

DEPARTMENT OF THE ARMY
38th MILITARY POLICE DETACHMENT (CID)
22nd MILITARY POLICE BATTALION (CID)
APO AE 09324-2647

CIRF-CHD

5 Oct 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL SUPPLEMENTAL - 0011-04-
CID469-79630-5H3L/5P2/ 5X5/5X4/5X1/5C1/9G1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 3 Jan 2004/2245 - 3 Jan 2004/2330; GRID COORDINATES 38S LC93868451,
ADJACENT TO A BRIDGE, SAMARRA, IRAQ
2. 16 Jan 2004/2245 - 16 Jan 2004/1500; 1/66 ARMOR BATTALION AREA,
FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ
3. 1 Dec 2003/0800 - 15 Dec 03/1600; UNKNOWN LOCATION NEAR A RIVER IN
OR AROUND BALAD, IRAQ
4. 29 Jan 04/0900 - 29 Jan 04/1100; BUILDING 4010, CID OFFICE, LSA ANACONDA,
APO AE 09391

DATE/TIME REPORTED: 13 Jan 2004, 1011

INVESTIGATED BY: SA [REDACTED]

SA [REDACTED]

SA [REDACTED]

SUBJECT: 1. [REDACTED] ILT; [REDACTED]

[REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY
MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT]
[CONSPIRACY][OBSTRUCTION OF JUSTICE]

2. [REDACTED]

SGT; [REDACTED]

M; OTHER; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY
MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT]
[CONSPIRACY]

3. [REDACTED]

SPC; [REDACTED]

[REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY
MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT]
[CONSPIRACY]

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4. [REDACTED] SPC; [REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [FALSE OFFICIAL STATEMENT] [CONSPIRACY]

5. [REDACTED] CPT; [REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY AFTER THE FACT] [CONSPIRACY] [OBSTRUCTION OF JUSTICE]

6. [REDACTED] SFC; [REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER] [CONSPIRACY] [OBSTRUCTION OF JUSTICE]

7. [REDACTED] MAJ; [REDACTED] M; WHITE; HHC, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [OBSTRUCTION OF JUSTICE] [CONSPIRACY] [ACCESSORY AFTER THE FACT]

8. [REDACTED] LTC; [REDACTED] M; WHITE; HHC, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY AFTER THE FACT] [CONSPIRACY] [OBSTRUCTION OF JUSTICE]

9. [REDACTED] SGT; [REDACTED] M; OTHER; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [FALSE OFFICIAL STATEMENT] [CONSPIRACY]

10. [REDACTED] SGT; [REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [AGGRAVATED ASSAULT] [CONSPIRACY] [FALSE OFFICIAL STATEMENT]

VICTIM: 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 84; IRAQ; M; OTHER; IZ; NFI; [INVOLUNTARY MANSLAUGHTER] [CONSPIRACY]

2. [REDACTED] CIV; [REDACTED] M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI); [CONSPIRACY] [AGGRAVATED ASSAULT]

3. US GOVERNMENT (1/8TH INFANTRY, 4ID); [FALSE OFFICIAL STATEMENT] [OBSTRUCTION OF JUSTICE] [ACCESSORY AFTER THE FACT]

4. UNKNOWN; CIV; M; OTHER; (NFI) [AGGRAVATED ASSAULT] [CONSPIRACY]

INVESTIGATIVE SUMMARY:

About 1011, 13 Jan 04, this office was notified by CPT [REDACTED], Battle Captain, 3rd Brigade, 4th Infantry Division (4ID), Samarra, Iraq, APO AE 09323, of an alleged drowning of a local national who was detained by 4ID soldiers.

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Investigation established probable cause to believe 1LT [REDACTED] the platoon leader, committed the offenses of Involuntary Manslaughter and Aggravated Assault when he gave an unlawful order to his subordinates to have Mr. FADHIL and Mr. [REDACTED] forced into a river, which resulted in the death of Mr. FADHIL. Further, 1LT [REDACTED] committed the offenses of False Official Statement, Conspiracy and Obstruction of Justice when he provided a statement he knew to be false and further conspired to hinder the investigation by manufacturing a cover up story.

Investigation established probable cause to believe SGT [REDACTED] and SPC [REDACTED] committed the offenses of Involuntary Manslaughter and Aggravated Assault when they forced Mr. [REDACTED] and Mr. FADHIL into the river, which resulted in the death of Mr. FADHIL.

Further, SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] and SGT [REDACTED] committed the offenses of False Official Statement and Conspiracy when they provided a statement they knew to be false and conspired to hinder the investigation by going along with the cover up story.

Investigation established probable cause to believe CPT [REDACTED] committed the offenses of Conspiracy, Obstruction of Justice and Accessory after the Fact when he conspired to hinder the investigation by going along with the cover up story after having knowledge of the incident.

Investigation established probable cause to believe SFC [REDACTED] the platoon sergeant, committed the offenses of Involuntary Manslaughter and Conspiracy when he supported the unlawful order given to his subordinates by 1LT [REDACTED] to have Mr. FADHIL and Mr. [REDACTED] forced into a river, which resulted in the death of Mr. FADHIL. Further, SFC [REDACTED] committed the offense of Obstruction of Justice when he failed to report the incident after having knowledge of what occurred.

Investigation established probable cause to believe MA [REDACTED] and LTC [REDACTED] committed the offenses of Conspiracy, Obstruction of Justice and Accessory after the Fact when they had knowledge of the incident and failed to report the incident to law enforcement.

Investigation established probable cause to believe SGT [REDACTED] committed the offense of Aggravated Assault and Conspiracy when he conspired with SGT [REDACTED] and forced an unknown Iraqi male into a body of water in Balad, which was directed by SFC [REDACTED] during a previous incident. Further, SGT [REDACTED] committed the offense of False Official Statement when he denied having any knowledge of the incident in Balad, which he knew to be false.

Further investigation revealed from 3 Jan 04 – 15 Jan 04, several attempts were made by Mr. [REDACTED] Site Director, to retrieve the remains of Mr. FADHIL by closing the dam in the river. On 15 Jan 04, when the remains of Mr. FADHIL were found, he was positively identified by family members and by his identification card, which was found on Mr. FADHIL's remains.

STATUTES:

Article 78, UCMJ: Accessory after the Fact

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Article 81, UCMJ: Conspiracy

Article 107, UCMJ: False Official Statement

Article 119, UCMJ: Involuntary Manslaughter

Article 128, UCMJ: Aggravated Assault

Article 134, UCMJ: Obstruction of Justice

EXHIBITS/SUBSTANTIATION:

ADDED ATTACHED:

71. Agent's Investigation Report of SA [REDACTED] 29 Sep 04, detailing coordination with Mr. [REDACTED] collection of evidence, and the transcription of Arabic statements. b7C-1, b6-1
b6-3, b7C-3

72. Arabic language statement of Mr. [REDACTED] 17 Jan 04, detailing how the dam in Samarra, Iraq, was closed several times in order to assist Mr. FADHIL's family in searching for his remains. (USACRC and file copy only) b7C-3, b6-3

73. English language translation of Mr. [REDACTED]'s statement, Exhibit 72, translated by Mrs. [REDACTED] b7C-3, b6-3 b7C-3, b6-3

74. Arabic language statement of Mr. [REDACTED] 13 Sep 04, in which he stated he identified Mr. FADHIL's remains to be the remains of his son. (USACRC and file copy only) b7C-3, b6-3

75. English language translation of Mr. [REDACTED]'s statement, Exhibit 74, translated by Mrs. [REDACTED] b7C-3, b6-3 b7C-3, b6-3

76. Arabic language statement of Mr. [REDACTED] 13 Sep 04, in which he stated he viewed and identified Mr. FADHIL's remains on 15 Jan 04. (USACRC and file copy only) b7C-3, b6-3

77. English language translation of Mr. [REDACTED]'s statement, Exhibit 76, translated by Mrs. [REDACTED] b7C-3, b6-3 b7C-3, b6-3

78. Arabic language statement of Mrs. [REDACTED] 13 Sep 04, in which she stated she identified Mr. FADHIL's remains on 15 Jan 04, and that he was her son. (USACRC and file copy only) b7C-3, b6-3

79. English language translation of Mrs. [REDACTED]'s statement, Exhibit 78, translated by Mrs. [REDACTED] b7C-3, b6-3 b7C-3, b6-3

80. Arabic language identification card pertaining to Mr. FADHIL. (USACRC and file copy only)

81. English language translation of Mr. FADHIL's identification card, Exhibit 80, translated by Mrs. [REDACTED] b7C-3, b6-3

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82. DA Form 4137, Evidence/Property Custody Document, voucher (VO) 770-04, 27 Sep
 04. (USACRC and file copy only)

ADDED NOT ATTACHED:

Retained in the Evidence Depository, 22nd MP BN (CID), Baghdad, Iraq, APO AE 09342:

83. Ring (Mr. FADHIL), VO 770-04.

84. Photograph (Mr. FADHIL), VO 770-04.

85. Identification card (Mr. FADHIL), VO 770-04.

The original of Exhibit 71 is forwarded with the USACRC copy of this report. The originals of Exhibits 72 through 79 and 81 are retained in the files of this office pending adjudication. The originals of Exhibits 80 and 82 are maintained in the files of the Evidence Depository, 22nd MP BN (CID), APO AE 09342.

STATUS: This is a Final Supplemental Report. Commanders Report of Disciplinary Action Taken (DA Form 4833) is pending.

Report Prepared By:

Report Approved By:

Special Agent,

Special Agent in Charge

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- TO: CDR, USACIDC, ATTN: CIOP-ZA (e-mail only)
- 1 - CDR, 1/8th Infantry Bn, Fort Carson, CO
- 1 - CDR, 286th MP DET (CID), (ATTN: Mr. [REDACTED]) (email only)
- 1 - HQ, 4th Infantry Division, Office of the Chief of Staff, Attn: COL [REDACTED] (email only)
- 1 - SJA, (ATTN: CPT [REDACTED]) Fort Hood, TX
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DEPARTMENT OF THE ARMY
38th MILITARY POLICE DET (CID)
22nd MILITARY POLICE BATTALION (CID)
CAMP VICTORY NORTH, BAGHDAD, IRAQ
APO AE 09342

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7 Jun 04

MEMORANDUM FOR SEE DISTRIBUTION

Final
SUBJECT: CID REPORT OF INVESTIGATION - 0011-04-CID469-79630-5H3L/5C1/5P2/
5X1/5X4/5X5/9G1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 3 Jan 2004/2245 - 3 Jan 2004/2330; GRID COORDINATES 38S LC93868451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ
2. 16 Jan 2004/1300 - 16 Jan 2004/1500; 1/66 ARMOR BATTALION AREA, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ
3. 1 Dec 2003/0800 - 15 Dec 03/1600; UNKNOWN LOCATION NEAR A RIVER IN OR AROUND BALAD, IRAQ
4. 29 Jan 04/0900 - 29 Jan 04/1100; BUILDING 4010, CID OFFICE, LSA ANACONDA, APO AE 09391

DATE/TIME REPORTED: 13 Jan 2004, 1011

INVESTIGATED BY: SA [REDACTED]

SA [REDACTED]

SA [REDACTED]

SUBJECT: 1. [REDACTED]

[REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY][OBSTRUCTION OF JUSTICE]

2. [REDACTED]

SGT; [REDACTED]

[REDACTED] M; OTHER; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY]

3. [REDACTED]

SPC; [REDACTED]

[REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY]

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4. [REDACTED] SPC; [REDACTED] M; WHITE, A
CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [FALSE OFFICIAL STATEMENT]
[CONSPIRACY] **66-5, 67C-5** **66-5, 67C-5**

5. [REDACTED] CPT; [REDACTED]
WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY AFTER
THE FACT][CONSPIRACY][OBSTRUCTION OF JUSTICE] **66-5, 67C-5** **66-5, 67C-5**

6. [REDACTED] SFC; [REDACTED]
M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY
MANSLAUGHTER][CONSPIRACY][OBSTRUCTION OF JUSTICE] **66-5, 67C-5** **66-5, 67C-5**

7. [REDACTED] MAJ; [REDACTED]
M; WHITE; HHC, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [OBSTRUCTION
OF JUSTICE] [CONSPIRACY][ACCESSORY AFTER THE FACT] **66-5, 67C-5** **66-5, 67C-5**

8. [REDACTED] LTC; [REDACTED]
M; WHITE; HHC, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY
AFTER THE FACT][CONSPIRACY][OBSTRUCTION OF JUSTICE] **66-5, 67C-5** **66-5, 67C-5**

9. [REDACTED] SGT; [REDACTED]
M; OTHER; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913;
[FALSE OFFICIAL STATEMENT][CONSPIRACY] **66-5, 67C-5** **66-5, 67C-5**

10. [REDACTED] SGT; [REDACTED]
M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [AGGRAVATED
ASSAULT][CONSPIRACY] [FALSE OFFICIAL STATEMENT]

VICTIM: 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 84; IRAQ; M;
OTHER; IZ; (NFI) [INVOLUNTARY MANSLAUGHTER][CONSPIRACY] **66-4, 67C-4** **66-4, 67C-4**

2. [REDACTED] CIV; [REDACTED]
M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI); [CONSPIRACY]
[AGGRAVATED ASSAULT]

3. US GOVERNMENT (1/8TH INFANTRY, 4ID); [FALSE OFFICIAL
STATEMENT][OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT]

4. UNKNOWN; CIV; M; OTHER; (NFI)[AGGRAVATED ASSAULT]
[CONSPIRACY]

INVESTIGATIVE SUMMARY:

This is an "Operation Iraqi Freedom" investigation.

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About 1011, 13 Jan 04, this office was notified by CPT [REDACTED] Battle Captain, 3rd Brigade, 4th Infantry Division (4ID), Samarra, Iraq, APO AE 09323, of an alleged drowning of a local national who was detained by 4ID soldiers. b7C-3, b6-3

Investigation established probable cause to believe 1LT [REDACTED] the platoon leader, committed the offenses of Involuntary Manslaughter and Aggravated Assault when he gave an unlawful order to his subordinates to have Mr. FADHIL and Mr. [REDACTED] forced into a river, which resulted in the death of Mr. FADHIL. Further, 1LT [REDACTED] committed the offenses of False Official Statement, Conspiracy and Obstruction of Justice when he provided a statement he knew to be false and further conspired to hinder the investigation by manufacturing a cover up story. b7C-5, b6-5 b7C-4, b6-4 b7C-5, b6-5

Investigation established probable cause to believe SGT [REDACTED] and SPC [REDACTED] committed the offenses of Involuntary Manslaughter and Aggravated Assault when they forced Mr. [REDACTED] and Mr. FADHIL into the river, which resulted in the death of Mr. FADHIL. b7C-5, b6-5 b7C-5, b6-5

Further, SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] and SGT [REDACTED] committed the offenses of False Official Statement and Conspiracy when they provided a statement they knew to be false and conspired to hinder the investigation by going along with the cover up story. b7C-4, b6-4 b7C-5, b6-5 b7C-5, b6-5 b7C-5, b6-5 b7C-5, b6-5

Investigation established probable cause to believe CPT [REDACTED] committed the offenses of Conspiracy, Obstruction of Justice and Accessory after the Fact when he conspired to hinder the investigation by going along with the cover up story after having knowledge of the incident. b7C-5, b6-5

Investigation established probable cause to believe SFC [REDACTED] the platoon sergeant, committed the offenses of Involuntary Manslaughter and Conspiracy when he supported the unlawful order given to his subordinates by 1LT [REDACTED] to have Mr. FADHIL and Mr. [REDACTED] forced into a river, which resulted in the death of Mr. FADHIL. Further, SFC [REDACTED] committed the offense of Obstruction of Justice when he failed to report the incident after having knowledge of what occurred. b7C-5, b6-5 b7C-4, b6-4 b7C-5, b6-5

Investigation established probable cause to believe MAJ [REDACTED] and LTC [REDACTED] committed the offenses of Conspiracy, Obstruction of Justice and Accessory after the Fact when they had knowledge of the incident and failed to report the incident to law enforcement. b7C-5, b6-5 b7C-5, b6-5

Investigation established probable cause to believe SGT [REDACTED] committed the offense of Aggravated Assault and Conspiracy when he conspired with SGT [REDACTED] and forced an unknown Iraqi male into a body of water in Balad, which was directed by SFC [REDACTED] during a previous incident. Further, SGT [REDACTED] committed the offense of False Official Statement when he denied having any knowledge of the incident in Balad, which he knew to be false. b7C-5, b6-5 b7C-5, b6-5 b7C-5, b6-5

STATUTES:

Article 78, UCMJ: Accessory after the Fact
Article 81, UCMJ: Conspiracy
Article 107, UCMJ: False Official Statement
Article 119, UCMJ: Involuntary Manslaughter

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Article 128, UCMJ: Aggravated Assault
Article 134, UCMJ: Obstruction of Justice

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigation Report (AIR) of SA [REDACTED] 27 Feb 04, detailing basis for investigation; coordination with CPT [REDACTED] victim interview of Mr. [REDACTED]; witness interviews of PFC [REDACTED], CPL [REDACTED] and PFC [REDACTED] suspect/subject interviews of CPT [REDACTED], SPC [REDACTED], SSG [REDACTED], SGT [REDACTED], SPC [REDACTED], SPC [REDACTED], SGT [REDACTED], SFC [REDACTED], 1LT [REDACTED], SGT [REDACTED], PFC [REDACTED], SPC [REDACTED], COL [REDACTED] and SGT [REDACTED] coordination with Staff Judge Advocate (SJA); crime scene examination; and receipt of statements pertaining to the commander's inquiry.
2. Memorandum for Record, 11 Jan 04, prepared by CPT [REDACTED]
3. Sworn Statement of Mr. [REDACTED], 16 Jan 04, detailing his knowledge of the incident.
4. Four photographs depicting Mr. [REDACTED]'s vehicle and the damage the vehicle sustained.
5. Sworn Statement of SPC [REDACTED], 16 Jan 04, detailing his knowledge of the incident.
6. Sworn Statement of SSG [REDACTED], 16 Jan 04, detailing his knowledge of the incident.
7. Sworn Statement of SGT [REDACTED], 16 Jan 04, detailing his knowledge of the incident.
8. Waiver Certificate and Sworn Statement of SPC [REDACTED], 16 Jan 04, denying any involvement with forcing Mr. [REDACTED] and Mr. FADHIL into the river.
9. Waiver Certificate and Sworn Statement of SPC [REDACTED], 16 Jan 04, denying any involvement with forcing Mr. [REDACTED] and Mr. FADHIL into the river.
10. Waiver Certificate and Sworn Statement of SGT [REDACTED], 16 Jan 04, denying any involvement with forcing Mr. [REDACTED] and Mr. FADHIL into the river.
11. Sworn Statement of SFC [REDACTED], 16 Jan 04, detailing his knowledge of the incident.
12. Sworn Statement of 1LT [REDACTED], 16 Jan 04, detailing his knowledge of the incident.
13. Crime Scene Sketch, 16 Jan 04, prepared by SA [REDACTED]
14. Photographic Packet comprised of nine photographs (crime scene).
15. Sworn Statement of CPT [REDACTED], 18 Jan 04, detailing his review of the DVD

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containing video of Mr. [REDACTED]'s damaged [REDACTED] and video of Mr. FADHIL's remains.

16. Sworn Statement of ILT [REDACTED] 17 Jan 04, detailing his knowledge of Mr. [REDACTED]'s vehicle being moved with SFC [REDACTED] Bradley Fighting Vehicle (BFV), Bumper Number A14.

17. Sworn Statement of SFC [REDACTED] 17 Jan 04, detailing how his Bradley moved Mr. [REDACTED]'s vehicle out of the road on the night of the incident.

18. Waiver Certificate of SGT [REDACTED], 20 Jan 04.

19. Waiver Certificate of SPC [REDACTED] 20 Jan 04.

20. Waiver Certificate and Sworn Statement of SPC [REDACTED] 21 Jan 04, in which he admitted to having knowledge of the incident.

21. Hand written statement of SPC [REDACTED] 21 Jan 04, detailing his knowledge of the incident.

22. Photographic diagram of the incident site, 22 Jan 04, prepared by SPC [REDACTED] depicting the location of the platoon during the incident.

23. Polygraph report of SPC [REDACTED], 21 Jan 04.

24. Waiver Certificate and Sworn Statement of ILT [REDACTED] 22 Jan 04, in which he refused to answer questions pertinent to the investigation.

25. Waiver Certificate and Sworn Statement of SPC [REDACTED] 22 Jan 04, in which he admitted involvement in forcing Mr. [REDACTED] and Mr. FADHIL into the river.

26. Hand written statement of SPC [REDACTED] 22 Jan 04, detailing his knowledge of the incident.

27. Polygraph Report of SPC [REDACTED] 23 Jan 04.

28. Waiver Certificate and Sworn Statement of SGT [REDACTED] 23 Jan 04, in which he admitted involvement in forcing Mr. [REDACTED] and Mr. FADHIL into the river.

29. Handwritten statement of SGT [REDACTED], 23 Jan 04, detailing his knowledge of the incident.

30. Polygraph Report of SGT [REDACTED] 23 Jan 04.

31. Waiver Certificate and Sworn Statement of SPC [REDACTED] 24 Jan 04, wherein he admitted SPC [REDACTED] and SGT [REDACTED] were involved in forcing the two Iraqis into the river.

32. Non-Waiver Certificate of CPT [REDACTED] 25 Jan 04.

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33. Waiver Certificate and Sworn Statement of PFC [REDACTED] 27 Jan 04, in which he denied causing significant damage to the truck. b7C-5, b6-5
34. Non-Waiver Certificate of SPO [REDACTED] 27 Jan 04. b7C-5, b6-5
35. Non-Waiver Certificate of SGT [REDACTED] 27 Jan 04. b7C-5, b6-5
36. Waiver Certificate and Sworn Statement of COL [REDACTED] 27 Jan 04, detailing his knowledge of the incident. b7C-5, b6-5
37. Map imagery, no date, depicting the location where the detainees were detained, the location where the incident occurred and the location where Mr. FADHIL's remains were recovered from the river (File copy only).
38. Waiver Certificate of COL [REDACTED] 30 Jan 04. b7C-5, b6-5
39. Polygraph Report of COL [REDACTED] 30 Jan 04. b7C-5, b6-5
40. Photographic packet comprised of six photographs (crime scene).
41. Arabic language statement of Dr. [REDACTED] no date, granting permission to exhume the remains of Mr. FADHIL (USACRC and file copy only). b7C-3, b6-3
42. Memorandum for Record, 9 Feb 04, reflecting the English translation of Exhibit 41.
43. Waiver Certificate and Sworn Statement of CPT [REDACTED] 20 Feb 04, in which he admitted he had knowledge of the incident. b7C-5, b6-5
44. Waiver Certificate and Sworn Statement of MAJ [REDACTED] 20 Feb 04, in which he related his knowledge of the incident.
45. Waiver Certificate of LTC [REDACTED] 20 Feb 04. b7C-5, b6-5
46. AIR of SA [REDACTED] 27 Jan 04, detailing receipt of the Request for Assistance (RFA), and suspect interviews of SFC [REDACTED] MAJ [REDACTED] and LTC [REDACTED] b7C-1, b6-1 b7C-5, b6-5
47. Waiver Certificate and Statement of SFC [REDACTED] 25 Jan 04, in which he began to provide details of the incident; however, SFC [REDACTED] terminated the interview requesting legal counsel. b7C-5, b6-5
48. Hand written crime scene sketch, 25 Jan 04, prepared by SFC [REDACTED]. b7C-5, b6-5
49. Waiver Certificate and Sworn Statement of MAJ [REDACTED] 25 Jan 04, in which he denied having prior knowledge of what really took place on the night of the incident.

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7C-5, b6-5 50. Waiver Certificate and Sworn Statement of [REDACTED] 27 Jan 04, in which he stated he instructed CPT [REDACTED] and 1LT [REDACTED] to lie about the two Iraqi's being physically forced into the river during the night of incident. b7C-5, b6-5

b7C-1, b6-1 51. AIR of SA [REDACTED] 29 Jan 04, detailing the canvass interviews of 22 soldiers assigned to 1/8th Inf Bn, and interview of 1SG [REDACTED] b7C-3, b6-3

52. Sworn Statement of 1SG [REDACTED] 29 Jan 04, in which he denied any knowledge of the incident. b7C-3, b6-3

b7C-1, b6-1 53. AIR of SA [REDACTED] 30 Jan 04, documenting the interview of SGT [REDACTED] b7C-5, b6-5

54. Non-Waiver Certificate of SGT [REDACTED] 30 Jan 04. b7C-5, b6-5

b7C-1, b6-1 55. AIR of SA [REDACTED] 23 Apr 04, detailing coordination with SJA and interview of SPC HARDIN. b7C-5, b6-5

56. Non-Waiver Certificate of SPC [REDACTED] 9 Mar 04. b7C-5, b6-5

b7C-4, b6-4 57. Compact disc containing video clips of the damage sustained to Mr. [REDACTED]'s vehicle and of Mr. FADHIL's remains prior to burial (USACRC copy only).

58. Compact disc 040011.469 containing the original photographic images of Exhibits 14 and 40 (USACRC and file copy only).

Not Attached:

Retained in the files of the U.S. Army Crime Records Center (USACRC), Fort Belvoir, VA:

59. Polygraph Authorization (SPC [REDACTED]) 21 Jan 04.

60. Polygraph Examination Statement of Consent (SPC [REDACTED]), 21 Jan 04.

61. Ten polygrams (SPC [REDACTED]) 21 Jan 04.

62. Polygraph Authorization (SPC [REDACTED]), 20 Jan 04.

63. Polygraph Examination Statement of Consent (SPC [REDACTED]), 20 Jan 04.

64. Five polygrams (SPC [REDACTED]) 20 Jan 04.

65. Polygraph Authorization (SGT [REDACTED]), 19 Jan 04.

66. Polygraph Examination Statement of Consent (SGT [REDACTED]), 20 Jan 04.

67. Five polygrams (SGT [REDACTED]), 20 Jan 04.

b7C-5, b6-5

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68. Polygraph Authorization (COL [REDACTED]), 29 Jan 04. b7C-3, b6-3
69. Polygraph Examination Statement of Consent (COL [REDACTED]), 30 Jan 04. b7C-3, b6-3
70. Four polygrams (COL [REDACTED]), 30 Jan 04. b7C-3, b6-3

The original of Exhibits 1 through 22, 24 through 26, 28, 29, 31 through 38, 40 through 42, 46 through 55, 57 and 58 are retained in the files of this office pending adjudication. The original of Exhibits 23, 27, 30 and 39 are retained in the files of the USACRC, 6010 6th Street, Fort Belvoir, VA. The original of Exhibits 43 through 45 are retained in the files of BG Michael D. BARBERO, Commander's Inquiry Officer, 4ID, Fort Carson, CO 80913. The original of Exhibit 56 was lost in the postal system during distribution.

STATUS: This is a Final (C) Report. This investigation is being terminated in accordance with CIDR 195-1, paragraph 4-17a (6), in that the Special Agent in Charge has determined that furtherance of this investigation would be of little or no value, and the leads remaining to be developed were not significant. Leads remaining include autopsy examination of Mr. FADHIL, and interviews of Mr. [REDACTED] and SSG [REDACTED] Commanders Report of Disciplinary Action Taken (DA Form 4833) is pending. 1
b7C-3, b6-3

Report Prepared By:

Report Approved By:

[REDACTED] b7C-1, b6-1
Special Agent, [REDACTED] b2-1

[REDACTED] b7C-1, b6-1
Special Agent in Charge

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