit:

CID Form

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0317-04-CID025-

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DETAILS

BASIS FOR INVESTIGATION: About 1300, 4 Oct 04, this office received a Request for Assistance from the 78th MP DET (FWD), requesting this office locate, fully identify and conduct a witness interview of Mrs. (b)(6), (b)(7)(C) (FRKS), D/S of SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co, 1/41 INF BN, FRKS, regarding any correspondence she had with her husband concerning shootings he committed or ordered against the Rules of Engagement (ROE). Further, conduct a witness interview of Mrs. (b)(6), (b)(7)(C) (NFI) concerning correspondence she had with SPC (b)(6), (b)(7)(C) C Co, 1/41 INF BN, FRKS. Additionally, identify SPC (b)(6), (b)(7)(C) sister and father, and their current residence.

About 0945, 5 Oct 04, Mr. (b)(6), (b)(7)(C) Criminal Intelligence Coordinator (CIC), this office, coordinated with the Mid States Organized Criminal Intelligence Center (MOCIC) who conducted a name check for SPC (b)(6), (b)(7)(C) which revealed the residence' of SPC (b)(6), (b)(7)(C) father and sister were as follows:

- Mr. (b)(6), (b)(7)(C) Phone number (b)(6), (b)(7)(C)
- Ms. (b)(6), (b)(7)(C) Phone number (b)(6), (b)(7)(C)

About 1935, 6 Oct 04, SA (b)(6), (b)(7)(C) and INT (b)(6), (b)(7)(C) arrived at (b)(6), (b)(7)(C) FRKS, however, Mrs. (b)(6), (b)(7)(C) was not home.

AGENT'S COMMENT: The mailbox at Mrs. (b)(6), (b)(7)(C) residence contained mail which was post marked 5 Oct 04.

About 1945, 6 Oct 04, SA (b)(6), (b)(7)(C) and INT (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) 125th FSB, (b)(6), (b)(7)(C) FRKS, who stated he had not seen Mrs. (b)(6), (b)(7)(C) for approximately three weeks.

About 1950, 6 Oct 04, SA (b)(6), (b)(7)(C) and INT (b)(6), (b)(7)(C) interviewed Mrs. (b)(6), (b)(7)(C) FRKS, who stated she had not seen Mrs. (b)(6), (b)(7)(C) for about a month. Mrs. (b)(6), (b)(7)(C) further related she knew Master (b)(6), (b)(7)(C) FRKS, was responsible for mowing Mrs. (b)(6), (b)(7)(C) lawn.

About 2000, 6 Oct 04, SA (b)(6), (b)(7)(C) and INT (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who related he mowed Mrs. (b)(6), (b)(7)(C) lawn every three to four weeks for \$25.00. Master (b)(6), (b)(7)(C) further related he hadn't seen Mrs. (b)(6), (b)(7)(C) for a few weeks but remembered Mrs. (b)(6), (b)(7)(C) stating she was going on vacation for a while and to take care of her lawn.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION-
78th MP Det CID (CSE)
6th MP Grp (CID, USACIDC)
Ft. Riley, Kansas 66442

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

DATE
7 Oct 04

EXHIBIT

Encl-5 25

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AGENT'S INVESTIGATION REPORT <i>CID Regulation 195-1</i>	ROI NUMBER 0317-04-CID025-
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DETAILS

About 1440, 7 Oct 04, SA (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) coordinated with Mr. (b)(6), (b)(7)(C) Housing Customer Service, who stated SGT (b)(6), (b)(7)(C) was on block leave from 27 Sep 04 to 25 Oct 04.

About 1530, 7 Oct 04, SA (b)(6), (b)(7)(C) and INT (b)(6), (b)(7)(C) coordinated with Mrs. (b)(6), (b)(7)(C) Program Assistant, Child Development Center (CDC), FRKS, who stated Master (b)(6), (b)(7)(C) Sgt (b)(6), (b)(7)(C) step-child, was enrolled at the CDC, FRKS, and was last there on 26 Aug 04.

/// Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION- 78 th MP Det CID (CSE) 6 th MP Grp (CID, USACIDC) Ft. Riley, Kansas 66442
SIGNATURE (b)(6), (b)(7)(C)	DATE 7 Oct 04
	EXHIBIT 25

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0288-04-CID032

PAGE 1 of 2 PAGE

DETAILS

About 1745, 29 Oct 04, this office received a Request For Assistance from the 78th Military Police Detachment (CID), 3rd Military Police Group (CID), Baghdad, Iraq, APO AE 09342, to locate, fully identify, and interview Ms (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) phone number (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

About 1415, 30 Oct 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) coordinated with SGT (b)(6), (b)(7)(C) Salem Police Department, Salem, OH 44460. SGT (b)(6), (b)(7)(C) checked the Salem Police Department database for information pertaining to Ms (b)(6), (b)(7)(C) and Mr (b)(6), (b)(7)(C). There was no information available on either of the individuals in question for the RFA.

About 1500, 30 Oct 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) attempted to contact Ms (b)(6), (b)(7)(C) (NFI), (b)(6), (b)(7)(C). Ms (b)(6), (b)(7)(C) was not at her Apt or she would not answer the door. SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted canvass interviews which revealed no information.

About 1545, 30 Oct 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) attempted to contact Mr (b)(6), (b)(7)(C) (b)(6), (b)(7)(C). The residence was vacant and did not appear to have been occupied recently. A neighborhood canvass revealed he has not resided there in about 2-3 months; none of the neighbors had any forwarding contact information.

About 1600, 30 Oct 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Ms (b)(6), (b)(7)(C) (NFI), Apartment Complex Manager, (b)(6), (b)(7)(C). Ms (b)(6), (b)(7)(C) stated Ms (b)(6), (b)(7)(C) was very disgruntled towards the U.S. Army and the media in reference to this entire incident with her brother. Ms (b)(6), (b)(7)(C) has resided in (b)(6), (b)(7)(C) for 3 years and was very quiet; she does not work and does not have a car or drive. Ms (b)(6), (b)(7)(C) has told Ms (b)(6), (b)(7)(C) to tell media personnel looking for her in reference to the incident under investigation, that she does not reside in the apartments any more. MS (b)(6), (b)(7)(C) does not have any contact or relationship with her father Mr (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) believed Ms (b)(6), (b)(7)(C) had a computer in her apartment. Ms (b)(6), (b)(7)(C) has told Ms (b)(6), (b)(7)(C) her brother called from Iraq and said "something is going on, I will be in touch". Ms (b)(6), (b)(7)(C) did not have any further information pertaining to the communication between Ms (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C). Ms (b)(6), (b)(7)(C) usually mailed about 1 package weekly to SPC (b)(6), (b)(7)(C) in Iraq. Ms (b)(6), (b)(7)(C) did say Ms (b)(6), (b)(7)(C) was diagnosed as Bi-Polar but had later heard it was later diagnosed as a thyroid problem.

TYPE SA (b)(6), (b)(7)(C), (b)(7)(F) (b)(6), (b)(7)(C)	ORGANIZATION 280 th MP Det (CID), Fort Knox, KY 40121
SIGN (b)(6), (b)(7)(C)	DATE 30 OCT 04
	EXHIBIT 26

AGENT'S INVESTIGATION REPORT

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0288-04-CID032

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DETAILS

About 1630, 30 Oct 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted surveillance on Ms (b)(6), (b)(7)(C) apartment waiting for her to return home or determine any associates she may have in the area. There was no activity at the apartment. Ms (b)(6), (b)(7)(C) did not return home during this time. SA (b)(6), (b)(7)(C) left a message on Ms (b)(6), (b)(7)(C) answering machine requesting a call back. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

280th MP Det (CID), Fort Knox, KY 40121

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

DATE

30 OCT 04

EXHIBIT

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AGENT'S INVESTIGATION REPORT

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DETAIL

About 1038, 14 Oct 04, SA (b)(6), (b)(7)(C) this office, coordinated with the United States Postal Service (USPS), Junction City, Kansas 66441(JCKS) and the Fort Riley Post Office, Fort Riley, KS 66442 (FRKS) in attempt to locate a forwarding address for Mrs (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) FRKS and met with negative results.

About 1117, 14 Oct 04, SA (b)(6), (b)(7)(C) conducted a check of Mrs (b)(6), (b)(7)(C) quarters in attempt to see if she had returned and met with negative results. Check of house revealed all curtains were closed so could not look into house to see if furniture had been removed. Conducted a check with neighbors previously canvassed to see if they had seen or heard from Mrs (b)(6), (b)(7)(C) and met with negative results. Outside of house appears to not have been disturbed for a while because there was heavy amounts of cob webs located on the trash can outside the front door and the garbage can located at the curb had dried out the grass underneath it and it also had spider and cob webs connecting to the ground around the garbage can. Contacted housing office to determine if Mrs (b)(6), (b)(7)(C) had cleared the quarters and there was no record that she had. Checked with housing and neighbors to determine if any movers had been at the house at any time and met with negative results.

About 1500, 28 Oct 04, SA (b)(6), (b)(7)(C) interviewed Miss (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) who provided a Sworn Statement detailing her relationship with SPC (b)(6), (b)(7)(C) and provided a 3.5 inch diskette with all email correspondence from SPC (b)(6), (b)(7)(C) to her and also emails from SPC (b)(6), (b)(7)(C) sister and mother telling Miss (b)(6), (b)(7)(C) to delete the email. (See Sworn Statement)

About 1539, 28 Oct 04, SA (b)(6), (b)(7)(C) collected as evidence, one diskette containing email correspondence between SPC (b)(6), (b)(7)(C) and his family to Miss (b)(6), (b)(7)(C) (See Emails)

About 0730, 1 Nov 04, SA (b)(6), (b)(7)(C) coordinated with the Mid-States Organized Crime Information Center (MOCIC) and conducted a name check of Mrs (b)(6), (b)(7)(C) which met with negative results. (See MOCIC Report).

About 0730, 2 Nov 04, SA (b)(6), (b)(7)(C) coordinated with originating office and was advised to close down Cat 1 RFA and to discontinue attempts to located and interview Mrs (b)(6), (b)(7)(C)

///-----//LAST ENTRY//-----///

TYPE AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

78th Military Police Det (CID), 6th MP Group (CID) USACIDC, Fort Riley, KS 66442

SIGNATURE

DATE

2 Nov 04

EXHIBIT

Enc-1 27

SWORN STATEMENT

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

LOCATION Fort Riley, Kansas 66442	DATE 28 OCT 04	TIME 1624	FILE NUMBER 1624
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS CIV	
ORGANIZATION OR ADDRESS (b)(6), (b)(7)(C)			

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

I met (b)(6), (b)(7)(C) at Mustangs Gentleman's club in approximately the end of March or beginning of April. We maintained a friendship for several months, ending on somewhat of a bad note due to a personal difference between us. He emailed me in May to let me know that he was being deployed, and I wished him the best of luck. He gave (b)(6), (b)(7)(C) his mother my email address to keep me posted, as well as others, on his status.

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

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

Q: Did you write the narrative above?

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

Q: What was the personal difference you had with SPC (b)(6), (b)(7)(C)

A: He got physically aggressive with me at a bar one night. (b)(6), (b)(7)(C)

Q: How was he getting physically aggressive?

A: He was being touchy with me while at the bar. (b)(6), (b)(7)(C)

Q: Have you responded to any of SPC (b)(6), (b)(7)(C) emails? (b)(6), (b)(7)(C)

A: Only one or two emails stating I did not like the picture

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

STATEMENT (Continued)

(b)(6), (b)(7)(C) he sent to me and that he needed to calm down. (b)(6), (b)(7)(C)

Q: Did SPC (b)(6), (b)(7)(C) ever tell you to delete his emails he sent to you?

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

Q: Did SPC (b)(6), (b)(7)(C) ever tell you that he killed Iraqi civilians when he wasn't supposed to?

A: Yes in his email. (b)(6), (b)(7)(C)

Q: What is contained on the diskette you turned over to us?

A: Emails from SPC (b)(6), (b)(7)(C) Mrs. (b)(6), (b)(7)(C) and Miss (b)(6), (b)(7)(C)

Q: Why did Mrs (b)(6), (b)(7)(C) and Miss (b)(6), (b)(7)(C) write to you?

A: To tell (b)(6), (b)(7)(C) to tell them to keep me updated on his status in Iraq. (b)(6), (b)(7)(C)

Q: Did Mrs. (b)(6), (b)(7)(C) or Miss (b)(6), (b)(7)(C) ever tell you to delete emails from SPC (b)(6), (b)(7)(C)?

A: Yes, Both of them did through emails contained on the diskette. (b)(6), (b)(7)(C)

Q: Did you delete any emails from SPC (b)(6), (b)(7)(C) pertaining to any killings SPC (b)(6), (b)(7)(C) committed in Iraq? (b)(6), (b)(7)(C)

A: Yes, after I put them on the diskette. I also made a copy for myself.

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

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

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscri... to administer oaths, the... liehe. Fort Riley, KS 66442 Ave, Manhattan KS 66502

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ or 5 USC 303

ORGANIZATION OR ADDRESS

(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

0288-04-CID032

PAGE 1 of 1 PAGE

DETAILS

About 1030, 12 Nov 04, SA (b)(6), (b)(7)(C) spoke to Ms (b)(6), (b)(7)(C) telephonically this morning. She stated she did not have copies of any e-mails in reference to corresponding with Ms (b)(6), (b)(7)(C) or SPC (b)(6), (b)(7)(C) and did not really know who she (Ms (b)(6), (b)(7)(C)) was or if she even knew about SPC (b)(6), (b)(7)(C) being involved in the shooting. Ms (b)(6), (b)(7)(C) indicated SPC (b)(6), (b)(7)(C) called her and stated he killed a guy, he already spoke to Investigators, he was going to prison and he was sorry.

Ms (b)(6), (b)(7)(C) indicated her father Mr (b)(6), (b)(7)(C) lived in Lithonia, Ohio but was an alcoholic and she had been trying to contact him for two weeks with no success. She further stated he was aware of the investigation but did not discuss it possibly due to him being a Vietnam Veteran.

About 4630, 29 Nov 04, SA (b)(6), (b)(7)(C) coordinated with SA (b)(6), (b)(7)(C) who related coordination with Mr. and Mrs. (b)(6), (b)(7)(C) was no longer required and to close the RFA.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

280th MP Det (CID), Fort Knox, KY 40121

30

AGENT'S INVESTIGATION REPORT	ROI NUMBER 0331-05-CID259-90336
<i>CID Regulation 195-1</i>	PAGE 1 OF 1 PAGES

DETAILS

Review of Documents: On 13 Feb 05, the undersigned conducted a review of a Claims Packet, dated 30 Oct 04, and submitted to the Forward Operating Base (FOB) Iron Horse Claims Office, FOB Iron Horse, Baghdad, IZ by Mrs. Naeema Sabri Abdul KAREEM, Iraqi Civilian, Unmarked Residence, Vicinity of Grid (b)(6), (b)(7)(C) Sadr City, Baghdad, IZ (NFI). In her claim, Mrs. KAREEM reported she is the widowed spouse of Mr. Arkem Yosef RAHIM, who she alleged was killed by US Forces on 28 Aug 04. The claims packet contains an Iraqi Death Certificate, with an English Language Translation, reflecting Mr. RAHIM was pronounced dead at the Al Kanedy Hospital, Baghdad, IZ on 28 Aug 04. The Death Certificate reflects the reason of death as "Opening fire from American Occupation Forces". The signature of the doctor, on the Death Certificate, is not legible. The packet also contains Arabic language statements, with English language translations from Mrs. KAREEM, who stated that Coalition Forces killed her husband on 28 Aug 04; Mr. Hameed Majeed (NFI), a neighbor who stated about 1800, 28 Aug 04, he heard gunfire and observed US Forces drag Mr. RAHIM'S body from the home; Mr. Sabah Hameed IDAM (NFI), a neighbor who stated he is employed as a Policeman, and who stated about 1800, 28 Aug 04, he watched the US Army raid on Mr. RAHIM'S home and observed the family taken from the home, while Mr. RAHIM was kept inside and then observed Mr. RAHIM being dragged from the home. Mr. IDAM stated he accompanied Mr. RAHIM'S body to the hospital; Ms. Ali Sabri Abdel el KAREEM, the sister-in-law to Mr. RAHIM, who stated she was in the home about 1800, 28 Aug 04, when American Forces took her and her sister from the home, where she heard a gunshot and observed Mr. RAHIM taken outside, bleeding; The packet contains an Arabic language.

Coordination with SJA: Between 13 Feb and 2 Mar 05, coordination was maintained with with CPT (b)(6), (b)(7)(C) Trial Counsel, 2nd Brigade Combat Team, 10th Mountain Division, Camp Liberty, IZ APO AE 09342, and MAJ (b)(6), (b)(7)(C) Chief Trial Counsel, 3rd Infantry Division, Camp Liberty, IZ APO AE 09342. During this period, personnel assigned to the SJA contacted Mrs. KAREEM in an effort to obtain consent to exhume the remains of Mr. RAHIM for autopsy. SJA met with Mrs. KAREEM who declined to provide consent, based on religious and cultural beliefs. On 2 Mar 05, the undersigned coordinated with MAJ (b)(6), (b)(7)(C) who advised no further attempts at obtaining consent for an exhumation would be made. MAJ (b)(6), (b)(7)(C) requested that this office attempt to collect DNA from children and/or the mother of Mr. RAHIM for laboratory comparison.

////////////////////////////////////LAST ITEM////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F) 48 th MP Det (CID) (FWD)	SIGNATURE (b)(6), (b)(7)(C)	2 Mar 05
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AGENT'S INVESTIGATION REPORT

ROI NUMBER

0331-04-CID259-80336

CID Regulation 195-1

PAGE 1 OF 4 PAGES

DETAILS

Coordination with SJA: About 2120, 13 Mar 05, the undersigned and SA (b)(6), (b)(7)(C) this office, met with CPT (b)(6), (b)(7)(C) Trial Counsel, Forward Operating Base (FOB) Loyalty (Formerly, Camp Ironhorse), Iraq (IZ). Plans were developed to convoy to Sadr City, IZ on 14 Mar 05, in order to meet with Mrs. Kareem, ascertain the identity of children of Mr. RAHIM; locate the neighbor who drove the body to the hospital (Mr. JABURY), travel to the Al Nasr Police Station and contact the investigating officer in the death of Mr. RAHIM, and finally, to travel to the Al Kanedy Hospital, Baghdad, IZ, and interview the attending physician and verify the authenticity of the death certificate.

Interview of Witnesses: About 0855, 14 Mar 05, the undersigned, SA (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) and Dr. (b)(6), (b)(7)(C) Cultural Political Advisor, G-5, 10th MNT DIV, Camp Liberty, IZ APO AE 09342 met with Mrs. Naeema Sabri Abdul KAREEM, Iraqi Civilian, Unmarked Residence at Grid (b)(6), (b)(7)(C) Sadr City, Baghdad, IZ. With the assistance of Dr. (b)(6), (b)(7)(C) as translator, Mrs. KAREEM was interviewed concerning her relationship with Mr. RAHIM, and asked for permission to obtain swabs for DNA testing from any children she had with Mr. RAHIM. Through Dr. (b)(6), (b)(7)(C) Mrs. KAREEM related none of the children were fathered by Mr. RAHIM. When asked about the whereabouts of Mr. RAHIM'S mother and father, Mrs. KAREEM advised the parents of Mr. RAHIM are deceased. Mrs. KAREEM related that Mr. RAHIM does have a sister (NFI), that lives somewhere in Baghdad, but that she has no means to contact her. We asked Mrs. KAREEM for any personal item belonging to Mr. RAHIM that could contain DNA, such as a hair brush, and she related that she had a towel with blood on it, from an injury he sustained prior to this incident. Mrs. KAREEM search for the towel, but returned and stated she could not now locate it. Mrs. KAREEM agreed to meet with the Trial Counsel and Defense Counsel on FOB Loyalty, at a later date, to provide a deposition concerning the statement she provided with her claim to the FOB Ironhorse (FOB Loyalty) Claims Office.

About 0915, 14 Mar 05, the undersigned and SA (b)(6), (b)(7)(C) with Dr. (b)(6), (b)(7)(C) met with Mr. Hamid Magid Hassan JABURY, Iraqi Civilian, Unmarked Residence, vicinity of Grid MB (b)(6), (b)(7)(C) Sadr City, Baghdad, IZ. He reiterated details of the statement provided with the claims packet, submitted by Mrs. KAREEM, relating that he transported the remains of Mr. RAHIM to the Al Kanedy Hospital, Baghdad, on the sidecar of his motorcycle. Mr. JABURY retrieved his motorcycle with sidecar, and consented to it's examination and to photographs. A search of the vehicle was completed; however, no apparent blood was observed. Mr. JABURY explained that the body had been wrapped in blankets prior to transportation. Photographs were exposed by SA (b)(6), (b)(7)(C) utilizing a Kodak EasyShare CX6330 digital camera. Mr. JABURY also agreed to meet with Trial and Defense Counsel, at a later date, for a deposition.

Canvas Interviews: About 0915, 14 Mar 05, the undersigned and Dr. (b)(6), (b)(7)(C) spoke to several other male adults that had were in the area. None of the individuals appeared to be cooperative, but we were advised that the first name of the other victim from the alley is Maithim (NFI), who was born

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

48th MP Det (CID) (FWD)

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

22 Mar 05

CID FORM 94-E

FOR OFFICIAL USE ONLY

EXHIBIT 33

OCT 95

LAW ENFORCEMENT SENSITIVE

PROTECTIVE MARKING IS EXCLUDED FROM

AUTOMATIC TERMINATION (Para. 13, AR 340-16)

ACLU-RDI 5868 p.203

10-L-0126 ACLU DD III (CID ROI) 2024

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0331-04-CID259-80336

CID Regulation 195-1

PAGE 2 OF 4 PAGES

DETAILS

sometime in the 70's. None of the individuals contacted could provide any information regarding relatives, or the whereabouts of the remains.

Coordination with Other Law Enforcement Agencies: About 0945, 14 Mar 05, the undersigned, SA (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) and Dr. (b)(6), (b)(7)(C) traveled to the Al Nasr Police Station, Sadr City, Baghdad, IZ, and met with 1LT (b)(6), (b)(7)(C), Sadr City Police District, Iraqi Police (NFI). Through Dr. (b)(6), (b)(7)(C) LT (b)(6), (b)(7)(C) was interviewed and related that on or about 28 Aug 04, he was the Night Shift Investigator. The case involving Mr. RAHIM had initially been reported to the Al Rashad Police Station, but as the incident occurred in Sadr City, it was transferred to his station. 1LT (b)(6), (b)(7)(C) related that he spoke with Mrs. Naeema Sabri Abdul KAREEM who informed him that Coalition Forces had killed her husband, Mr. RAHIM. 1LT (b)(6), (b)(7)(C) stated that Mrs. KAREEM reported that she and the children were separated from Mr. RAHIM at the residence and taken across the alley way. Mrs. KAREEM stated she then heard gunshots, and after a few minutes, she observed her husband being dragged from the residence. 1LT (b)(6), (b)(7)(C) related that he took all the documents collected in the case to the Iraqi Courthouse and they were presented to a Judge. 1LT (b)(6), (b)(7)(C) reviewed the "claim" documents provided to FOB Ironhorse (Loyalty) by Mrs. KAREEM and verified that the documents bearing the Iraqi Police Stamps originated from his station and that they were the complete set of case documents from his file. 1LT (b)(6), (b)(7)(C) also advised that he did not see the remains of Mr. RAHIM and he is aware of no photographs exposed by Iraqi Police. 1LT (b)(6), (b)(7)(C) related that it is possible that CPT Akmed Jassim HAMID, Al Rashad Police Station (NFI), viewed the body of Mr. RAHIM, but he believes the body had already been transported to the hospital by family members. 1LT (b)(6), (b)(7)(C) further related that his station has no report of, and is not aware of, another victim who resided in the same alley way as Mr. RAHIM. 1LT (b)(6), (b)(7)(C) related that he will coordinate with the Al Rashad Police Station and ascertain if they have any information concerning a second victim.

Interviews of Medical Personnel: About 1115, 14 Mar 05, the undersigned, SA (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) and Dr. (b)(6), (b)(7)(C) traveled to the Al Kanedy Hospital, Baghdad, IZ, and met with Dr. Yasim MUSTAF, Director, Al Kanedy Hospital, Baghdad, IZ (NFI). Dr. MUSTAF was shown the copy of the death certificate issued on 28 Aug 04, which was included with the claim made by Mrs. KAREEM, and he related that the document appeared to have been issued from his facility, however, the attending physician's signature was not legible due to the Iraqi Police Stamp that is on the document. Dr. MUSTAF explained that the Iraqi Death Certificates are issued as four part originals, with at least one original maintained at the Hospital of origin, one to the Ministry of Health, Archives, and one to the family. Dr. MUSTAF obtained his Hospital's Death Certificate book for the month of August, 2004, and located the hospital's original copy for Mr. RAHIM, which was accompanied by an original note from the Al Nasr Police Station, authorizing release of the remains to the family. Dr. MUSTAF identified the attending physician, who signed Mr. RAHIM'S death certificate, as Dr. Rashid Ahmed RAJIB. Dr. MUSTAF provided copies of the Death Certificate and Police Note. Dr. MUSTAF also

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

SIGNATURE

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

22 Mar 05

48th MP Det (CID) (FWD)

CID FORM 94-E

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EXHIBIT 33

1 OCT 95

LAW ENFORCEMENT SENSITIVE

PROTECTIVE MARKING IS EXCLUDED FROM

AUTOMATIC TERMINATION (Para 13, AR 340-16)

ACLU-RDI 5868 p.204

10-L-0126 ACLU DD III (CID ROI) 2026

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0331-04-CID259-80336

CID Regulation 195-1

PAGE 3 OF 4 PAGES

DETAILS

explained that post-mortem autopsies regarding casualties from "Military Action", were not being conducted at this time in Iraq, based on instructions from the Iraqi Ministry of Health, and therefore, no autopsy was completed on Mr. RAHIM (See Copies of Iraqi Death Certificate, and Iraqi Police Note with English language translation).

About 1140, 14 Mar 05, the undersigned, with Dr. (b)(6), (b)(7)(C) translating, conducted an interview of Dr. RAJIB. Dr. RAJIB reviewed the Death Certificate of Mr. RAHIM and confirmed that he had issued the document on 28 Aug 04. Dr. RAJIB related that during August 2004, his hospital was receiving approximately 10 to 15 bodies a night, and that he could not specifically recall Mr. RAHIM's case; however, although he had no specific recollection of Mr. RAHIM, Dr. RAJIB stated he would have examined the body prior to filling out the death certificate. Dr. RAJIB could provide no further information.

US Army Criminal Investigation Laboratory (USACIL) Report: On 16 Feb 05, this office received the final USACIL Report, USACIL Case Number 2005-CID131-0009, from the Serology/DNA Division. The report indicates human blood was identified in the shavings collected from the floor at Grid (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Sadr City, Baghdad, IZ by SA (b)(6), (b)(7)(C), (b)(7)(F) 78th MP DET (CID), Camp Victory, IZ (Home station: Fort Riley, KS) on 27 Sep 04. Human blood was identified on the rug and swab taken from the floor of Mr. RAHIM'S residence (Grid (b)(6), (b)(7)(C)), Sadr City, Baghdad, IZ by SA (b)(6), (b)(7)(C) on 27 Sep 04. Additionally, the blood identified from both locations was further identified as originating from males. An interim USACIL Report from the Firearms Division indicates the bullet fragment, collected from within the television set, taken from Mr. RAHIM'S residence (Grid (b)(6), (b)(7)(C)), Sadr City, Baghdad, IZ on 27 Sep 04, by SA (b)(6), (b)(7)(C) was fired by the M-16 Rifle of SPO (b)(6), (b)(7)(C) which was collected by SA (b)(6), (b)(7)(C) on 24 Sep 05.

Coordination with Staff Judge Advocate: On 22 Mar 05, the undersigned met with MAJ (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Chief Trial Counsel, 3rd Infantry Division, MNC-I (XVIII Airborne Corps), Camp Liberty, IZ APO AE 09342, and CPT (b)(6), (b)(7)(C) Trial Counsel, 2nd Brigade Combat Team, 10th Mountain Division, 3rd Infantry Division, MNC-I (XVIII Airborne Corps), Camp Liberty, IZ APO AE 09342. After a thorough review of the results of this investigation, MAJ (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C) opined SPC (b)(6), (b)(7)(C) did not commit the offenses of Murder and Conspiracy; therefore, the offenses regarding SPC (b)(6), (b)(7)(C) are unfounded. Further, MAJ (b)(6), (b)(7)(C) advised that no charges will be preferred in regards to the incident involving the Iraqi male holding the white flag, who was killed while the unit was engaging suspected enemy in Sadr City, IZ, during Aug 04. MAJ (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C) opined that the investigation established sufficient probable cause to believe SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and 2LT (b)(6), (b)(7)(C) committed the offenses of Conspiracy and Murder, that SGT (b)(6), (b)(7)(C) committed the additional offenses of Obstruction of Justice and Communicating a Threat, and that SPC (b)(6), (b)(7)(C) and 2LT (b)(6), (b)(7)(C) committed the additional offense of Making a False Official

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SIGNATURE

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

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

22 Mar 05

48th MP Det (CID) (FWD)

CID FORM 94-E

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EXHIBIT 33

1 OCT 95

LAW ENFORCEMENT SENSITIVE

PROTECTIVE MARKING IS EXCLUDED FROM

AUTOMATIC TERMINATION (Para 13, AR 240-10)

ACLU-RDI 5868 p.205

10-L-0126 ACLU DD III (CID ROI) 2026

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0331-04-CID259-80336

CID Regulation 195-1

PAGE 4 OF 4 PAGES

DETAILS

Statement. MAJ (b)(6), (b)(7)(C) advised that sufficient admissible evidence is available to prosecute the aforementioned soldiers for the offense(s), that additional investigation would produce only cumulative and unneeded evidence, and that the identification of additional subjects or offenses is unlikely. Finally, MAJ (b)(6), (b)(7)(C) advised the General Court Martial Trial of SPC (b)(6), (b)(7)(C) scheduled to begin on 5 April 05, followed by the General Court Martial of SGT (b)(6), (b)(7)(C) Charges regarding LT (b)(6), (b)(7)(C) are pending.

//////////////////////////////////LAST ITEM//////////////////////////////////

TYPER AGENT'S NAME AND SEQUENCE NUMBER
(b)(6), (b)(7)(C), (b)(7)(F)

48th MP Det (CID) (FWD)

SIGNATURE

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

22 Mar 05

CID FORM 94-E

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EXHIBIT 33

1 OCT 95

LAW ENFORCEMENT SENSITIVE

PROTECTIVE MARKING IS EXCLUDED FROM

AUTOMATIC TERMINATION (Para 13, AR 190-10)

In the name of God, the most merciful, the most gracious.

Baghdad Police Center

Number 7296

Date: 2004-Aug 28

To: Alkanady General Hospital

Subject: Death certificate and release of body

I request release of the body of AGAM, Yousif, to his family. He was shot by Coalition Forces. Please review the information with my regards.

Officer Hussein SALEH,

Office of District.

///STAMPED///

“The New Baghdad Police Office Center
Al-Rashad Police Office District”

FOR OFFICIAL USE ONLY

Law Enforcement Sensitive



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-EP

18 January 2005

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 78TH MILITARY POLICE
DETACHMENT (FWD), THIRD MILITARY POLICE GROUP (CID), APO AE
09342

SUBJECT: Forensic Division Report(s)
USACIL Case Number 2005-CID131-0009
Submitter Case Number 0331-04-CID259-80336

1. Enclosed are the Interim Laboratory Exhibit List (Encl 1) and Final Division Report for the Firearms (Encl 2). The Serology/DNA Division Report is pending.
2. 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 forensic examiner(s) assigned to the case. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. One original report is enclosed and the other is kept in the official files of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.
3. All items received in the laboratory for examination are returned to the submitting agency upon completion of laboratory testing.
4. IAW AR 195-2, requests and fund cites for court appearances of Laboratory Examiners will be made at least 10 working days prior to the date of court proceedings.
5. 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.

3 Encls

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

Deputy Records Custodian



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE 1 of 2

18 January 2005

INTERIM LABORATORY EXHIBIT LISTING

SUBJECT: USACIL Case Number 2005-CID131-0009
Submitter Case Number 0331-04-CID259-80336

EXHIBITS:

- 1 - Bullet fragment (Item 2, Doc 769-04).
- 2 - Rifle, M-16, SN: 10011530 (Item 3, Doc 759-04).
- 3 - Swab (Item 1, Doc 768-04).
- 4 - Rug (Item 4, Doc 768-04).
- 5 - Shavings (Item 1, Doc 767-04).



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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND STREET
FOREST PARK, GA 30297-5122

CILA-FA

17 January 2005

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 78TH MILITARY POLICE
DETACHMENT (FWD), THIRD MILITARY POLICE GROUP (CID), APO
AE 09342

SUBJECT: Firearms Division - Final Report
USACIL Case Number 2005-CID131-0009
Submitter Case Number 0331-04-CID259-80336

EXHIBITS:

- 1 - Bullet fragment (Item 2, Doc 769-04).
- 2 - Rifle, M-16, SN: 10011530 (Item 3, Doc 759-04).

FINDINGS:

1. Examination of Exhibit 2(rifle) disclosed that it is operational with its incorporated safety features working properly. The trigger pull in semi-automatic mode is approximately 7 ½ pounds; in burst mode the trigger pull is approximately 9 ½ pounds.
2. Examination of Exhibit 1(fragment) disclosed that it is a bullet jacket fragment from 5.56mm ammunition. Microscopic examination of Exhibit 1 disclosed that it was fired through the barrel of Exhibit 2.
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

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

CILA-FA

SUBJECT: Firearms Division - Final Report
USACIL Case Number 2005-CID131-0009
Submitter Case Number 0331-04-CID259-80336

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 Firearms Examiner



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-EP

25 February 2005

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 78TH MILITARY POLICE
DETACHMENT (FWD), THIRD MILITARY POLICE GROUP (CID), APO
AE 09342

SUBJECT: Forensic Division Report(s)
USACIL Case Number 2005-CID131-0009
Submitter Case Number 0331-04-CID259-80336

1. Enclosed are the Final Laboratory Exhibit List (Encl 1) and Final Division Report for the Serology/DNA (Encl 2) Division.
2. 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 forensic examiner(s) assigned to the case. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. One original report is enclosed and the other is kept in the official files of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.
3. All items received in the laboratory for examination are returned to the submitting agency upon completion of laboratory testing.
4. IAW AR 195-2, requests and fund cites for court appearances of Laboratory Examiners will be made at least 10 working days prior to the date of court proceedings.
5. 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)

2 Encls

Deputy Records Custodian



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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ACLU-RDI 5868 p.212 **10-L-0126 ACLU DD III (CID ROI) 2036**

35

CILA-EP

SUBJECT: Forensic Division Report(s)
USACIL Case Number 2005-CID131-0009
Submitter Case Number 0331-04-CID259-80336

RETURN EVIDENCE TO: COMMANDER, 11TH MILITARY POLICE BATTALION
(CID), ATTN: EVIDENCE CUSTODIAN, APO AE 09342

24 February 2005

FINAL LABORATORY EXHIBIT LISTING

SUBJECT: USACIL Case Number 2005-CID131-0009
Submitter Case Number 0331-04-CID259-80336

EXHIBITS:

- 1 - Bullet fragment (Item 2, Doc 769-04).
- 2 - Rifle, M-16, SN: 10011530 (Item 3, Doc 759-04).
- 3 - Swab (Item 1, Doc 768-04).
- 4 - Rug (Item 4, Doc 768-04).
- 5 - Shavings (Item 1, Doc 767-04).

William S. Enell



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-SD

11 February 2005

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 78TH MILITARY POLICE
DETACHMENT (FWD), THIRD MILITARY POLICE GROUP (CID), APO
AE 09342

SUBJECT: Serology/DNA Division - Final Report
USACIL Case Number 2005-CID131-0009
Submitter Case Number 0331-04-CID259-80336

EXHIBITS:

- 3 - Swab (Item 1, Doc 768-04).
- 4 - Rug (Item 4, Doc 768-04).
- 5 - Shavings (Item 1, Doc 767-04).

FINDINGS:

1. Blood was identified on Exhibits 3, 4 and 5.
2. Samples from Exhibits 3, 4 and 5 were extracted, amplified and typed at the following 13 genetic loci and the gender identification locus amelogenin: D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX and CSF1PO.
3. The DNA (Deoxyribonucleic Acid) profile developed from Exhibits 3 and 4 originates from unknown individual #1, which genotypes as male.
4. The DNA profile developed from Exhibit 5 originates from unknown individual #2, which genotypes as male. Results for the D5S818 genetic locus were inconclusive.



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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1 of 2

Encl 2

CILA-SD

SUBJECT: Serology/DNA Division - Final Report
USACIL Case Number 2005-CID131-0009
Submitter Case Number 0331-04-CID259-80336

5. These results may be compared to other potential DNA contributors when suitable standards for comparison are submitted to this laboratory for future analysis.
6. The above listed exhibits are being returned to the submitting agency upon the completion of laboratory testing.
7. 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

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

Forensic DNA Examiner

0331-05-CID259-80336



36



09/27/2004

10-L-0126-ACLU DD III (CID ROI) 2042



THUNDER
Multi
SYSTEM



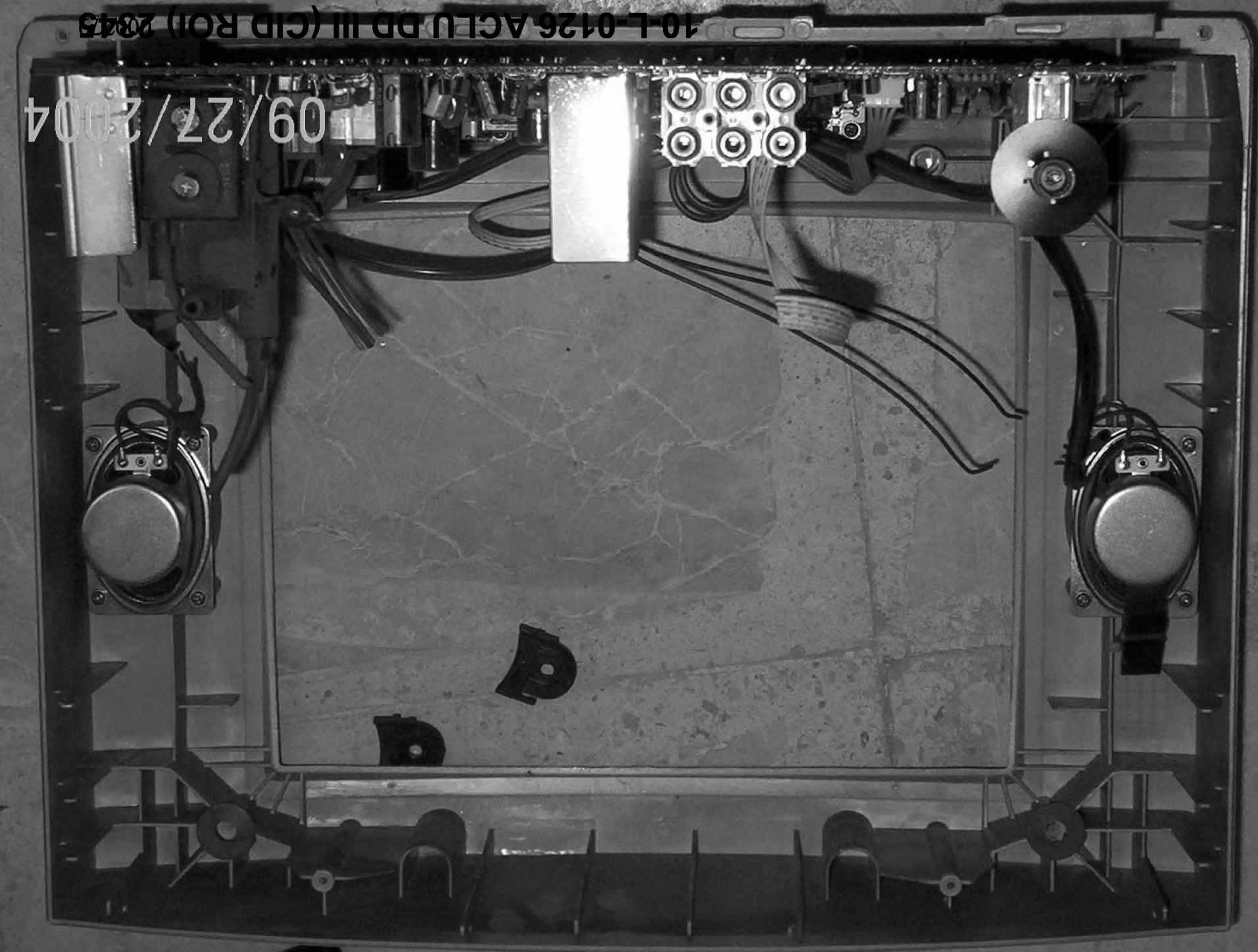
09/27/2004

KONKA

10-L-0126-ACLU DB III-(CID ROI) 2844

10 L-0126 ACU DD III (CID Roll) 2845

09/27/2004





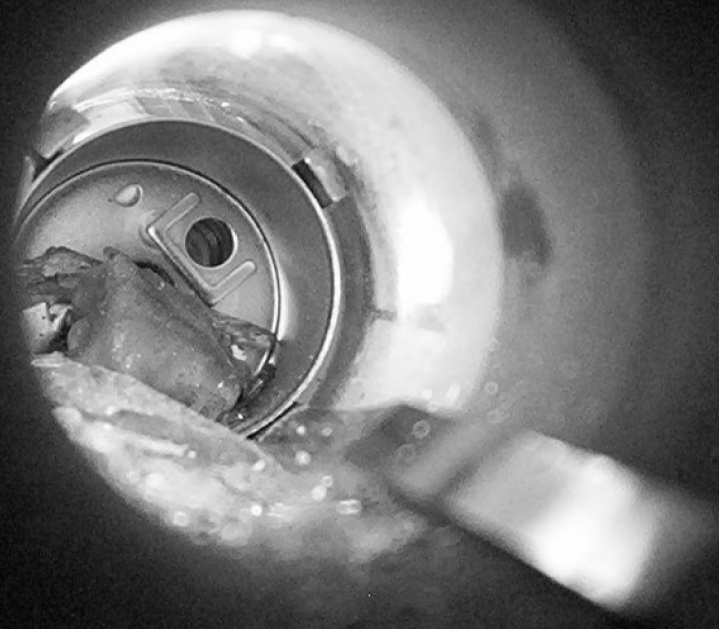
09/27/2004



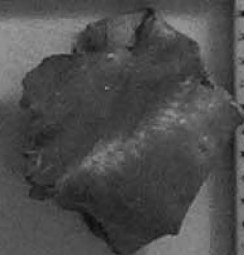
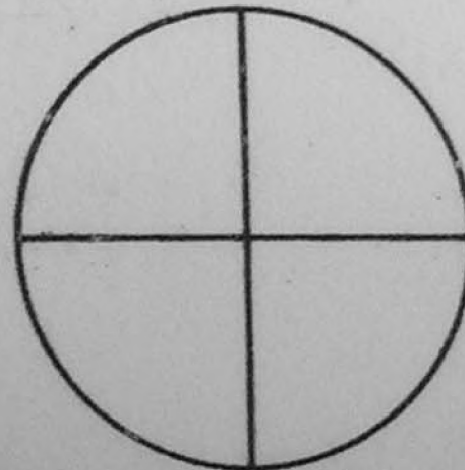
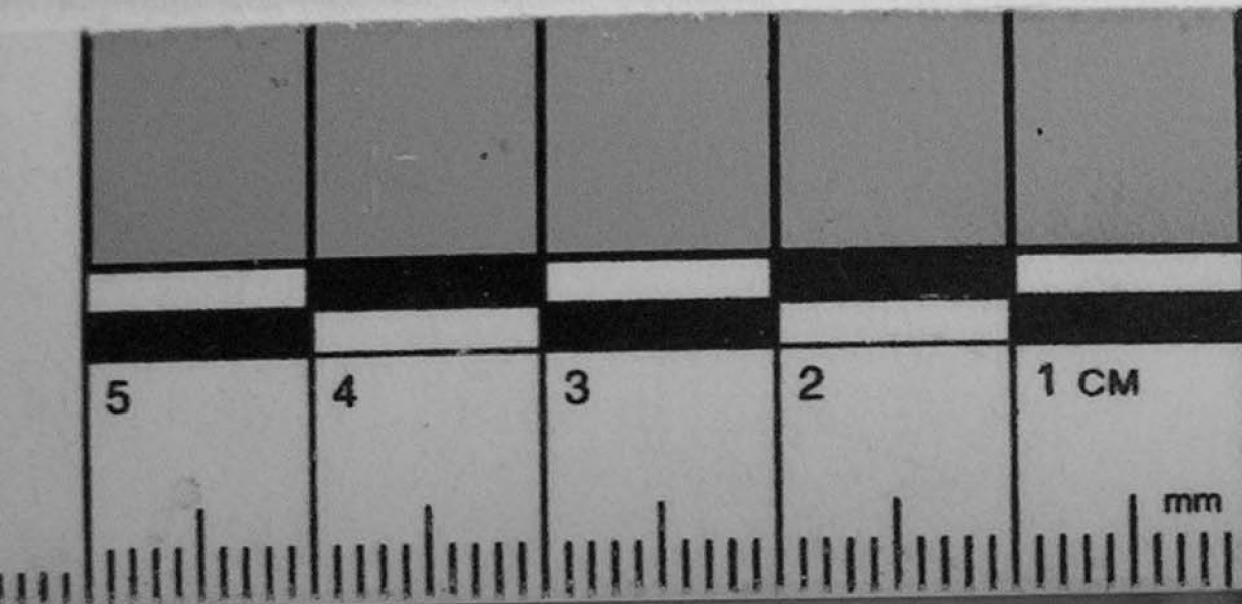
09/27/2004



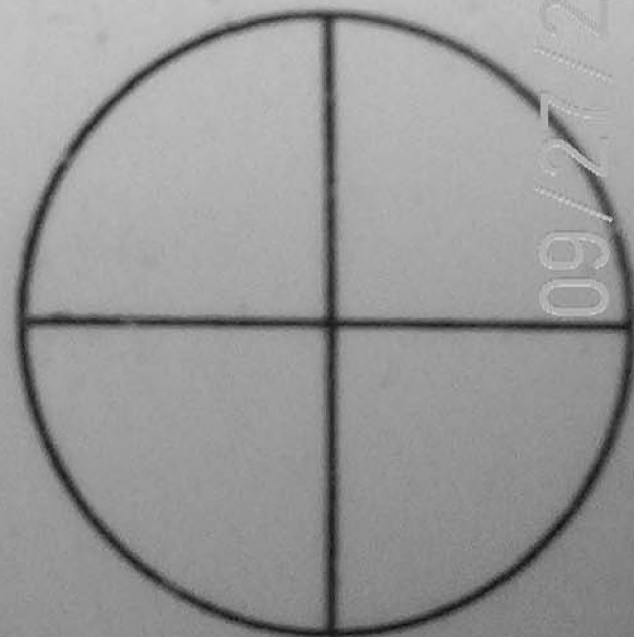
09/27/2004



09/27/2004



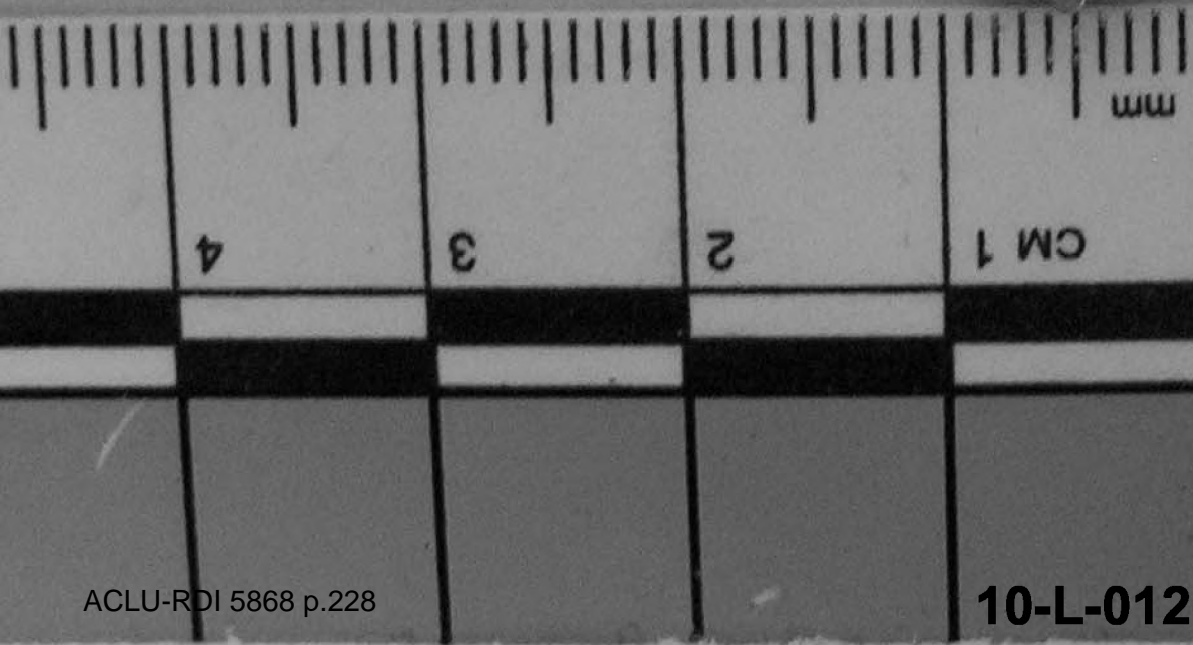
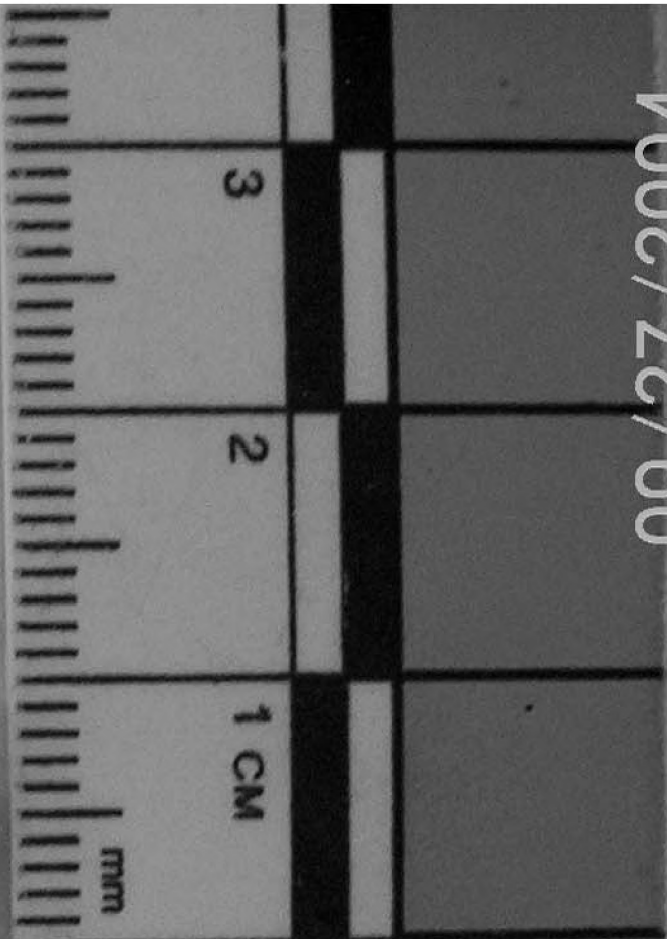
09/27/2004



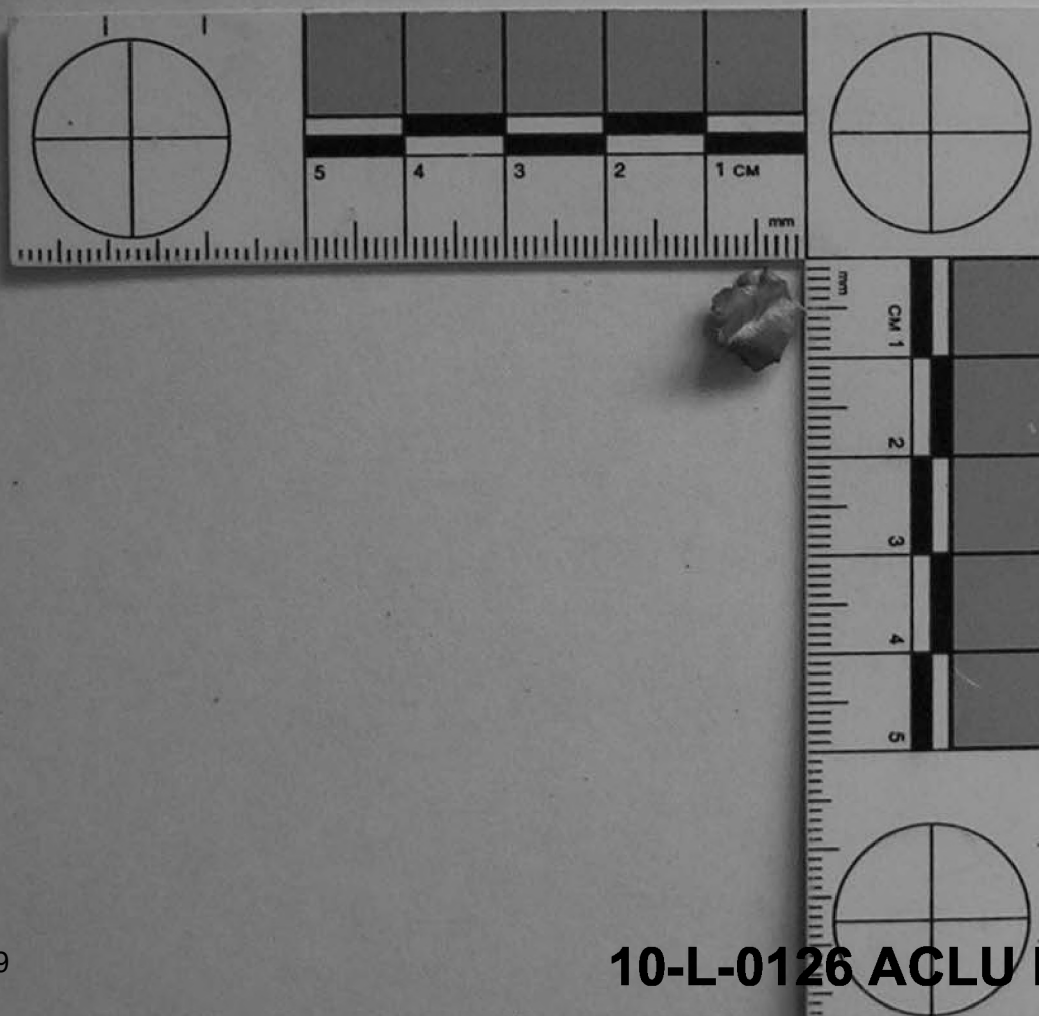
09/27/2004

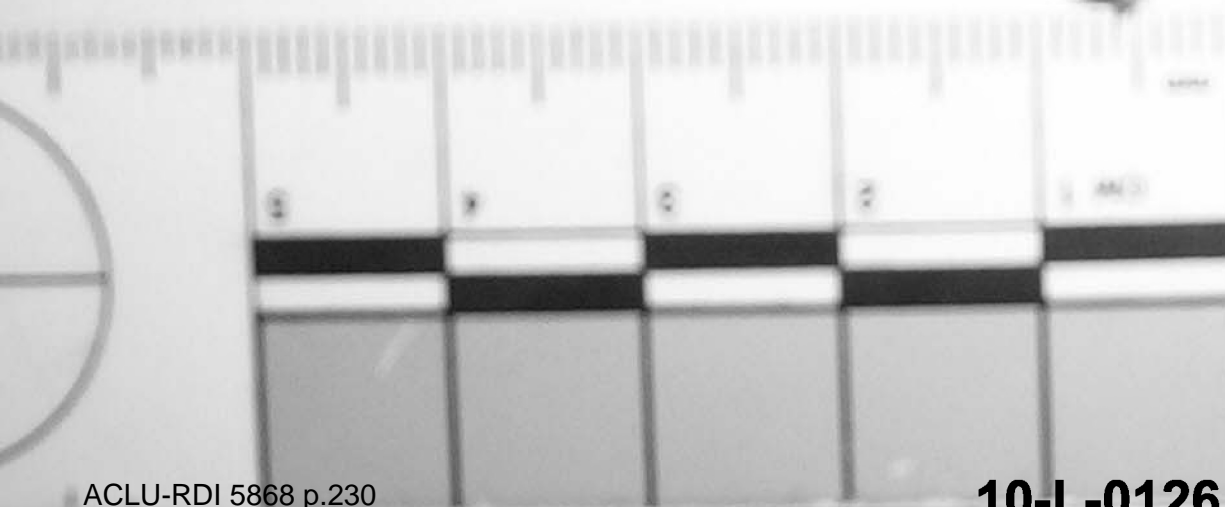


09/27/2004

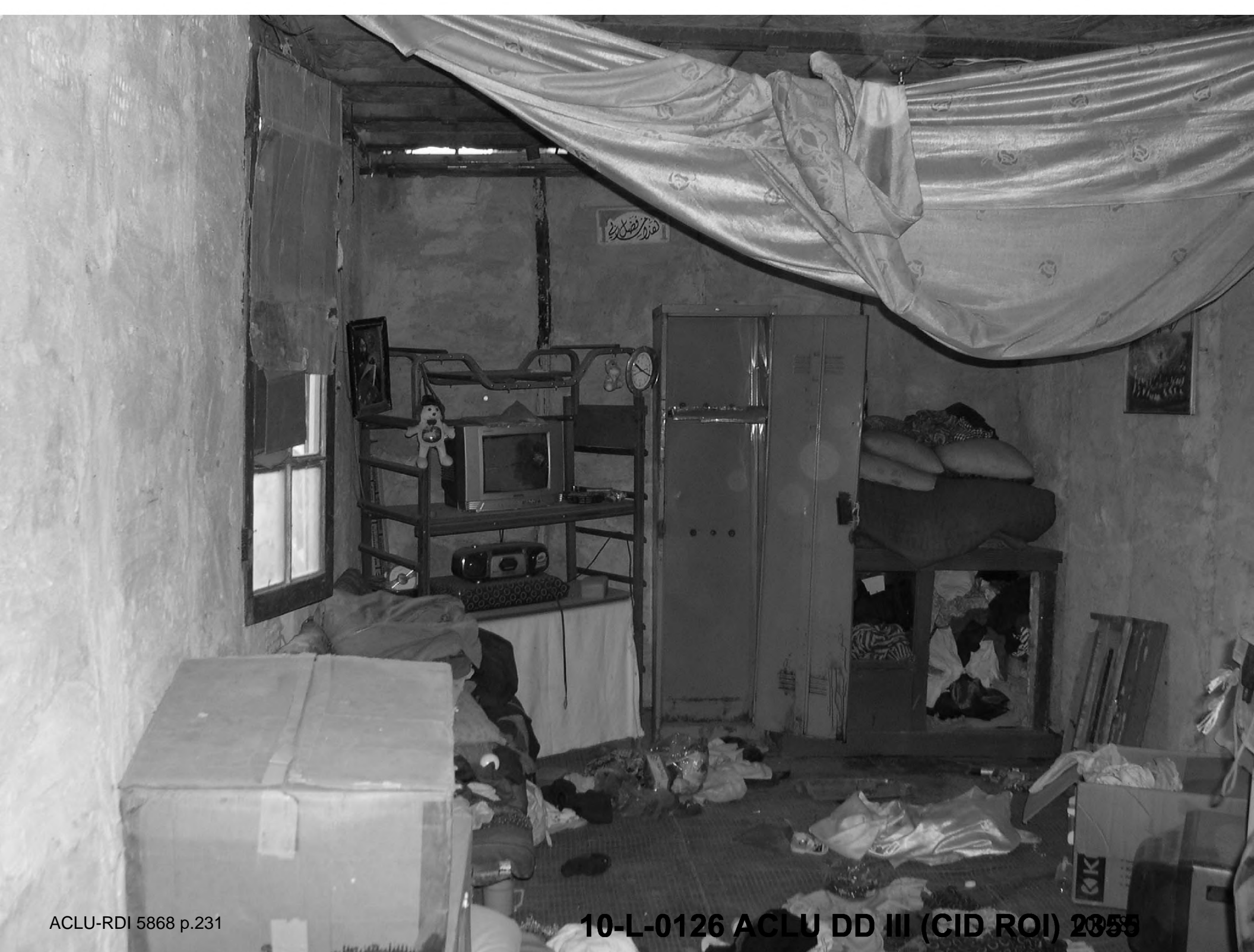


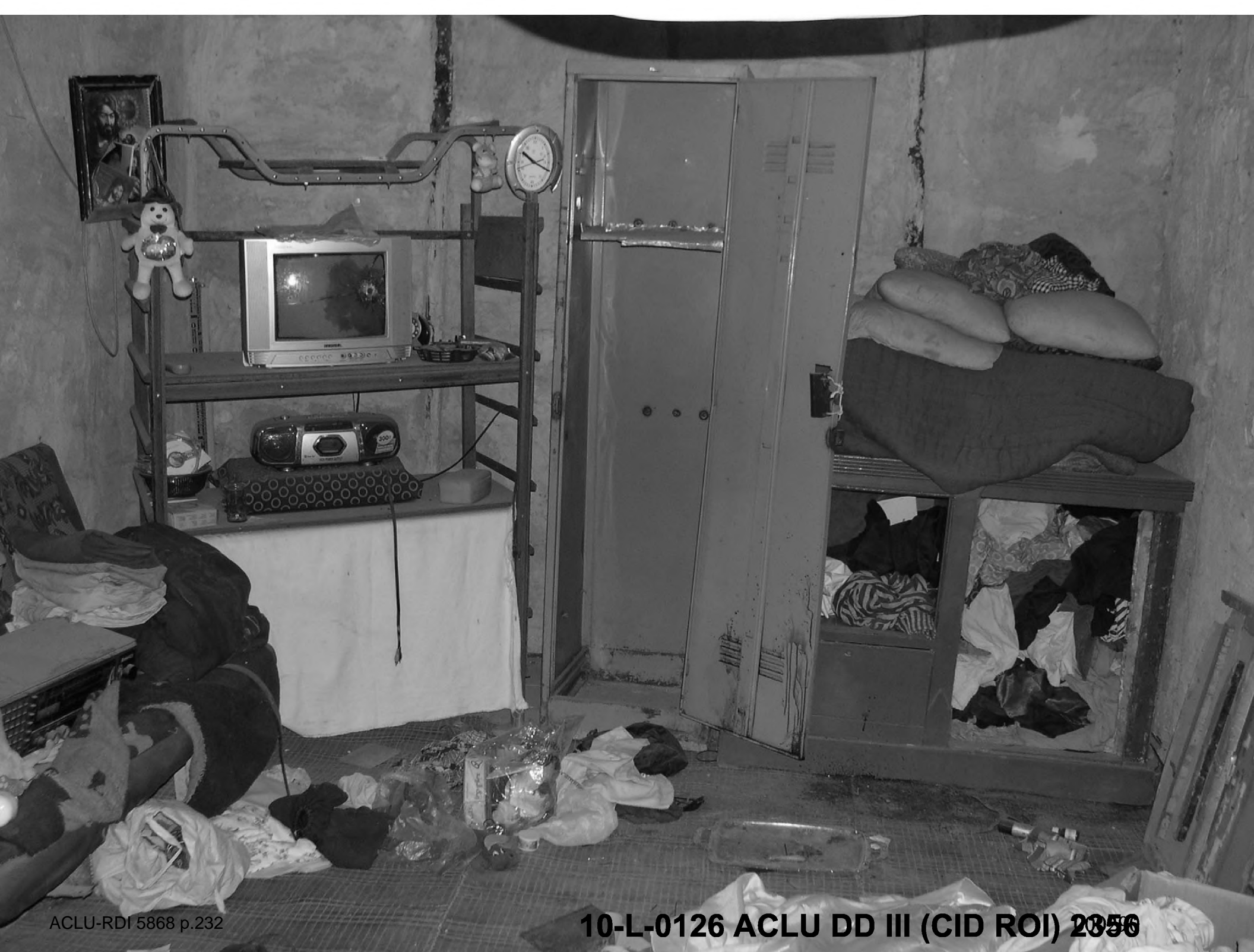
09/27/2004





09/27/2004







THUNDER

KONIKA

TV/AV

MENU

VOL

PROG

HEADPHONE

AUDIO

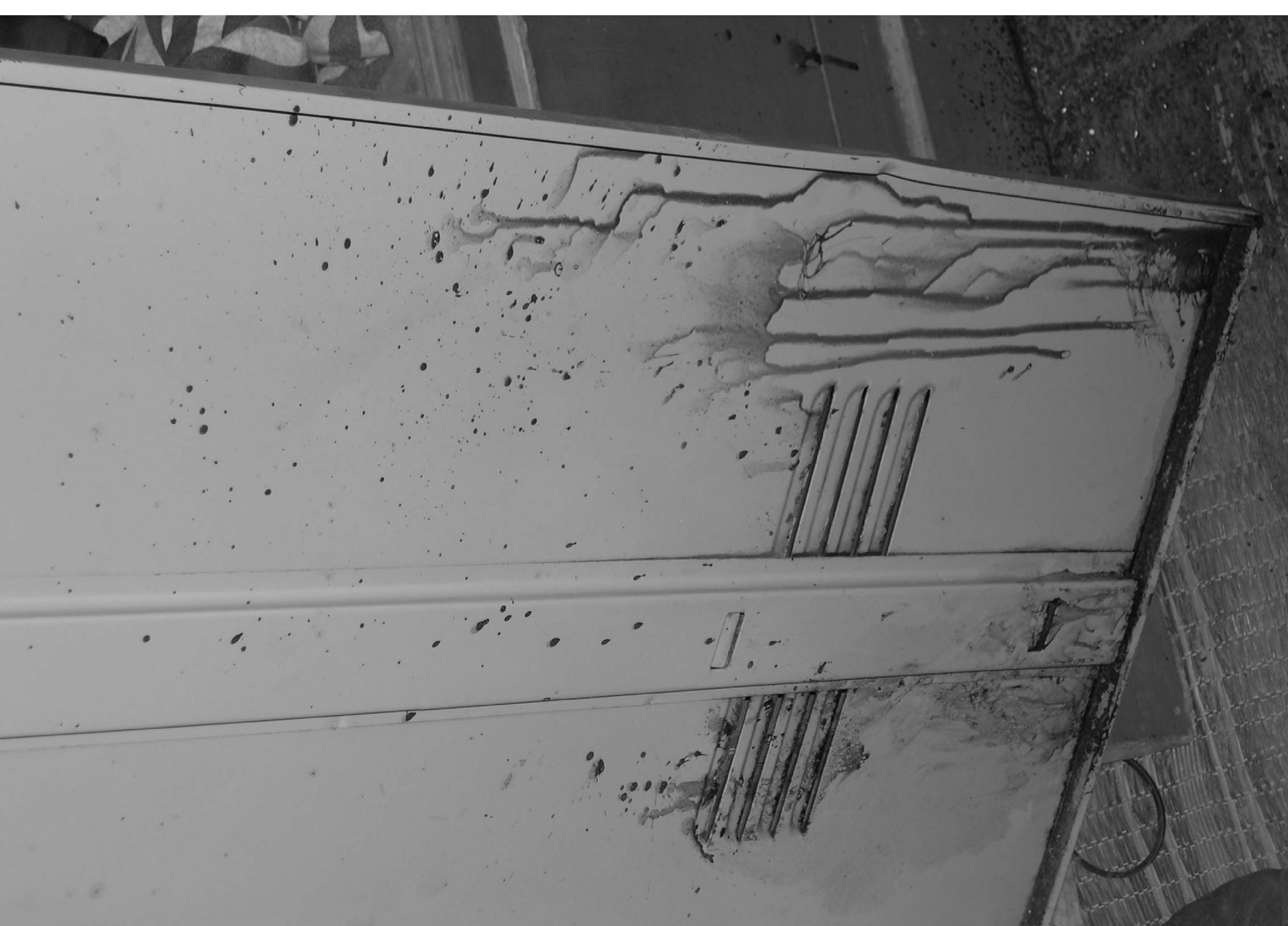
VIDEO

10-L-0126 ACLU DD III (CID ROI) 20087

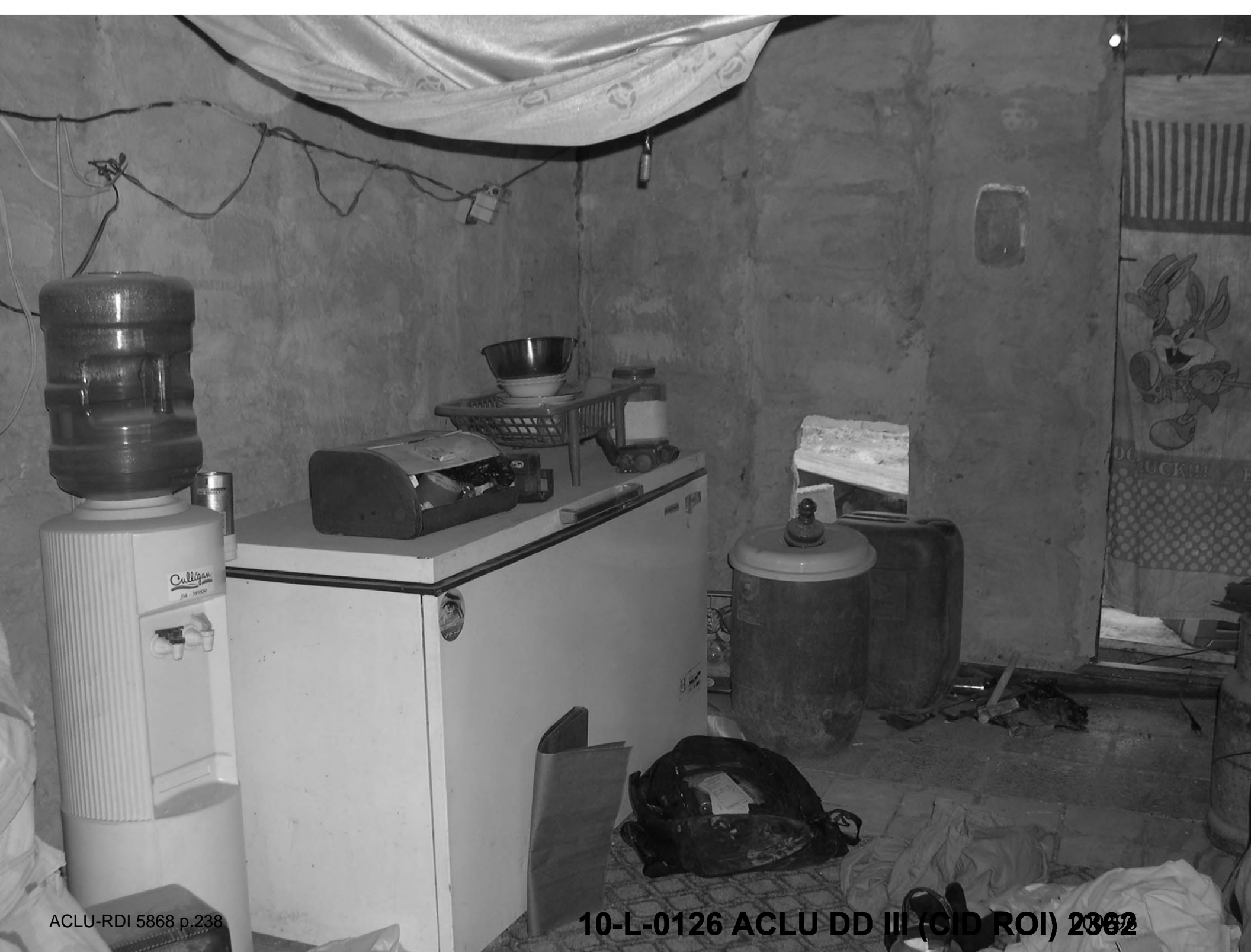


10-L-0126 ACLU DD III (CID ROI) 2058













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

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





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

















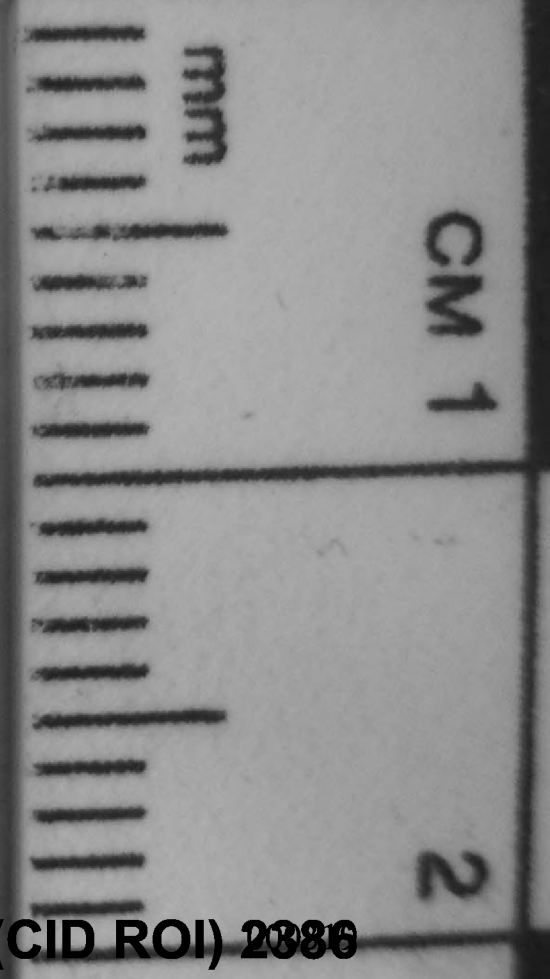
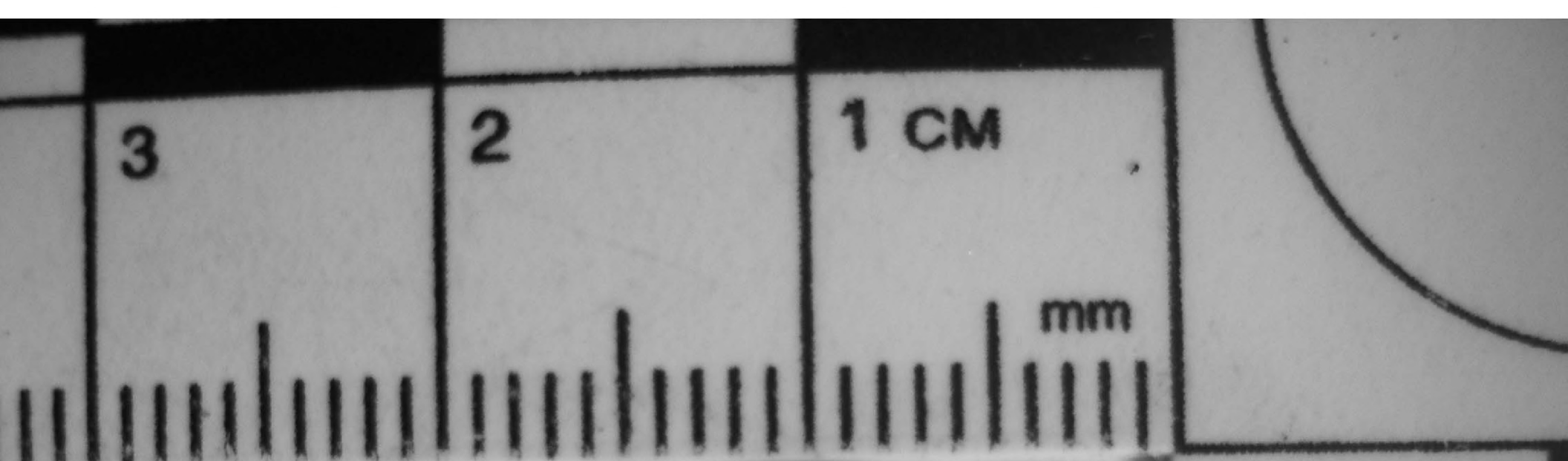


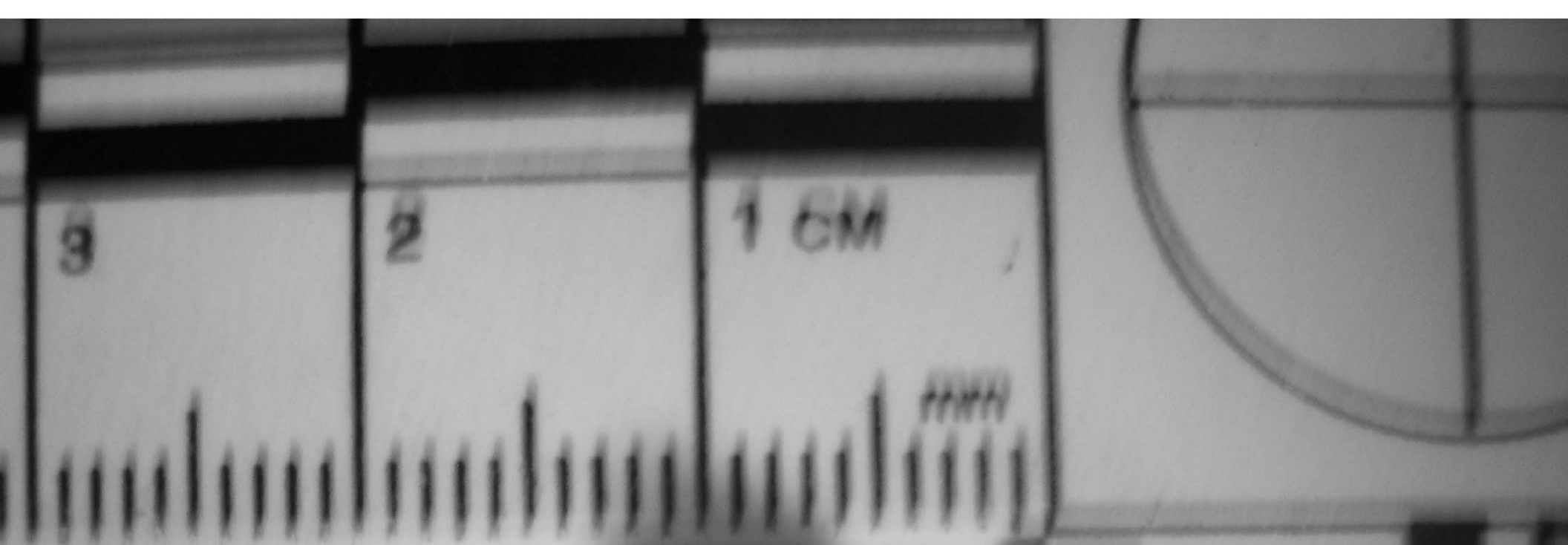


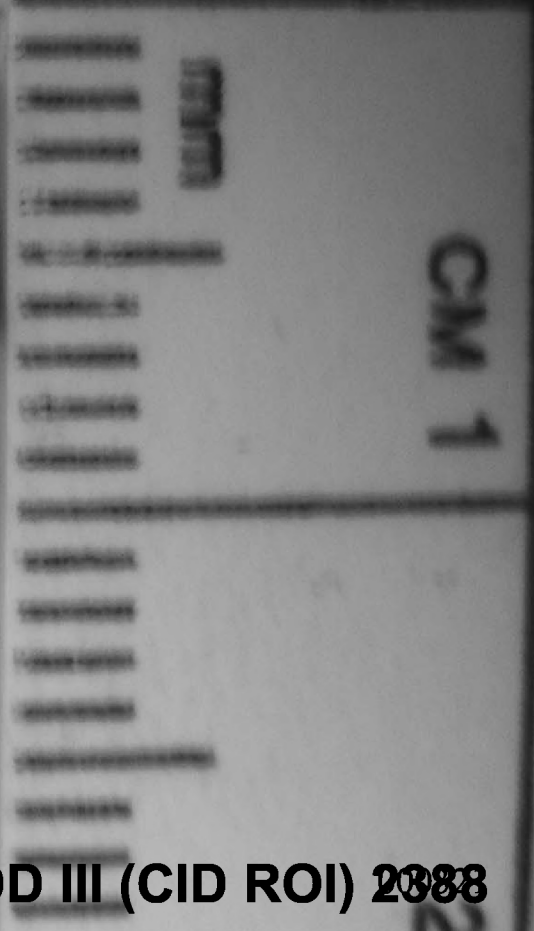
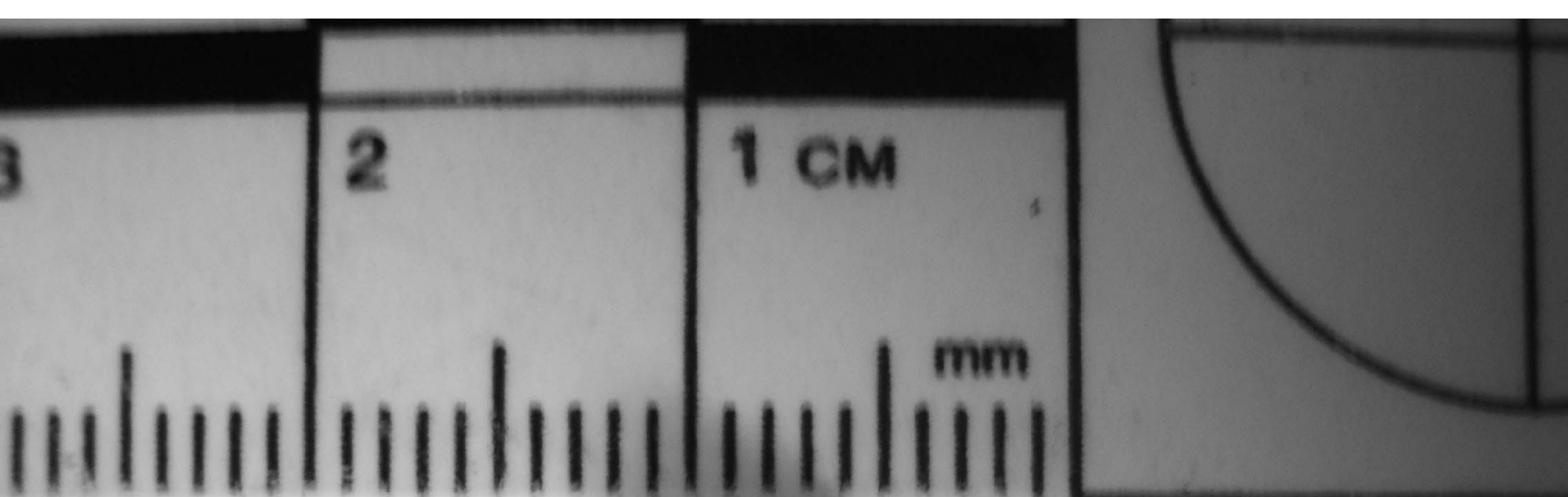


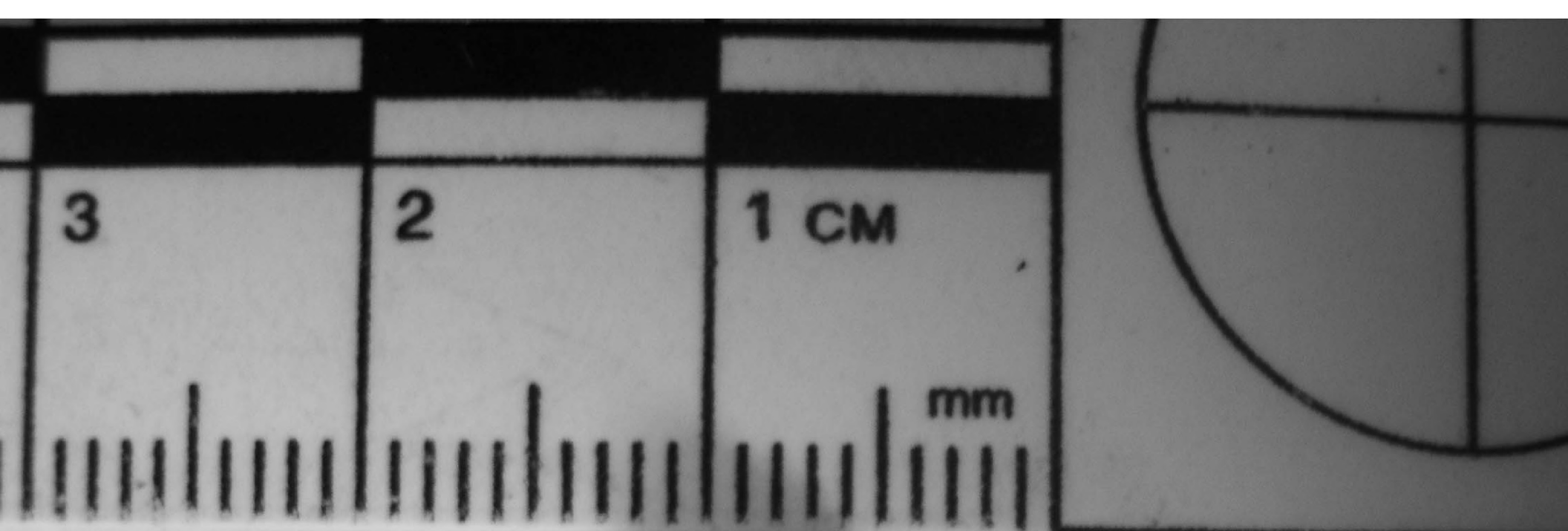


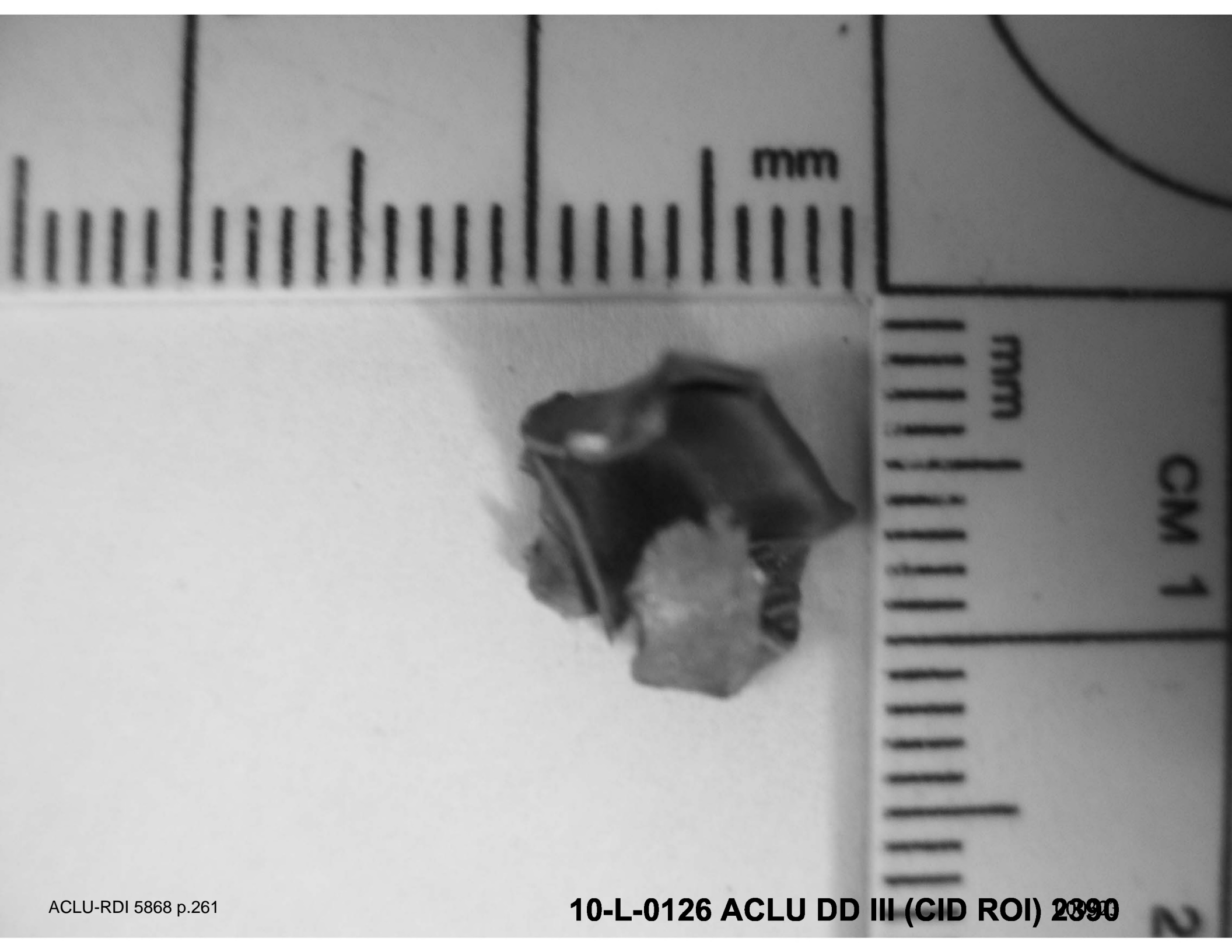
(b)(6), (b)(7)(C)



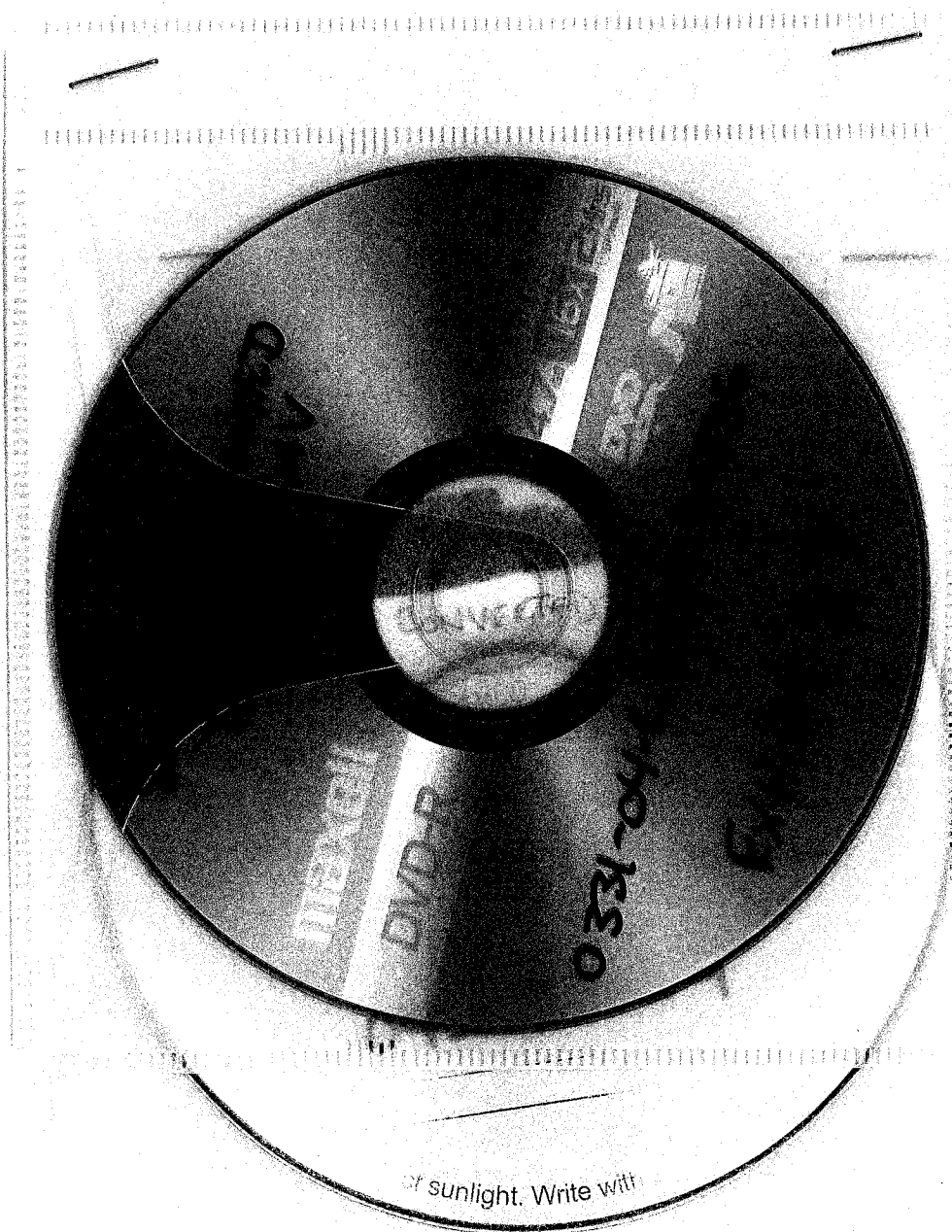








0331-05-CID259-80336



0331-04-CID259-80336

CRIME LAB EXAMINATION REQUEST

For use of this form, see AR 195-6; the proponent agency is the United States Army Criminal Investigation Command.

ARTISE ONLY

REFERRAL NUMBER

TO: (Include Zip Code)

Laboratory Director
USACIL
4553 N 2nd St
Forest Park, GA 30297-5122

FROM: (Include Zip Code)

Special Agent in Charge
78th MP Det (CID) (FWD)
3rd Military Police Group CID
USACIDC
Baghdad Iraq, APO AE 09342

RECEIVED

RETURNED

REGIS MAIL

REGIS MAIL

RY EXP

RY EXP

HAND

HAND

DATE

DATE

RECEIVED BY

EVIDENCE RECEIPT

RECEIVED

INITIATED

ATTN: Fire Arms Division

DSN: 822-2835/2837 /e-mail

(b)(6), (b)(7)(C)@us.army.mil

1. CONTRIBUTOR CASE NUMBER

0331-04-CID259-80336

2. INVESTIGATOR'S NAME

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

3. AUTOVON AND PHONE NUMBER

DSN: 822-2835/2837

4. SUSPECT(S) (Last, first and middle name(s))

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

5. VICTIM(S) (Last, first and middle name(s))

Unknown Iraqi Male

6. TYPE OF OFFENSE

Murder

7. ONE COPY OF EVIDENCE RECEIPT ENCLOSED WITH EVIDENCE

YES NO

8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE

YES NO

9. IF "YES" IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERRAL NUMBER(S)

10 EVIDENCE SUBMITTED

a. EXHIBIT

b. DESCRIPTION OF EXHIBIT

1

Bullet Fragment, item 2, Voucher #769-04

2

Rifle, item 3, Voucher #759-04

103 679 746 98545
REGISTERED MAIL

19 DEC 2004
FORWARDED TO USACIL
FOR EXAMINATION

DA FORM 3655

REPLACES DA FORM 3655-R, 1 NOV 70, WHICH IS OBSOLETE.

ACLU-RDI 5868 p.263

10-L-0126 ACLU DD III (CID ROI) 2894 38

COPY

10 EVIDENCE SUBMITTED (Continued)

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).

Firearms Division: Determine if exhibits 1 was fired from exhibit 2.

Conduct any additional examination you deem appropriate.

Brief Description of Incident: SPC (b)(6), (b)(7)(C) shot and killed an unknown Iraqi Male during a cordon and search mission in Sadr City, IZ. SPC (b)(6), (b)(7)(C) admitted to shooting the man twice in the head after the Iraqi male was apprehended and placed on his knees. During the crime scene examination a TV located within the residence in the approximate location of the shooting had an apparent gunshot to the screen. This office collected the TV as evidence and later extracted a bullet fragment from inside the TV. Further, efforts are still ongoing to locate and fully Identify the victim.

RETURN EVIDENCE TO:
COMMANDER
ATTN: Evidence Custodian
22d MP BN (CID)
APO AE 09342

Evidence above has not been examined by another expert in the same scientific field.

TYPED/PRINTED NAME OF REQUESTOR

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

SIGNATURE

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

DATE

3 Dec 04

CRIME LAB EXAMINATION REQUEST

For use of this form, see AR 195-5; the proponent agency is the United States Army Criminal Investigation Command.

LAB USE ONLY

REFERRAL NUMBER

TO: (Include Zip Code)

Laboratory-Director
USACIL
4553 North 2nd Street
Forest Park, GA 30297-5122

ATTN: SEROLOGY DIVISION

FROM: (Include Zip Code)

Special Agent-in-Charge
78th MP Det (CID) (FWD)
Camp Victory, Baghdad, IZ
APO AE 09342

Telephone:
DSN: (318) 822-2835/2837

b(6), b(7)(C)@us.army.mil

RECEIVED

RETURNED

REGIS MAIL

REGIS MAIL

RY EXP

RY EXP

HAND

HAND

DATE

DATE

RECEIVED BY

EVIDENCE RECEIPT

RECEIVED

INITIATED

1. CONTRIBUTOR CASE NUMBER

0331-04-CID259-80336

2. INVESTIGATOR'S NAME

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

3. AUTOVON AND PHONE NUMBER

DSN: (318) 822-2837/2835

4. SUSPECT(S) (Last, First and middle name(s))

N/A

5. VICTIM(S) (Last, First and middle name(s))

Unknown Iraqi, Male

6. TYPE OF OFFENSE

Undetermined Death

7. ONE COPY OF EVIDENCE RECEIPT INCLOSED WITH EVIDENCE

YES NO

8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE

YES NO

9. IF "YES" IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERRAL NUMBER(S)

SPC b(6), b(7)(C)
SGT b(6), b(7)(C)
C CO, 1/41 INF, Fort Riley, KS 66442
Date Sent:

10. EVIDENCE SUBMITTED

a. EXHIBIT

b. DESCRIPTION OF EXHIBIT

1 Swab, Item 1, ECD # 768-04.
2 Rug, Item 4, ECD # 768-04.
3 Shavings, Item 1, ECD # 767-04.

//////////////////////////////////// LAST ITEM //////////////////////////////////////

LB 671 744 9045
REGISTERED MAIL
17 DEC 2004
FORWARDED TO USACIL
FOR EXAMINATION

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER 0831-04-CID259		
For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command		CRD REPORT/CID ROI NUMBER 80336		
RECEIVING ACTIVITY 78th MP Det (CID) FWD, Baghdad, IZ		LOCATION		
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER CPT (b)(6), (b)(7)(C) <input checked="" type="checkbox"/> OTHER		ADDRESS (Include Zip Code) SJA ICAU, 15 th Brigade Camp Fienhose		
LOCATION FROM WHERE OBTAINED From CPT (b)(6), (b)(7)(C) Camp Cuervo, IZ		REASON OBTAINED Evidence	TIME/DATE OBTAINED 12:12 16 Sep 04	
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <small>(Include model, serial number, (b)(6), (b)(7)(C) and unusual marks or scratches)</small>		
1	2	Handwritten note, 2 pages of white lined bond paper depicting black in color handwriting. Pages marked with 12:12 16 Sep 04 (b)(6), (b)(7)(C) and placed in an envelope - CPT (b)(6), (b)(7)(C)		
LAST ITEM				
CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	16 Sep 04	(b)(6), (b)(7)(C) NAME, GRADE OR TITLE CPT (b)(6), (b)(7)(C) SIGNATURE	(b)(6), (b)(7)(C) SIGNATURE	Evaluation As Evidence
1	17 Sep 04	(b)(6), (b)(7)(C) SIGNATURE	(b)(6), (b)(7)(C) SIGNATURE	
1	17 Sep 04	(b)(6), (b)(7)(C) SIGNATURE	(b)(6), (b)(7)(C) SIGNATURE	Released to Evidence Custodian
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-4 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER 0317-04-CID025

CRD REPORT/CID ROI NUMBER 317-04-61225

RECEIVING ACTIVITY

78th Military Police Det (CID)

LOCATION

Ft. Riley KS 66442

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

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

ADDRESS (Include Zip Code)

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

OWNER
 OTHER

LOCATION FROM WHERE OBTAINED

Hand of:

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

REASON OBTAINED

Evidence

TIME/DATE OBTAINED

1539, 28 OCT 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1	1	Diskette, 3.5" standard "IMATION" 2HD. Plastic, metal type construction. Black + silver in color. Affixed to diskette is a white and orange in color. Paper type construction label bearing "IMATION" in white lettering on orange in color corner . "Expos" scratched out. MFID on label with "1539, 28 OCT 04" (b)(6), (b)(7)(C) placed in clear in color plastic type construction bag. Affix 4002 to outside of bag. // Last Item //

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	28 OCT 04	SIGNATURE (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Evaluation of evidence.
1	28 OCT 04	(b)(6), (b)(7)(C)	SIGNATURE (b)(6), (b)(7)(C) NAME, GRADE OR TITLE SA (b)(6), (b)(7)(C)	Released to Evidence Custodian
1	28 OCT 04	SIGNATURE (b)(6), (b)(7)(C) NAME, GRADE OR TITLE SA (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) NAME, GRADE OR TITLE SA (b)(6), (b)(7)(C)	RELEASED TO CID CASE AGENT
1	OCT 29 2004	SIGNATURE (b)(6), (b)(7)(C) NAME, GRADE OR TITLE SA (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) NAME, GRADE OR TITLE SA (b)(6), (b)(7)(C)	Release to CID Evidence Custodian
1	NOV 04 2004	SIGNATURE (b)(6), (b)(7)(C) NAME, GRADE OR TITLE SA (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) NAME, GRADE OR TITLE SA (b)(6), (b)(7)(C)	Change of Custodial

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.

943-04 DOCUMENT NUMBER 0198-04

EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER

0330-04-CID259

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

REPORT/CID ROI NUMBER
30 80335

RECEIVING ACTIVITY 78th MP Det (CID) (FWD)	LOCATION Bachled, I2
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER SPC (b)(6), (b)(7)(C) <input checked="" type="checkbox"/> OTHER (b)(6), (b)(7)(C) C Co 141 Inf.	ADDRESS (Include Zip Code) Camp Victory, Bachled, I2 (Fort Riley, KS)
LOCATION FROM WHERE OBTAINED From SPC (b)(6), (b)(7)(C)	REASON OBTAINED Evidence
	TIME/DATE OBTAINED 0915 24 Sep 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Rifle, M4, Serial # W007468, with a butt stock number of 306. Black in color metal and plastic type construction. Weapon assigned to SGT (b)(6), (b)(7)(C) weapon MFIID 0915 24 Sep 04, (b)(6), (b)(7)(C)
2	1	Rifle, M4, Serial # 10011505, with a butt stock number of 305. Black in color metal and plastic type construction. Weapon assigned to SSG (b)(6), (b)(7)(C) weapon MFIID 0915 24 Sep 04, (b)(6), (b)(7)(C)
3	1	Rifle, M4, Serial # 10011530, with a butt stock number of 309. M203 Grenade launcher was removed prior to detection as evidence. Lower hand guard removed. Black in color, metal and plastic type construction. Weapon assigned to SP4 (b)(6), (b)(7)(C) weapon MFIID 0915 24 Sep 04, (b)(6), (b)(7)(C)
Last ITCM		

CHAIN OF CUSTODY				
ITEM NO.	DATE	NAME, GRADE OR TITLE RELEASED BY	NAME, GRADE OR TITLE RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-3	24 Sep 04	(b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) SP4 (b)(6), (b)(7)(C)	EVALUATION AS EVIDENCE
1-3	24 Sep 04	(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) SP4 (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	

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
0331-04-CID259

CRD REPORT/CID ROI NUMBER
80336

RECEIVING ACTIVITY
78TH MP DET (CID) (FWD)

LOCATION
Camp Victory, IZ APO AE 09342

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED
 OWNER
 OTHER Crime Scene

ADDRESS (Include Zip Code)
N/A

LOCATION FROM WHERE OBTAINED
From various locations within the residence located at grid coordinate: MB (b)(6), (b)(7)(C) Sadr City, Baghdad, Iraq

REASON OBTAINED
Evidence

TIME/DATE OBTAINED
0835 / 27 Sep 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1	1	Envelope, white in color, paper type construction containing unknown amount of shavings, with dark red in color particle, suspected to be blood. The envelope was sealed and marked for ID with 0835, 27 Sep 04, (b)(6), (b)(7)(C) floor)
2	1	Bag, brown in color, paper type construction, containing cotton type material, used condition, which bears a red in color substance suspected to be blood. The bag was sealed and marked for ID with 0835, 27 Sep 04, (b)(6), (b)(7)(C) floor)
----- LAST ITEM -----		

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 and 2	27 Sep 04	SIGNATURE N/A	(b)(6), (b)(7)(C) SA	Evaluation as Evidence (SCRCNI)
		NAME, GRADE OR TITLE Crime Scene		
1 and 2	27 Sep 04	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Released to the Evidence Custodian (SCRCNI)
		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. For Official Use Only

DOCUMENT NUMBER

76701bit

ACLU-RDI 5868 p. 270

10-L-0126-ACLU-DD III (CID ROI) 2403

EXHIBIT 40(7)

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
0331-04-CID259

CRD REPORT/CID ROI NUMBER
80336

RECEIVING ACTIVITY 78 TH MP DET (CID) (FWD)	LOCATION Camp Victory, IZ APO AE 09342
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> OTHER Crime Scene	ADDRESS (Include Zip Code) N/A
LOCATION FROM WHERE OBTAINED From entertainment unit the residence located at grid coordinate: MB (b)(6), (b)(7)(C) Sadr City, Baghdad, Iraq	REASON OBTAINED Evidence
	TIME/DATE OBTAINED 0810 - 1204 / 27 Sep 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Television, Konica, Thunder Multi-System, model number: K1439AXT1, serial number: 1001AEK406YY5001039, grey in color, used condition, metal and plastic type construction, containing one entrance bullet hole in the screen of the television without an exit entrance. TV was disassembled, tube broken in half with all the attaching cords cut. The tube, cords, broken glass and internal components placed in a paper bag, the front and rear housing placed outside the paper bag, all placed in a cardboard box and box Marked for ID with 0810, 27 Sep 04, (b)(6), (b)(7)(C) (Entertainment Unit)
2	1	Container, metal in construction, with manufactured lid made for the container, which contain one brass in color fragment, irregular shape, used condition, suspected bullet fragment, container Marked for ID with 1204, 27 Sep 04, (b)(6), (b)(7)(C) on top of the container. (Inside Television)
----- LAST ITEM -----		

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 and 2	27 Sep 04	SIGNATURE N/A	(b)(6), (b)(7)(C)	Evaluation as Evidence
		NAME, GRADE OR TITLE Crime Scene	SA	
1 and 2	28 Sep 04	(b)(6), (b)(7)(C)	SIGNATURE (b)(6), (b)(7)(C)	Released to the Evidence Custodian
			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

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DOCUMENT NUMBER

ACLU-RDI 5868 p.271

10-L-0126 ACLU DD III (CID ROI) 2402

768-084-404

EVIDENCE/PROBATION 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
0331-04-CID259

CRD REPORT/CID ROI NUMBER
80336

RECEIVING ACTIVITY
78TH MP DET (CID) (FWD)

LOCATION
Camp Victory, IZ APO AE 09342

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED
 OWNER
 OTHER Crime Scene

ADDRESS (Include Zip Code)
N/A

LOCATION FROM WHERE OBTAINED
From various locations within the residence located at grid coordinate: MB (b)(6), (b)(7)(C) Sadr City, Baghdad, Iraq

REASON OBTAINED
Evidence
TIME/DATE OBTAINED
0753 -0807/ 27 Sep 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1	1	Envelope, white in color, paper type construction containing one drip swab, with dark red in color particle, suspected to be blood. The envelope was sealed and marked for ID with 0753, 27 Sep 04 (b)(6), (b)(7)(C) floor)
2	1	Envelope, white in color, paper type construction containing one drip swab, with dark red in color particle, suspected to be blood. The envelope was sealed and marked for ID with 0755, 27 Sep 04 (b)(6), (b)(7)(C) floor)
3	1	Envelope, white in color, paper type construction containing unknown amount of shavings, with dark red in color particle, suspected to be blood. The envelope was sealed and marked for ID with 0758, 27 Sep 04, (b)(6), (b)(7)(C) floor)
4	1	Rug, unknown material, multi-color, containing dark red in color stain suspected to be blood. The item was placed in a clean paper bag, which was sealed and marked for ID with 0800, 27 Sep 04, (b)(6), (b)(7)(C) floor)
5	1	Rug, unknown material, multi-color, containing dark red in color stain suspected to be blood. The item was placed in a clean paper bag, which was sealed and marked for ID with 0807, 27 Sep 04 (b)(6), (b)(7)(C) floor)
----- LAST ITEM -----		

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 thru 5	27 Sep 04	SIGNATURE N/A	(b)(6), (b)(7)(C)	Evaluation as Evidence (SCRCNI)
		NAME, GRADE OR TITLE Crime Scene	SA	
1 thru 5	28 Sep 04	(b)(6), (b)(7)(C)	SIGNATURE (b)(6), (b)(7)(C)	Released to the Evidence Custodian (SCRCNI)
			N/A	
		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	