

<b>AGENT'S INVESTIGATION REPORT</b>		ROI NUMBER 0011-04-CID469-79630	
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<p><b>DETAILS</b></p> <p><b>BASIS FOR INVESTIGATION:</b> About 1011, 13 Jan 04, this office was notified by CPT [REDACTED] Battle Captain, 3<sup>rd</sup> Brigade, 4<sup>th</sup> Infantry Division (4ID), Samarra, Iraq, APO AE 09323, of an alleged drowning of a local national who was detained by 4ID soldiers.</p> <p>About 2200, 13 Jan 04, SA [REDACTED] received information from SA [REDACTED] CID Battalion Operations Officer, Baghdad, Iraq, which was obtained from a letter written by the alleged victim's mother to the President of the United States. The letter indicated two local nationals were detained by an unknown U.S. Army unit in Samarra, Iraq, and then released on a bridge in Samarra. According to the letter, the soldiers then forced the two detainees to jump into the river in Samarra, which resulted in the alleged death of Mr. Zaydun Ma'mun FADHIL, as he reportedly could not swim. The second Iraqi survived and reported the incident to Iraqi Civil Defense Corp (ICDC) personnel at a checkpoint in Samarra after the incident occurred.</p> <p>About 0830, 14 Jan 04, SA [REDACTED] and SA [REDACTED] coordinated with CPT [REDACTED] HHC, 1/66 Armor Bn, Samarra, Iraq, APO AE 09323, who stated he was initially notified about the alleged drowning. He stated on 3 Jan 04, 1<sup>st</sup> Platoon, Alpha Company, 1/8<sup>th</sup> Infantry Bn, 3<sup>rd</sup> Brigade, 4ID, Balad, Iraq, were on patrol in Samarra, Iraq. He stated he spoke with the commander, CPT [REDACTED] A Co, 1/8<sup>th</sup> Inf Bn, 3<sup>rd</sup> Bde, Balad, Iraq, and he confirmed that 1<sup>st</sup> Platoon did indeed detain two Iraqi's that evening but he denied they were ever forced into a river. CPT [REDACTED] stated he conducted a preliminary inquiry into the allegation prior to CID's notification. CPT [REDACTED] provided SA [REDACTED] a copy of his preliminary report. (See Memorandum for Record (MFR) created by CPT [REDACTED] for details)</p> <p><b>AGENT'S COMMENT:</b> The date on CPT [REDACTED]'s MFR is incorrect and should reflect 11 Jan 04 instead of 11 Jan 03.</p> <p>About 0930, 16 Jan 04, SA [REDACTED] interviewed CPT [REDACTED] who provided a verbal statement in which he stated he was not with 1<sup>st</sup> Platoon during the night of the alleged incident; however, he was briefed by the platoon leader of the events which occurred. He stated he did not believe any of his soldiers were involved in the alleged allegation. CPT [REDACTED]</p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED]		ORGANIZATION 43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE [REDACTED]		DATE 27 Feb 04	EXHIBIT 015275

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<p><b>DETAILS</b></p> <p>stated the letter written by the alleged victim's mother was a smear campaign in attempts to destroy the soldiers' moral. He further stated Mr. FADHIL must have been lying about what took place that evening.</p> <p>Between 0940-1321, 16 Jan 04, SA [REDACTED] b7C-1,bb-1 interviewed Mr. [REDACTED] b7C-4,bb-4 surviving victim, who provided a sworn statement detailing the events which took place on the evening of 3 Jan 04. He stated Mr. FADHIL's remains had been located in Samarra on 15 Jan 04 and were buried in a Cemetary in Samarra on that same day. He further stated the vehicle they were in during the night of the incident was destroyed when he returned to retrieve the vehicle on 4 Jan 04. He provided SA [REDACTED] b7C-1,bb-1 photographs his family took of the vehicle on 4 Jan 04, which depicts the vehicle, a white Kia truck, completely destroyed. Further, he stated Mr. FADHIL's remains were video taped by his family prior to the burial on 15 Jan 04. (See Sworn Statement of Mr. [REDACTED] b7C-4,bb-4 and Photographs for details)</p> <p><b>AGENT'S COMMENT:</b> The above mentioned interview was interpreted by Mr. [REDACTED] b7C-3,bb-3 Titan Corporation, 4ID, Forward Operating Base (FOB) Brassfield/Mora, Samarra, Iraq, APO AE 09323. Mr. [REDACTED] b7C-3,bb-3, victim's family attorney, was also present during the interview to represent Mr. FADHIL. Mr. [REDACTED] b7C-1,bb-1 agreed to provide SA [REDACTED] b7C-1,bb-1 a copy of the videotape, which depicts the remains of Mr. FADHIL; however, it would be provided at a later date as he did not bring the videotape with him to this interview. b7C-3,bb-3</p> <p>About 0945, 16 Jan 04, SA [REDACTED] b7C-1,bb-1 and Mr. [REDACTED] b7C-3,bb-3 Interpreter, Titan Corporation, 4<sup>th</sup> Military Police Company, Camp Ironhorse, Tikrit, Iraq, interviewed PFC [REDACTED] b7C-3,bb-3 ICDC, Samarra, Iraq, who provided a verbal statement in which he stated he was working in the guard tower near a bridge in Samarra, when he observed a American military convoy pass his location and stop approximately 500 meters away. PFC [REDACTED] b7C-3,bb-3 stated the convoy stopped near a bridge and remained in this location for approximately five minutes and then drove away in the direction of Tikrit, Iraq. PFC [REDACTED] b7C-3,bb-3 stated five minutes after the convoy left this location he observed an Iraqi male walking towards the ICDC checkpoint, which was near the guard tower. PFC [REDACTED] b7C-3,bb-3 stated he could not observe any American Soldiers dismounting</p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7C-1,bb-1,bb-2-1		ORGANIZATION 43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE [REDACTED] b7C-1,bb-1		DATE 27 Feb 04	EXHIBIT 015276

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<p><b>DETAILS</b></p> <p>their vehicles due to it being dark. PFC [REDACTED] further stated he observed the Iraqi when he passed under a streetlight. <b>b6-3, b7C-3</b></p> <p>About 1030, 16 Jan 04, SA [REDACTED] and Mr. [REDACTED] interviewed CPL [REDACTED] ICDC, Samarra, Iraq, who provided a verbal statement in which he stated he was working in the guard tower with PFC [REDACTED] <b>b6-1, b7C-1</b> <b>b6-3, b7C-3</b> <b>b6-3, b7C-3</b> when he observed a American military convoy pass his location around 0010, 4 Jan 04, and stop approximately 500 meters away. CPL [REDACTED] stated the convoy stopped near a bridge and remained in this location for approximately five minutes and then drove away in the direction of Tikrit, Iraq. <b>b6-3, b7C-3</b> CPL [REDACTED] stated there was an embankment to the river at the location the vehicles stopped. <b>b6-3, b7C-3</b> CPL [REDACTED] stated five minutes after the convoy left this location he observed an Iraqi male walking towards the ICDC checkpoint, which was near the guard tower. <b>b6-3, b7C-3</b> CPL [REDACTED] stated he could not observe any American Soldiers dismounting their vehicles due to it being dark. <b>b6-3, b7C-3</b> CPL [REDACTED] further stated he could hear people talking but could not identify what they were saying because the water from the river was muffling the sound.</p> <p>About 1100, 16 Jan 04, SA [REDACTED] and Mr. [REDACTED] interviewed PFC [REDACTED] ICDC, Samarra, Iraq who provided a verbal statement in which he stated he was working at a traffic control point near the guard tower when he observed a Iraqi male walking towards his position. When the Iraqi male arrived at his location the Iraqi stated the American soldiers threw his cousin into the water. <b>b6-3, b7C-3</b> PFC [REDACTED] stated the Iraqi's clothing was soaking wet and dirty and when he arrived he did not appear to be angry and made no mention the American soldiers threw him into the water. <b>b6-3, b7C-3</b> PFC [REDACTED] stated when the Iraqi arrived he took him to his boss Mr. [REDACTED]. <b>b6-1, b7C-1</b> <b>b6-3, b7C-3</b> <b>b6-3, b7C-3</b> PFC [REDACTED] stated within five minutes of the arrival of the Iraqi, the ICDC sent individuals out to the location to search for the second individual thrown into the water. <b>b6-3, b7C-3</b> PFC [REDACTED] stated only fifteen minutes elapsed from the time the convoy arrived and the search party was dispatched. <b>b6-3, b7C-3</b> PFC [REDACTED] stated earlier in the night this same individual came through his checkpoint with another unidentified male with construction equipment in the back of their truck. <b>b6-3, b7C-3</b> PFC [REDACTED] stated the individuals stated they purchased the equipment in Baghdad, Iraq and were enroute to their residence. <b>b6-3, b7C-3</b> PFC [REDACTED] stated he inspected the vehicle and verified the purchase of the equipment</p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED]		ORGANIZATION 43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE <b>b6-1, b7C-1, b2-1</b> [REDACTED]		DATE 27 Feb 04	EXHIBIT 015277

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<p><b>DETAILS</b></p> <p>from documentation provided by the Iraqi's. PFC [REDACTED] did not recall if United States Forces were dispatched to this location in search of the missing Iraqi. PFC [REDACTED] further stated he could not see where the convoy stopped due to the obstructed view he had from his checkpoint. <i>b6-3, b7C-3</i></p> <p>Agent's Comment: PFC [REDACTED] could not provide a physical description of the alleged drowned Iraqi; however, he stated he did see Mr. [REDACTED] being interviewed today and was certain he was the individual who approached his checkpoint on the night of the incident. <i>b6-4, b7C-4</i></p> <p>About 1202, 16 Jan 04, SA [REDACTED] interviewed SPC [REDACTED] A Company, 1/8<sup>th</sup> Inf Bn, Balad, Iraq who provided a sworn statement in which he related he was the driver of A-11, which was the vehicle the detainees were placed in. SPC [REDACTED] further stated he did not observe any type of abuse directed towards the detainees. (See Sworn Statement for details) <i>b6-1, b7C-1</i> <i>b6-3, b7C-3</i></p> <p>About 1231, 16 Jan 04, SA [REDACTED] interviewed SSG [REDACTED] A Co, 1/8<sup>th</sup> Inf Bn, Balad, Iraq, who provided a sworn statement in which he stated he was out on patrol with 1<sup>st</sup> Platoon on 3 Jan 04, but denied having any knowledge of Iraqi detainees being forced to jump into a river in Samarra. (See Sworn Statement of SSG [REDACTED] for details) <i>7C-3</i> <i>b6-1, b7C-1, b2</i> <i>b6-3</i></p> <p>About 1303, 16 Jan 04, SA [REDACTED] interviewed SGT [REDACTED] A Company, 1/8<sup>th</sup> Inf Bn, Balad, Iraq, who provided a sworn statement in which he stated he did not observe any type of abuse directed against the detainees. SGT [REDACTED] further stated when the military convoy left the area after the detainees were released he observed the two detainees standing on the side of the road. (See Sworn Statement for details) <i>b6-1, b7C-1</i> <i>b6-3, b7C-3</i></p> <p>About 1311, 16 Jan 04, SA [REDACTED] advised SPC [REDACTED] A Co, 1/8<sup>th</sup> Inf Bn, Balad, Iraq, of his legal rights, which he waived and provided a sworn statement denying any involvement with forcing two detainees to jump into a river. (See Waiver Certificate and Sworn Statement of SPC [REDACTED] for details) <i>b6-1, b7C-1, b2-1</i> <i>b6-5, b7C-5</i></p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] <i>b6-1, b7C-1, b2-1</i>		ORGANIZATION 43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE [REDACTED]		DATE 27 Feb 04	EXHIBIT 015278

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<p><b>DETAILS</b></p> <p>About 1328, 16 Jan 04, SA [REDACTED] advised SPC [REDACTED] b6-1, b7c-1 b6-5, b7c-5  [REDACTED] A Company, 1/8<sup>th</sup> Inf, Camp Anaconda, Balad, Iraq, of his legal rights, which he waived and provided a sworn statement in which he denied pushing the detainees into the water. (See Waiver Certificate and Sworn Statement for details)</p> <p>About 1359, 16 Jan 04, SA [REDACTED] advised SGT [REDACTED] b6-1, b7c-1 b6-5, b7c-5  [REDACTED] A Co, 1/8<sup>th</sup> Inf Bn, Balad, Iraq, of his legal rights, which he waived and provided a sworn statement in which he denied any involvement with forcing the two detainees into the river. (See Waiver Certificate and Sworn Statement of SGT [REDACTED] for details) b6-5, b7c-5</p> <p>About 1437, 16 Jan 04, SA [REDACTED] interviewed SFC [REDACTED] b6-1, b7c-1 b6-5, b7c-5  [REDACTED] A Co, 1/8<sup>th</sup> Inf Bn, Balad, Iraq, Platoon Sergeant, who provided a sworn statement in which he stated his platoon detained two Iraqi males, which were released near a river; however, he stated the two Iraqi males were standing on the side of the road after they were released and he denied his platoon mistreated the two detainees in any way. (See Sworn Statement of SFC [REDACTED] for details) b6-5, b7c-5</p> <p>About 1450, 16 Jan 04, SA [REDACTED] interviewed SGT [REDACTED] b6-1, b7c-1 b6-5, b7c-5  [REDACTED] Medic, Headquarters and Headquarters Company (HHC) 1/8<sup>th</sup> Inf, Camp Anaconda, Balad, Iraq, who provided a verbal statement in which he stated he was in the back of the vehicle the detainees were in and he did not observe any type of abuse directed towards them. SGT [REDACTED] further b6-5, b7c-5  stated when the detainees were released he did not dismount the vehicle so he could not see what was occurring.</p> <p>About 1513, 16 Jan 04, SA [REDACTED] interviewed 1LT [REDACTED] b6-1, b7c-1 b6-5, b7c-5  [REDACTED] A Co, 1/8<sup>th</sup> Inf Bn, Balad, Iraq, Platoon Leader, who provided a sworn statement in which he stated his platoon detained two Iraqi males for being out passed curfew. He stated the detention center was not able to process the two detainees after they were detained and the detainees were instead released by a river in Samarra. He denied his platoon had involvement with forcing the two Iraqi males to jump into a river. (See Sworn Statement of 1LT [REDACTED] for details)</p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b6-1, b7c-1, b2-1		ORGANIZATION 43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE [REDACTED]		DATE 27 Feb 04	EXHIBIT 1

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<p><b>DETAILS</b></p> <p>About 1530, 16 Jan 04, SA [REDACTED] <sup>b6-1, b7c-1</sup> coordinated with CPT [REDACTED] <sup>b6-3, b7c-3</sup> who stated he was aware that the remains of Mr. FADHIL had been located in Samarra; however, he stated the family buried the remains before any U.S. Personnel could positively ID the remains.</p> <p>Between 1615-1630, 16 Jan 04, SA [REDACTED] <sup>b6-1, b7c-1</sup> and SA [REDACTED] <sup>b6-1, b7c-1</sup> conducted a crime scene examination at Grid Coordinate 38S LC 9386 8451 adjacent to a bridge in Samarra, Iraq:</p> <p><b>Characteristics of the Scene:</b> Upon arrival at the scene, there was a bridge approximately 200 meters in length located on the main access road. Below the bridge on the north end was a dam made of metal type construction containing a floodgate that met the river. The river was later identified to be the Tigris River. There was a pump house adjacent to the northwest end of the bridge with one side meeting the river. The pump house was partially enclosed within several large man-made concrete slabs that stood approximately 15 feet tall. The slabs were approximately four feet from the sidewalls of the pump house, which created a walkway that allowed access to the river. The path way was constructed of three feet by three feet concrete blocks. The end of this pathway had an approximately eight feet drop to the river. Along side the pump house was a rocky area with some vegetation, which met the river. The north side of the pump house was covered with vegetation and trees, which obscured the view to the ICDC checkpoint buildings. The main access road from which crossed the bridge led to an ICDC Guard Tower that was located approximately 800 meters north from the north end of the bridge. There was a traffic circle adjacent the guard tower. The area to the northeast of the river was mainly of dirt, which was used as a parking lot.</p> <p><b>Condition of the Scene:</b> There were no pedestrians in the area surrounding the pump house. The bridge was being used for local traffic. The floodgate/dam was in the lowered position and the ICDC guard tower was not occupied. There were no visible personnel at the ICDC checkpoint.</p> <p><b>Environmental Conditions:</b> The skies were clear with no precipitation within the past 24 hours. The temperature was approximately 60 degrees Fahrenheit and the ground near the bridge was dry. No unusual odors were detected.</p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [REDACTED] <sup>b6-1, b7c-1, b2-1</sup>		43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
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<p><b>DETAILS</b></p> <p>Factors Pertinent to Entry/Exit: Access to the pump house could be gained by the man-made walk way created by the concrete slabs surrounding the pump house.</p> <p>Scene Documentation: SA [REDACTED] <sup>b7C-1, b6-1</sup> prepared a crime scene sketch and recorded photographic images of the scene utilizing a Nikon Coolpix 995 Digital Camera. (See Crime Scene Sketch and Photographic Packet for details)</p> <p>Collection of Crime Scene Evidence: A search of the crime scene revealed no items of evidentiary value.</p> <p>Search Beyond the Scene: A search beyond the scene was conducted in efforts to locate the flexi cuffs, which were removed from Mr. FADHIL and Mr. [REDACTED] before being forced into the river on 3 Jan 04. The search met with negative results. <sup>b7C-4, b6-4</sup></p> <p>About 1600, 19 Jan 04, SA [REDACTED] <sup>b7C-1, b6-1</sup> coordinated with MAJ [REDACTED] <sup>b7C-3, b6-3</sup>, Trial Counsel, 4ID, Camp Ironhorse, Tikrit, Iraq, who provided SA [REDACTED] <sup>b7C-5, b6-5</sup> with original sworn statements written by CPT [REDACTED] <sup>b7C-5, b6-5</sup>, LT [REDACTED] <sup>b7C-5, b6-5</sup> and SFC [REDACTED] <sup>b7C-3, b6-3</sup>. The statements were obtained during a Commander's inquiry into this allegation. MAJ [REDACTED] <sup>b7C-5, b6-5</sup> provided SA [REDACTED] <sup>b7C-5, b6-5</sup> a copy of the videotape on a DVD, which depicts the remains of Mr. FADHIL and the condition of the vehicle when it was discovered and recorded by the family. (See Sworn Statements of CPT [REDACTED] <sup>b7C-5, b6-5</sup>, 1LT [REDACTED] <sup>b7C-5, b6-5</sup>, SFC [REDACTED] <sup>b7C-5, b6-5</sup> and DVD for details)</p> <p>About 1400, 20 Jan 04, SA [REDACTED] <sup>b7C-1, b6-1</sup> 10<sup>th</sup> Military Police Battalion, CID, Baghdad, Iraq, advised SGT [REDACTED] <sup>b7C-5, b6-5</sup> of his legal rights, which he waived and continued to deny any involvement in forcing two Iraqi detainees to jump into a river. (See Waiver Certificate for details)</p> <p>About 2020, 20 Jan 04, SA [REDACTED] <sup>b7C-1, b6-1</sup> advised SPC [REDACTED] <sup>b7C-5, b6-5</sup> of his legal rights, which he waived and continued to deny any involvement in forcing two Iraqi detainees to jump into a river. (See Waiver Certificate for details)</p> <p>About 1912, 21 Jan 04, SA [REDACTED] <sup>b7C-1, b6-1</sup> advised SPC [REDACTED] <sup>b7C-5, b6-5</sup> of his legal rights, which he waived and subsequently admitted knowing that the two Iraqi males</p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] <sup>b7C-1, b6-1, b2-1</sup>		ORGANIZATION 43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE [REDACTED] <sup>b7C-1, b6-1</sup>		DATE 27 Feb 04	EXHIBIT 1

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<p><b>DETAILS</b> <i>b6,5, b7c-5</i></p> <p><i>b6-5, 7c-5</i> were, in fact, forced to jump into a river in Samarra on the night of 3 Jan 04. SPC [REDACTED] stated he refused to participate when the order was given by 1LT [REDACTED] to push the two Iraqi's into the river; however, he heard a splash when the detainees were forced into the river by SGT [REDACTED] <i>b6,5, b7c-5</i> and SPC [REDACTED]. Further, SPC [REDACTED] stated they were told to lie to the CID agents by their chain of command about what really took place on the river that night. SPC [REDACTED] also stated this was not the first <i>b6,5, b7c-5</i> time his platoon had forced an Iraqi into a river. He stated he heard about another incident where SGT [REDACTED] and SGT [REDACTED] had forced <i>b6-5, 7c-5</i> another Iraqi man to jump into a river in Balad a few months before this present incident. SPC [REDACTED] stated he was not present during that <i>b6-5, b7c-5</i> incident and did not have first hand knowledge of what took place. SPC [REDACTED] <i>b6-5, 7c-5</i> hand wrote a statement in addition to the sworn statement taken. Further, SPC [REDACTED] sketched his position in the platoon during the incident on a photograph obtained of the crime scene. (See Waiver Certificate, Hand Written Statement, Sworn Statement, Sketch, and Polygraph Report of SPC [REDACTED] for details) <i>b6-5, b7c-5</i></p> <p><i>b6-5, 7c-5</i> About 2000, 21 Jan 04, SA [REDACTED] received the name check results <i>b6,5, b7c-5</i> pertaining to SGT [REDACTED], 1LT [REDACTED] SPC [REDACTED] and SPC [REDACTED]. The name check results revealed SGT [REDACTED] was a subject in Military Police <i>b6,5, b7c-5</i> Report (MPR) 99-MPR056-8227K-5Q4B, for an Accident Involving Damage during a Fatal Traffic Accident (FTA), which occurred in Colorado Springs, CO, on 9 Sep 99. Disposition: SGT [REDACTED] received an oral reprimand for his <i>b6,5, b7c-5</i> involvement. Further, SGT [REDACTED] was a subject of MPR 01-MPR056-8524K- <i>b6,5, b7c-5</i> 5C2B, for an Assault, which occurred on Fort Carson, CO, on 4 Aug 01. <i>b6-5, b7c-5</i> Disposition: Not Reported. The name checks pertaining to 1LT [REDACTED] SPC [REDACTED] <i>b6-5, 7c-5</i> or SPC [REDACTED] revealed no derogatory information.</p> <p><i>b6-5, b7c-5</i> About 1049, 22 Jan 04, SA [REDACTED] advised 1LT [REDACTED] of his legal rights, which he waived and provided a sworn statement. 1LT [REDACTED] refused to <i>b6,5, b7c-5</i> answer any of the pertinent questions pertaining to this investigation. (See Waiver Certificate and Sworn Statement of 1LT [REDACTED] <i>b6-5, b7c-5</i></p> <p><i>b6-5, b7c-5</i> About 1800, 22 Jan 04, SA [REDACTED] coordinated with COL [REDACTED] <i>b6-3, b7c-3</i> 3<sup>rd</sup> Brigade Commander, 4ID, LSA Anaconda, Balad, Iraq, APO AE 09323, who stated 1LT [REDACTED] was given a no contact order <i>b6-5, b7c-5</i></p>			
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SA [REDACTED]		43 <sup>rd</sup> Military Police Detachment (CID) (FWD)	
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<p><b>DETAILS</b></p> <p>with anyone pertaining to this investigation. 1LT [REDACTED] was not to discuss any aspect of this investigation with any members of his unit. <b>b6-5, b7c-5</b></p> <p>About 1936, 22 Jan 04, SA [REDACTED] and SA [REDACTED] advised SPC [REDACTED] of his legal rights, which he waived and subsequently admitted being involved when the two Iraqi males were forced to jump into the river in Samarra. <b>b6-1, b7c-1</b> <b>b6-5, b7c-5</b></p> <p><b>b6-5, b7c-5</b> SPC [REDACTED] also stated he was influenced to lie about what really took place by his chain of command. SPC [REDACTED] was also aware of a previous incident, which involved forcing an Iraqi male into a river in Balad. SPC [REDACTED] hand wrote a statement in addition to the sworn statement obtained from him. (See Waiver Certificate, Hand Written Statement, Sworn Statement and Polygraph Report of SPC [REDACTED] for details) <b>b6-5, b7c-5</b></p> <p>About 1043, 23 Jan 04, SA [REDACTED] and SA [REDACTED] advised SGT [REDACTED] of his legal rights, which he waived and subsequently admitted being involved when the two Iraqi males were forced to jump into the river in Samarra. <b>b6-1, b7c-1</b> <b>b6-5, b7c-5</b></p> <p><b>b6-5, b7c-5</b> SGT [REDACTED] implicated SGT [REDACTED] and SPC [REDACTED] as also being involved when the detainees were forced into the river on 3 Jan 04. SGT [REDACTED] also admitted being influenced to lie about what really took place by his chain of command. SGT [REDACTED] further admitted being involved in a previous incident where an Iraqi was also forced to jump into a river in Balad. He stated after SFC [REDACTED] gave the order to push the Iraqi into the river, SGT [REDACTED] pushed the Iraqi male into the river. SGT [REDACTED] hand wrote a statement in addition to his sworn statement. (See Waiver Certificate, Hand Written Statement, Sworn Statement and Polygraph Report of SGT [REDACTED] for details) <b>b6-5, b7c-5</b></p> <p>About 1348, 24 Jan 04, SA [REDACTED] advised SPC [REDACTED] of his legal rights, which he waived and provided a sworn statement further admitting SPC [REDACTED] and SGT [REDACTED] were also involved in forcing the detainees to jump into the river. (See Waiver Certificate and Sworn Statement of SPC [REDACTED] for details) <b>b6-1, b7c-1</b> <b>b6-5, b7c-5</b></p> <p>About 0923, 25 Jan 04, SA [REDACTED] advised CPT [REDACTED] of his legal rights, which invoked requesting to remain silent. (See Non-Waiver Certificate of CPT [REDACTED] for details)</p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] <b>b6-1, b7c-1, b2-1</b>		ORGANIZATION 43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE [REDACTED]		DATE 27 Feb 04	EXHIBIT 1

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# AGENT'S INVESTIGATION REPORT

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## DETAILS

About 0925, 27 Jan 04, SA [REDACTED] advised PFC [REDACTED] A Co, 1/8<sup>th</sup> Inf Bn, Balad, Iraq, of his legal rights, which he waived and provided a sworn statement in which he stated he was the driver for the Bradley Fighting Vehicle (BFV), bumper number A14, during the night of 3 Jan 04. PFC [REDACTED] stated he was instructed by SFC [REDACTED] to move the two Iraqi's vehicle, a white Kia pick-up truck, out from the middle of the road on the night of the incident. He stated he might have caused a dent to the left front side of the vehicle when moving the vehicle with the Bradley; however, he denied causing any significant damage. Further, PFC [REDACTED] stated he was taken to Trial Defense Service (TDS) on 26 Jan 04 by 1LT [REDACTED]. He stated 1LT [REDACTED] wanted him to know his legal rights before being questioned by CID. (See Waiver Certificate and Sworn Statement of PFC [REDACTED] for details)

About 1131, 27 Jan 04, SA [REDACTED] advised SPC [REDACTED] A Co, 1/8<sup>th</sup> Inf Bn, Balad, Iraq, of his legal rights, which he invoked requesting to remain silent. Further, SPC [REDACTED] stated he had been taken to TDS by LT [REDACTED] on 26 Jan 04. (See Non-Waiver Certificate of SPC [REDACTED] for details)

About 1416, 27 Jan 04, SA [REDACTED] advised SGT [REDACTED] of his legal rights, which he invoked requesting to remain silent; however, before SGT [REDACTED] signed the DA Form 3881, Rights Warning Procedure/Waiver Certificate, he confirmed that he was at the rivers edge when the two detainees were forced into the river. He stated he was one of the last soldiers to see the two detainees forced into the river and he stated one detainee was swimming toward shore and the other was treading water when he departed the area. SGT [REDACTED] did not want to be asked any questions and subsequently invoked his rights. SGT [REDACTED] also stated he had been taken to TDS by 1LT [REDACTED] on 26 Jan 04. (See Non-Waiver Certificate for details)

About 1534, 27 Jan 04, SA [REDACTED] advised COL [REDACTED] of his legal rights, which he waived and provided a sworn statement in which he denied knowing the two detainees had actually been forced into the river by members of his unit until it was revealed through this investigation. (See Waiver Certificate and Sworn Statement of COL [REDACTED] for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

ORGANIZATION

43<sup>rd</sup> Military Police Detachment (CID) (FWD)  
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE

[REDACTED]

DATE

27 Feb 04

EXHIBIT

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<b>AGENT'S INVESTIGATION REPORT</b>		ROI NUMBER 0011-04-CID469-79630	
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<p><b>DETAILS</b></p> <p>About 1120, 29 Jan 04, SA [REDACTED] <sup>b7C-1, b6-1</sup> coordinated with CPT [REDACTED] <sup>b7C-3, b6-3</sup> and determined the remains of Mr. FADHIL were buried in a cemetery in Samarra near Grid Coordinate LC 98562 82510. CPT [REDACTED] <sup>b7C-3, b6-3</sup> provided SA [REDACTED] <sup>b7C-1, b6-1</sup> an image which depicted the location where the detainees were detained, the location they were released from and the location where Mr. FADHIL's remains were located. (See Map Imagery for details)</p> <p>About 1145, 29 Jan 04, SA [REDACTED] <sup>b7C-1, b6-1</sup> and CPT [REDACTED] <sup>b7C-3, b6-3</sup> Trial Counsel, 3<sup>rd</sup> Brigade, 4ID, LSA Anaconda, Balad, Iraq, met with Mr. FADEL, surviving victim, Mr. [REDACTED] <sup>b7C-4, b6-4</sup> deceased victim's [REDACTED] <sup>b7C-3, b6-3</sup> and Mr. [REDACTED] <sup>b7C-3, b6-3</sup> victim's family attorney. The conversation was interpreted through Mr. [REDACTED] <sup>b7C-3, b6-3</sup>. Mr. [REDACTED] <sup>b7C-3, b6-3</sup> was shown a picture of Mr. FADHIL and he recognized the Iraqi male in the photograph to be his son, Mr. FADHIL. He stated soldiers killed his son on the night 3 Jan 04 from what he was told by Mr. [REDACTED] <sup>b7C-4, b6-4</sup>. He stated his son's body was found in Samarra on 15 Jan 04 and his family quickly buried the remains on that same day due to religious requirements. Mr. [REDACTED] <sup>b7C-3, b6-3</sup> stated his brother, Mr. [REDACTED] <sup>b7C-3, b6-3</sup> was the first family member to ID the body. He stated Mr. FADHIL did not have any existing medical or dental records. SA [REDACTED] <sup>b7C-1, b6-1</sup> and CPT [REDACTED] <sup>b7C-3, b6-3</sup> explained the need to exhume the body to make a positive ID and determine the cause and manner of death, but Mr. [REDACTED] <sup>b7C-3, b6-3</sup> stated it was against his religion to tamper with the remains after it has been buried. He stated he would contact his religious leaders for permission to exhume the body. Mr. [REDACTED] <sup>b7C-3, b6-3</sup> stated his family would just like compensation for the truck, which was destroyed on the night of the incident to include all the supplies that were in the truck. He stated the truck was currently located at Aseinaieh, Samarra but could not give a more specific location. Mr. [REDACTED] <sup>b7C-3, b6-3</sup> confirmed his wife had written a letter to the president of the United States but denied knowing it was being distributed through the internet.</p> <p>About 0742, 30 Jan 04, SA [REDACTED] <sup>b7C-1, b6-1</sup> advised COL [REDACTED] <sup>b7C-3, b6-3</sup> of his legal rights, which he waived and continued to deny he had knowledge of what really took place on the river the night of 3 Jan 04. (See Waiver Certificate and Polygraph Report of COL [REDACTED] <sup>b7C-3, b6-3</sup> for details)</p> <p>About 1500, 3 Feb 04, SA [REDACTED] <sup>b7C-1, b6-1</sup> received the name check results pertaining to CPT [REDACTED] <sup>b7C-5, b6-5</sup>, SFC [REDACTED] <sup>b7C-5, b6-5</sup> MAJ [REDACTED] <sup>b7C-5, b6-5</sup> LTC [REDACTED] <sup>b7C-5, b6-5</sup> and [REDACTED]</p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] <sup>b7C-1, b6-1, b2-1</sup>		ORGANIZATION 43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE [REDACTED] <sup>b7C-1, b6-1</sup>		DATE 27 Feb 04	EXHIBIT 015285

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<p>DETAILS b7C-5, b6-5 b7C-5, b6-5</p> <p>SGT [REDACTED]. The name check results revealed SFC [REDACTED] was a subject of MPR 01-MPR056-8553K-7C2X, for Housebreaking and Larceny of Private Property, which occurred in Colorado Springs, CO, on 1 Sep 01. Disposition: SFC [REDACTED] was found guilty in civil court; fined \$1,784.00; given one year unsupervised probation; and 50 hours community service. The name checks results pertaining to CPT [REDACTED], MAJ [REDACTED], LTC [REDACTED] and SGT [REDACTED] did not reveal any derogatory information. b7C-5, b6-5</p> <p>About 1125, 5 Feb 04, SA [REDACTED] SA [REDACTED] and CPT [REDACTED] coordinated with Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] and the conversation was interpreted through Mr. [REDACTED]. Mr. [REDACTED] was given \$9,000 US Currency from CPT [REDACTED] for compensation of his truck and supplies, which were destroyed on the night of 3 Jan 04. Mr. [REDACTED] representing Mr. [REDACTED] accepted \$2,500 given by CPT [REDACTED] for the funeral expenses of Mr. FADHIL. Mr. [REDACTED] stated he and Mr. FADHIL had spoken with their religious leaders concerning the exhumation of Mr. FADHIL's remains and they were in the process of getting approval from the highest religious leader. Mr. [REDACTED] requested additional time to obtain permission from the religious leaders. b7C-3, b6-3 b7C-4, b6-4 b7C-3, b6-3</p> <p>Between 1230-1245, 5 Feb 04, SA [REDACTED] SA [REDACTED] and CPT [REDACTED] escorted Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] to the scene of the incident in Samarra, Iraq. Mr. [REDACTED] pointed out the exact location where they were released by U.S. Soldiers and forced to get into the river on the night of 3 Jan 04. SA [REDACTED] recorded additional photographic images of the crime scene utilizing a Nikon Coolpix 995 Digital Camera. (See Photographic Packet for details) b7C-3, b6-3</p> <p>About 1500, 6 Feb 04, SA [REDACTED] received the name check results pertaining to SGT [REDACTED], which revealed no derogatory information. b7C-5, b6-5</p> <p>Between 1220-1245, 8 Feb 04, SA [REDACTED] and SA [REDACTED] met with Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] and the meeting was translated through Mr. [REDACTED]. Mr. [REDACTED] verbally stated he granted his permission to exhume the remains of his son, Mr. FADHIL. Further, Mr. [REDACTED] stated the highest religious leader, Dr. [REDACTED], Director and Head of Religious Counsel in Salah Aldeen, had b7C-3, b6-3</p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7C-1, b6-1, b2-1		ORGANIZATION 43rd Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE [REDACTED] b7C-1, b6-1		DATE 27 Feb 04	EXHIBIT 015286

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<b>AGENT'S INVESTIGATION REPORT</b>		ROI NUMBER 0011-04-CID469-79630	
CID Regulation 195-1 <i>b7C-1, b6-1</i>		PAGE 13 OF 13 PAGES	
<p>DETAILS <i>b7C-3, b6-3</i>  given written permission to exhume the remains of Mr. FADHIL for examination. Mr. [REDACTED] provided SA [REDACTED] with the original Arabic letter signed by Mr. [REDACTED]. (See Arabic letter for details)  <i>b7C-3, b6-3</i></p> <p>About 1330, 9 Feb 04, Mr. [REDACTED], Titan Corporation Interpreter, Detainee Central Collection Point (DCCP), FOB Ironhorse, Tikrit, Iraq, APO AE 09323, translated the Arabic letter signed by Mr. [REDACTED]. (See English translation of Arabic letter for details)  <i>b7C-3, b6-3</i></p> <p>About 1600, 27 Feb 04, SA [REDACTED] received copies of waiver certificates and statements obtained by Brigadier General (BG) Michael D. BARBERO, Commander's Inquiry Officer, 4ID, from MAJ [REDACTED] SJA. BG BARBERO interviewed CPT [REDACTED], MAJ [REDACTED] and LTC [REDACTED] as part of a commander's inquiry pertaining this investigation. LTC [REDACTED] did not provided a sworn statement as he reiterated his previous statements to CID. (See Waiver Certificates and Sworn Statements of CPT [REDACTED] and MAJ [REDACTED] and Waiver Certificate of LTC [REDACTED] for details)  <i>b7C-1, b6-1</i> <i>b7C-3, b6-3</i></p> <p>///<b>LAST ENTRY</b>///  <i>b7C-5</i>  <i>b6-5</i></p>			
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] <i>b7C-1, b6-1, b2-1</i>		ORGANIZATION 43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE [REDACTED] <i>b7C-1, b6-1</i>		DATE 27 Feb 04	EXHIBIT 1

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**Referred to:**

U.S. CENTRAL COMMAND  
7115 SOUTH BOUNDARY BLVD  
ATTN: CCJ6-DM  
MACDILL AIR FORCE BASE  
FLORIDA 33621-5101

Master Sergeant Pamela Andrews  
andrewsp@centcom.smil.mil  

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(813) 827-5341/2830

015288

## SWORN STATEMENT

File Number : 0011-04-CID469  
 Location : Samarra, Iraq APO AE 09323  
 Date : 16 Jan 2004  
 Statement Of: [REDACTED]  
 SSN : Iraqi Grade/Status: Civilian  
 Org/Address : Next to Medicine Factory in Samarra (Alrmoushya), Samarra, Iraq

b7C-4, b6-4

Time: 13:21

b7C-4, b6-4

I, Mr. [REDACTED], want to make the following statement under oath: On 3 January 2004, I woke up in Baghdad where me and my cousin were visiting a friend and going shopping to pick-up plumbing supplies. My cousin that was with me was Mr. Zaydun Ma'mun FADHIL, he was born in 1984. We woke up between 8-9 am and went shopping for the plumbing supplies we then went back to visit our friend for a while and then we left to go back home to Samarra about 5pm. It was me and my cousin and we were driving a 2001 white Kia Pick-up Truck. The vehicle began to act up and something was wrong. The engine seemed not be getting enough gas. I tried to fix it and it continued to run but only very slowly. It was only going about 20mph all the way until we got to Balad. We got to Balad around 2130-2145 and they thought about staying in Balad because the vehicle was driving so slowly but he was able to fix it to make the vehicle drive faster. They then left Balad around 2215 and they continued to Samarra. Between 2230-2245 we arrived at the ICDC (Iraqi Civil Defense Corp) check point where they searched our vehicle and the both of us. They did not find anything and they reminded us that it was getting close to curfew, which is at 2300 for Samarra. I knew I was close to home and that I would make it before curfew. There was two guys at the check point who searched us and the vehicle and I noticed a few other guys around the check point but I don't how many of them there were. We left the checkpoint and I don't remember how long I was at the checkpoint before I left but we left the checkpoint and I was speeding to make it home before curfew. We were about 2-3 miles away from the checkpoint and we could see a US Military Convoy coming down the road in the opposite direction. As soon as they noticed us the convoy surrounded us with three vehicles. The US Soldiers then got out and two soldiers got them out of the vehicle and others were in the area and the soldiers searched my vehicle and searched us. We were both put into a Bradley vehicle and we were both handcuffed with a soft type of handcuff that they tied up on our wrists behind our backs. I could hear the soldiers trying to talk Arabic and I asked them if they knew Arabic and one of the soldiers said he spoke a little bit in Arabic. The one that spoke Arabic a little was white and the other one who helped with the searches was a little darker skinned about my complexion. They then let us go and we got into our vehicle and we only drove about 20 meters down the road before the same US Soldiers stopped us again. We were told to get out of the vehicle and that's when we were handcuffed and put into the back of the vehicle. That happened about 2255 and we were not told why we were being arrested, if they told us, I did not understand what they said. We were both put into a Bradley vehicle and we were both handcuffed with a soft type of handcuff that they tied up on our wrists behind our backs. After we were put into the vehicle

EXHIBIT

INITIALS: [REDACTED]

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SWORN STATEMENT OF Mr. [REDACTED] TAKEN AT  
Samarra, IRAQ, APO AE 09323, 16 Jan 04 CONTINUED

the door was shut and we were in there with five other soldiers. The vehicle began to move and we did not know where we were going. My cousin and me could not see where we were going. We were moving in the vehicle about 10-15 minutes and then we stopped. I could see the lights from the ICDC check point people and I think the soldiers believed they were too close to the check point. We then keep on going farther away and then that's when they stopped again. They got us both out of the vehicle and we were on a bridge and we were facing the water and they un-handcuffed me and my cousin and were telling us to jump into the water. We refused to jump into the water and I knew my cousin could not swim and even I cannot swim very well. My cousin did not jump into the water and then one of the soldiers pushed him from behind. I did see the soldier who pushed my cousin, he looked skinny and not very tall and his skin was a little darker than white. I could see him in the water trying to swim and then one of the soldiers pushed me too. I did not see who pushed me because they were behind me. After we were pushed into the water, my cousin and me were screaming each other's name trying to find each other but then after a few minutes I did hear him anymore. I saw him in the water after I was pushed in too and I could only hear him but I never got close enough to help him. I then made it to the side on the water and I was very scared. I got out of the water and I was hiding until the American Soldiers were gone. They initially had stayed by the bridge for a few minutes and I could hear them laughing at us after we were pushed into the water and then they left. I walked back to the ICDC check point but it took me a while to walk there because I was making sure nobody saw me and I did not want the soldiers to get me again. I finally got to the same ICDC checkpoint that I was searched at earlier and I told them what happened. I told them that US Soldiers pushed my cousin and me into the water by the bridge. I was still soak and wet from the incident. The ICDC people and myself went back to the area where we were pushed and we began to search for my cousin. We searched for about 15 minutes and we did not find him.

Q: SA [REDACTED] b6-1, b7C-1

A: Mr. [REDACTED] b6-4, b7C-4

Q: Could you tell me approximately how deep the water was where you and your cousin were pushed into the water?

A: It is very deep, I asked some people after the incident and they tell me it's about 8 meters deep. I never felt the ground or floor under the water.

Q: What was your relationship with your cousin?

A: We were very, very close. There was absolutely no problems between us. I was supposed to marry his sister and he was happy about that. I would have done anything to help him that night but I could not grab him.

Q: Where was your cousin's body found?

A: It was found by about 1 kilometer from the bridge that takes you to Tikrit, family and locals have been searching for the body since 3 Jan 04.

Q: Does the water located where the body was found the same stream of water from the bridge you were pushed from?

A: Yes

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INITIALS: [REDACTED]

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SWORN STATEMENT OF Mr. [REDACTED] TAKEN AT  
Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED b7C-4, b6-4

Q: Would you be able to identify the soldier who pushed your cousin?

A: Yes.

Q: A letter written by your cousin's mother and translated to English which states that you said the soldiers appeared drunk and tired that day, did you say that?

A: No, I never said that. The soldiers were happy and laughing and I was even laughing with them even though I didn't really understand what they were saying. That must be an error in translation of that letter or something. I never said the soldiers appeared drunk or tired. They were ok.

Q: What was your cousin wearing on the night of the incident?

A: He was wearing blue jeans, a white short sleeve shirt, a short leather jacket, and shoes.

Q: I just showed you a picture of your cousin, Mr. FADHIL, is this the same man that was with you on the night this incident occurred?

A: Yes, that is him.

Q: Did you see your cousin's body after it was found?

A: Yes.

Q: What injuries did the body have?

A: His face appeared to be hit, his nose and upper lip were cut and there was bruising on his head. His head was intact but it looked like it was hit or like it banged on something while in the water.

Q: Where was the body buried?

A: The new cemetery "Aldoleyah Road" on the south end of Samarra.

Q: When was the body buried?

A: Yesterday, we found the body at 1130-1200 and we buried him by 1500.

Q: Did you photograph the body before it was buried?

A: Yes we took photos which are being developed and we also took video on a CD which I can get a copy for you by tomorrow.

Q: Why do you think soldiers would push you into the water?

A: I would like to know why. I have no idea.

Q: Do you believe the soldiers were trying to kill you and your cousin?

A: I don't know, maybe they were trying to teach us a lesson about being out after curfew but the lesson is very painful and my cousin is now dead.

Q: Did the soldiers make any attempts to get you and your cousin out of the water after you were in the water?

A: No. They stayed looking at us for a few minutes and then they left.

Q: Did you see the soldiers again after they left you and your cousin in the water?

A: No.

Q: How many soldiers were outside of their vehicles and may have witnessed you and your cousin being pushed into the water?

A: Five soldiers.

Q: Did you or your cousin jump into the water on your own?

A: No, we were both pushed by American soldiers.

Q: Were you ever told by the soldiers why you were detained?

A: No.

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

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SWORN STATEMENT OF Mr. [REDACTED] TAKEN AT  
Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED

Q: Did the US Soldiers search for you and your cousin using flashlights after you and your cousin were pushed into the water?

A: No.

Q: Did the US Soldiers hurt you or your cousin in any way before being pushed into the water?

A: No.

Q: What happened to your vehicle?

A: I went back the next day because I had stayed with the ICDC people the first night looking for my cousin, and I don't know what happened to the vehicle. It was destroyed when we found it.

Q: Who is the owner of the vehicle?

A: He's a relative of mine he lent me the car.

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

A: No. I have told you everything I know.

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

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

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SWORN STATEMENT OF Mr. [REDACTED] TAKEN AT  
Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED

b6-4, b7c-4 AFFIDAVIT

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

b6-4, b7c-4  
[REDACTED]  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to  
administer oaths, 16 January 2004, at Samarra, Iraq.

b6-1, b7c-1  
[REDACTED]  
(Signature of Person Administering Oath)

SA [REDACTED] b6-1, b7c-1

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS: b6-3, b7c-3

[REDACTED] (Translator)

b6-3, b7c-3 [REDACTED] (Attorney)

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

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HAVE BEEN DETERMINED TO BE  
NONRESPONSIVE**

# 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 Grass field More, Iraq b6-3, b7C-3 DATE 16 Jan 04 TIME 1202 FILE NUMBER 0011-04-CID469-79630  
 LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] SOCIAL SECURITY NUMBER [REDACTED] GRADE/STATUS E-41 RA

ORGANIZATION OR ADDRESS A Company, 1/4 IN, b6-3, b7C-3

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Around 2 Jan 04 my platoon (1st) were on patrol when we encountered a vehicle driving in the town of Samarra. Since it was after 2300 we stopped the vehicle because it was in violation of the curfew set at 2300. We stopped the vehicle at approx. 2330. When the vehicle was stopped we set up security and conducted a search of the individuals and the vehicle. Since I am the driver I stayed in my vehicle. I was the lead vehicle so I could see the search being conducted. I observed someone looking at the identification cards of the two Iraqis. I also overheard on the radio someone asking for the black list to check the names of these two Iraqis on it. I don't know the names of the Iraqis. The Iraqis were in front of my vehicle for about 5 minutes then they were escorted to the side of my vehicle. I did not see any type of hard cuffs on these Iraqis while they were in front of my vehicle. A few minutes later LT [REDACTED] radioed me to drop the ramp on my vehicle. I also heard on the radio that these Iraqis were going to be detained for curfew violation. The Iraqis were placed in the back of my vehicle and once they were in I closed the ramp and we headed for the detainment facility. About half-way towards the detainment facility we stopped the vehicles, and I was told to lower the ramp. About two minutes later I was told to raise the ramp and we drove off. We drove to our base camp Grassfield More and conducted after action checks on the vehicles. We arrived back at the camp around 2400. b6-3, b7C-3

A: SA [REDACTED] b6-1, b7C-1

A: SPC [REDACTED] b6-3, b7C-3

A: Do you know who searched the Iraqis and the vehicle?

A: 1st Squad - SGT [REDACTED] I am not sure of the others because I was wearing night vision goggles so it was hard to make

EXHIBIT b6-3, b7C-5 INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-3, b7C-3 PAGE 1 OF 3 PAGES

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

015296 000056

For Mark 1 the Ark

Ex -

STATEMENT OF SPC [REDACTED]

TAKEN AT Bradfield Ave DATED 16 Jan 04 CONTINUED

b6-3, b7c-3

out people.

Q: Did you see the detained Iraqis in your vehicle?

A: No because we had water and equipment stacked up so it could not see in the back, plus I was wearing NVGs.

Q: When you stopped half-way to drop off the Iraqis was it on a bridge?

A: It was before the bridge with the railroad tracks on it.

Q: Could you see water anywhere?

A: Only in the distance.

Q: Do you know why the Iraqis were dropped in this location?

A: No.

Q: Did you see any type of abuse directed towards the Iraqis?

A: No.

Q: What type of vehicle do you drive?

A: Bradley fighting vehicle, vehicle number A11.

Q: Do you know who released the Iraqis?

A: No.

Q: How many vehicles were in your patrol?

A: 4 total vehicles.

Q: How far was the ICD checkpoint from where you stopped to release the Iraqis?

A: about 1/2 mile.

Q: Where did the Iraqis go after they were released?

A: I don't know.

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

A: No // End of statement // [REDACTED] b6-3, b7c-3

b6-3, b7c-3

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 3 PAGES

015297 000057

STATEMENT OF SA [REDACTED]

66-3, 67C-3  
TAKEN AT Gross and Moore DATED 16 Jan 04 CONTINUED

FILE NUMBER 0011-04-CT0469-79670

STATEMENT (Continued)

66-3, 67C-3  
AFFIDAVIT  
I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

66-3, 67C-3

66-3, 67C-3  
(Signature of Person Making Statement)  
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16<sup>th</sup> day of Jan, 2004, at Gross and Moore, Iraq

66-1, 67C-1  
(Signature of Person Administering Oath)

SA [REDACTED] 66-1, 67C-1  
(Typed Name of Person Administering Oath)

Att 136, UCMJ  
(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

015298 000058

# SWORN STATEMENT

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

LOCATION <u>Brassfield-mora</u> <u>Brownville Samarra</u>	DATE <u>16 Jan 04</u>	TIME <u>1231</u>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS <u>E6/AD</u>	

ORGANIZATION A Co, 1st Inf, Camp Ardenwood, Alameda, Calif, NPO NE 09323-2598

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AROUND THE FIRST WEEK OR SO OF JANUARY 2004 AT APPROX. 2315 WHILE ON PATROL IN SAMARRA WE BEGAN STOPPING CURFEW VIOLATORS. I CAR WAS A CITY COUNCIL MEMBER, WE REMINDED HIM OF THE CURFEW AND TOLD HIM TO GO HOME, I CAR WAS A GUY WITH A NEW BABY COMING HOME FROM THE HOSPITAL WITH HIS WIFE, WE ALSO TOLD HIM TO GO HOME. MY VEHICLE AND THE LT's VEHICLE WENT TO PICK UP OUR INFANTRY SQUADS. AT AROUND 2330 WE STOPPED A WHITE BONGO TRUCK BY THE PHARMACUTICAL FACTORY. THE [REDACTED] INFANTRY SQUAD IN A11 & A12 DISMOUNTED TO SEARCH THE VEHICLE. THEY FOUND FAKE IDs OR PASSPORTS ON THE GUYS SO THEY WERE DETAINED. I CALLED RED 1 AND ASKED IF I COULD RUN OVER THE TRUCK HE TOLD ME NO. [REDACTED] LEAVE THE TRUCK ALONE. WE LOADED UP THE INFANTRY AND THE TWO DETAINEES AND HEADED TOWARDS THE CMOC. FOR SOME REASON THE CMOC WAS NOT THERE OR SOMETHING SO WE STOPPED BEFORE THE BRIDGE TO LET THE TWO GUYS HAVE A [REDACTED] WALK BACK TO THEIR TRUCK. A11 STOPPED, DROPPED RAMP, THE TEAM GOT OUT CUT THE TWO GUYS' [REDACTED], AND LOADED BACK UP. WE THEN DROVE BACK TO BRASSFIELD-MORA.

Q: SA [REDACTED] b6-1, b7C-1

A: SSG [REDACTED] b6-3, b7C-3

Q: What time is curfew?

A: 2300 to 0400

Q: What is back policy on curfew?

A: NO ONE OUT EXCEPT IP'S OR ICDC.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>[REDACTED]</u> b6-3, b7C-3	PAGE 1 OF <u>4</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

015299 000059



b6-3, b7C-3

FILE NUMBER:

STATEMENT OF JSG [REDACTED]

TAKEN AT Brasserie

DATED 16 Jan 04

CONTINUED

Q: What was the result of the search conducted on the white truck?

A: ALL I HEARD ON THE RADIO WAS FAKE IDS AND PASSPORTS WERE FOUND THERE WERE SMALL BOXES IN THE BACK OF THE TRUCK

Q: Where were the 2 Iraqis located at the time of the search?

A: THEY WERE ON ONE SIDE OF THE TRUCK.

Q: What did you observe of the US personnel while the search was conducted?

A: THE SQUAD GOT OUT APPROX 9 GUYS THEY SET UP SECURITY ON THE OCCUPANTS OF THE VEHICLE WHILE 1 GUY SEARCHED THE TRUCK THE GUYS WERE STANDING UP, THE ONLY TIME THEY WOULD BE PUT FACE DOWN WOULD BE IF WE WOULD HAVE FOUND WEAPONS OR EXPLOSIVES OR IF THEY WERE UN COOPERATIVE AND RESISTED.

Q: Who were the guys that were in the back of A-11?

A: SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] + 1 OTHER PERSON PERIS  
b6-3, b7C-5

Q: What vehicle were the 2 Iraqis in?

A: A 11

Q: Why were the 2 Iraqis detained and then let go?

A: THEY LEARN A HARD LESSON WITHOUT GOING TO JAIL BY HAVING TO WALK BACK TO THEIR VEHICLE

Q: Where were they dropped off?

A: [REDACTED] AT THE BEGINNING OF THE BRIDGE

Q: Who got out with them as far as US personnel?

A: SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] + 1 OTHER b6-3, b7C-5

Q: What did you see when they got out?

A: THEY CUT THE ZIPSTRIPS OFF THE GUYS

Q: Did you observe any type of roughness in the handling of the 2 Iraqis?

A: NO

Q: Did you hear any orders that were given beyond that of letting the Iraqis loose?

A: NO

Q: Did the Iraqis resist being detained in any way?

A: NO

Q: Did you hear any one tell the Iraqis to jump off the bridge?

A: NO YOU CANT HEAR WITH THE CUC ON AND THE BRADLEY RUNNING

b6-3, b7C-3

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 4 PAGES

015300 000060

FILE NUMBER:

DATED 16 Jan 01

CONTINUED

STATEMENT OF SSG [REDACTED] b6-3, b7C-3

TAKEN AT Brassfield

Q: Do you have anything else to add to this statement?  
A: NO // End of Statement //

[REDACTED] b6-3, b7C-3

NOT USED

b6-3,  
b7C-3

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-3, b7C-3

PAGE 3 OF 4 PAGES

015301

000061

STATEMENT OF SS6

TAKEN AT Grassfield

FILE NUMBER:

DATED 16 Jan 04 CONTINUED:

STATEMENT (Continued)

NOT USED

b6-3, b7c-3

b6-3, b7c-3

## AFFIDAVIT

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of Jan, 20 04 at Brassville Samarra Iraq

[REDACTED] b6-3, b7c-3  
(Signature of Person Administering Oath)[REDACTED] b6-1, b7c-1  
(Typed Name of Person Administering Oath)[REDACTED] b6-3, b7c-3  
(Authority To Administer Oaths)PAGE 4 OF 4 PAGES

b6-3, b7c-3

015302

000062

# SWORN STATEMENT

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

LOCATION <b>Brax Field More, Iraq</b>	DATE <b>16 Jan 04</b>	TIME <b>1303</b>	FILE NUMBER <b>011-01-CD/464-79630</b>
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS <b>E-5/RA</b>
ORGANIZATION OR ADDRESS <b>A Company, 118 IA</b>			
[REDACTED]			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

**b6-3, b7c-3**

During the month of Jan we detained two personnel @ 2330 who violated curfew. We searched the individuals and detained them. We took the personnel up by the IECB checkpoint. One team got off the Bradley and released the individuals around the traffic circle area @ 2340. We then picked up the dismount team and made our movement back to FOB Brassfield Morra. At no time did I personally see any harm come to the two individuals. **b6-3, b7c-3**

Q: SA [REDACTED] **b6-1, b7c-1**

A: GOT [REDACTED] **b6-3, b7c-3**

Q: Do you know the date these individuals were detained?

A: No

Q: Where did you stop the vehicle for the curfew violation?

A: In Samarra on Albuja Rd.

Q: Why did you release the individuals after you had detained them?

A: I Don't Know, but individuals had no weapons

Q: Do you know the SOP in regards to once a detainee is apprehended?

A: It is the judgement of higher or what the detainee has

Done

Q: Do you know if your higher command instructed your platoon to release the detainees?

A: I only have the plb. freq. so I don't know if it came over the Command Radio to Release them

Q: What team dismounted to release the detainees?

A: They were in Vehicle All, 3 people released the detainees

**b6-3, b7c-3**

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

015303

000063

For Official Use Only

Ev

b6-3, b7c-3

FILE NUMBER: 0011-04-120449-19630

STATEMENT OF SGT [REDACTED]

TAKEN AT [REDACTED] Ave

DATED 16 Jan 04 CONTINUED

Q: What were the names of the people who dismounted to release the detainees?

A: All I know was it was SGT [REDACTED] team b6-5, b7c-5

Q: When the detainees were released was there water near them?

A: There was no water right around them but up 100 to 150 meters there was the River

Q: After the detainees were released and everyone mounted up did you observe the two Iraqis standing on the side of the road when you drove by them?

A: I glanced over and seen the Iraqis on the side of the Road when we left

Q: Could you tell what they were doing on the side of the road?

A: I don't Really know what they were doing at that point because I just glanced at them

Q: Did you observe the dismounted team cut the handcuffs off the detainees?

A: I Really couldn't tell because I just glanced at them with my NVG's on

Q: What was the weather outside when the detainees were released?

A: Dark, cold

Q: Did you see if the detainees were in the river at any time?

A: No

Q: How long did you stop when you released the detainees?

A: 45 sec. to just over a minute

Q: What time did you return to FOB Wassfeld Marra?

A: 0001

Q: What sector were you scanning when you stopped to release the detainees?

A: I was scanning left so I couldn't really see abt that was going on

Q: What side were the detainees being released on?

A: Right Side

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

A: No // End of Statement // [REDACTED] b6-3, b7c-3

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

b6-3,  
b7c-3

PAGE 2 OF 3 PAGES

015304 000064

STATEMENT (Continued)

[Empty lined area for statement content]

**663, b7c-3**

AFFIDAVIT

I, **663, b7c-3**, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

**66-3, b7c-3**  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this *16* day of *Jan*, 20 *04* at *Drusfield More, Iraq*

ORGANIZATION OR ADDRESS

**66-1, b7c-1**  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

**66-1, b7c-1**  
*SA* **66-1, b7c-1**  
(Typed Name of Person Administering Oath)  
*Art 136, UCMJ*  
(Authority To Administer Oaths)

**663, b7c-3**  
INITIALS OF PERSON MAKING STATEMENT

PAGE *3* OF *3* PAGES

015305

000065

*For AR 1559 p.30*

# 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. *b6-5, b7C-5*

1. LOCATION <i>Brassfield Mora, Samarra, Iraq</i>	2. DATE <i>16 Jan 01</i>	3. TIME <i>13 11</i>	4. FILE NO.
5. NAME (Last, First, MI) <i>[REDACTED] b6-5, b7C-5</i>	8. ORGANIZATION OR ADDRESS <i>A Co. 1-8 Inf. Camp Anwarde, Iraq APO AE 09323-2599</i>		
6. SSN <i>[REDACTED]</i>	7. GRADE/STATUS <i>E4/AD</i>		

## PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

### Section A. Rights

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

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

5. COMMENTS (Continue on reverse side).

### Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE <i>[REDACTED] b6-5, b7C-5</i>
1a. NAME (Type or Print)		4. SIGNATURE OF WITNESS <i>[REDACTED] b6-1, b7C-1</i>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR <i>[REDACTED]</i>
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <i>43d MP Det (CIC)</i>
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

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

015306

000066

USAPA 2.01

# 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 <i>Brassfield-More, Samarra, Iraq</i>	2. DATE <i>2004 01 11</i>	3. TIME <i>1405</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>b6-5, b7c-5</i>	6. SSN <i>[REDACTED]</i>	7. GRADE/STATUS <i>E4/AD</i>	
8. ORGANIZATION OR ADDRESS <i>ACo, 1st Inf, Cp Anacanda, APO AE 09323-2598</i>			

9. *[REDACTED]* WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE NIGHT IN QUESTION MY PLT WAS HEADING BACK TO FOB BRASSFIELD AFTER CERFEW. THE BFU'S INCOUNTED A BONGO TRUCK WITH TWO PER. INSIDE. WE STOPPED, AND DISMOUNTED TO SEARCH VEH AND QUESTION PERSONNEL. THE SEARCH CAME UP EMPTY FOR CONTRABAND. DURING QUESTIONING ONE OF THE GUYS TRIED TO PASS OFF A CHILD'S ID. AS HIS OWN. THEY SAID THEY HAD BEEN TO BAGHDAD AND ON THE RETURN TRIP HAD RAN OUT OF GAS. WE DECIEDED TO DETAIN THE GUYS, SO WE SIP STRIPED THIER HANDS AND PUT THEM ON ALL B.F.U.. WE REMOUNTED AND CONTINOUED ON.

THE BFU'S STOPPED AGAIN, WE GOT OUT, MYSELF AND SPC *b6-5, b7c-5* GOT THE EPW'S OUT, *b6-5, b7c-5* LED THEM TO THE RIGHT SIDE OF THE ROAD BESIDE A BRIDGE. SGT. *b6-5, b7c-5* TOLD US TO CUT THEM LOOSE. SPC *b6-5, b7c-5* DID THIS WHILE I PULLED SECURITY. SGT. *b6-5, b7c-5* TOLD THEM TO GO. WE REMOUNTED THE BFU. THE TWO GUY'S WHERE STANDING ON THE SIDE OF THE ROAD. THE BFU'S *b6-5, b7c-5* STARTED AGAIN FOR FOB BRASSFIELD.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>b6-5, b7c-5</i>	PAGE 1 OF <i>3</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT \_\_\_\_\_ DATED *015307*  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER. *000067*  
 MUST BE BE INDICATED.



WHILE THE DECISION TO DETAIN WAS BEING MADE WE LET BOTH PEOPLE

GET BACK INTO THE VEHICLE.

Q: SA [REDACTED] b6-1, b7C-1

A: SPC [REDACTED] b6-5, b7C-5

Q: Do you recall what time of day it was?

A: NIGHT TIME AFTER CERFEW.

Q: What time is curfew?

A: NOT SURE WAS TOLD THAT CERFEW WAS SET.

Q: When you detained the Iraqis, how was their demeanor?

A: SUBDUED.

Q: Where did you let them out?

A: NORTH SIDE OF ROAD BEFORE THE BRIDGE, THE HEADLAND OF A SMALL PENINSULA. b6-5, b7C-5

Q: What did [REDACTED] use to cut the zip-ties?

A: A KNIFE

Q: Did you observe him cutting them loose?

A: YES

Q: What did you observe?

A: HE CUT THEM LOOSE WITH A KNIFE. THERE WAS NOT ANY EXCESSIVE FORCE USED.

Q: Did you in any way strike or physically assault the Iraqis?

A: NO

Q: Did you observe any else physically assault the Iraqis?

A: NO

Q: Did anyone tell them to jump off the bridge?

A: NO

Q: Did you tell the Iraqis to jump off the bridge?

A: NO

Q: Where the Iraqis on the side the road when you remounted your vehicle and departed?

A: YES b6-5, b7C-5

Q: Where were they then?

A: YES

Q: Do you know providing a knowingly false statement is a violation of the UCMJ?

A: YES

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

A: NO // End of Statement //

[REDACTED] b6-5  
b7C-5

015308 000068

OFFICIAL USE ONLY

EXHIBIT 8

STATEMENT OF SPC [REDACTED] b6-5, b7C-5 TAKEN AT Samarra Iraq DATED 16 Jan 01

9. STATEMENT (Continued)

NOT USED  
[REDACTED] b6-5  
[REDACTED] b7C-5

AFFIDAVIT

I, [REDACTED] b6-5  
[REDACTED] b7C-5, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b6-5  
[REDACTED] b7C-5

(Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of January, 2001 at Brushfield, Samarra, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] b6-1  
[REDACTED] b7C-1  
(Signature of Person Administering Oath)

[REDACTED] b6-1, b7C-1  
(Typed Name of Person Administering Oath)

Art Bg, USMC  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

b6-5, b7C-5

015309

000069

**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:**  
**PRINCIPAL PURPOSE:**  
**ROUTINE USES:**  
**DISCLOSURE:**

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

1. LOCATION <u>Massfield Marina, Iraq</u>	2. DATE <u>16 Jan 04</u>	3. TIME <u>1328</u>	4. FILE NO. <u>DAI-01-C-1989-79630</u>
5. NAME (Last, First, MI) <u>[REDACTED]</u>	8. ORGANIZATION OR ADDRESS <u>A Company, 118 FA</u> <u>Attack FOB</u> <u>Salah, Iraq</u>		
6. SSN <u>[REDACTED]</u>	7. GRADE/STATUS <u>E-4/RA</u>		

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Criminal Investigation Division  
as a special agent and wanted to question me about the following offense(s) of which I am  
suspected/accused Murder, conspiracy

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

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. [REDACTED] b6-5, b7c-5

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE <u>[REDACTED] b6-5, b7c-5</u>
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED] b6-1, b7c-1</u>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR <u>SA [REDACTED] b6-1, b7c-1</u>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>47th MP DET CIO, Tikrit, Iraq</u>

**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.

DA FORM 3881 NOV 80

EDITION OF NOV 84 IS OBSOLETE

015310 000070

# SWORN STATEMENT

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

LOCATION Brassfield Maria, Iraq	DATE 16 Jan 04	TIME 1740	FILE NUMBER 001-01-CT/409-79630
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E41 RA	
ORGANIZATION OR ADDRESS A Company, 119 EN			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In January we went on a patrol and we just completed our patrol we were driving. The Bradley's stopped [REDACTED] b6-5, b7C-5 and truck [REDACTED] that was out after curfew w/ 2 make in it. I was pulling security while they detained the individuals. We loaded up in the Bradley w/ the 2 detainees. We drove a ways dropped ramp by the Bridge got out. I uncuffed the detainees. My team leader I think told them to go. Then we loaded up and left. The whole thing took a minute at the most. [REDACTED] b6-5, b7C-5

Q: SA [REDACTED] b6-1, b7C-1

A: SPC [REDACTED] b6-5, b7C-5

Q: Do you know the date in January when this incident occurred?

A: No

Q: Where did you stop the vehicle?

A: I don't know because I was in the back of the Bradley I believe in Samarra.

Q: What time did you stop the vehicle?

A: It was after the 2300 curfew.

Q: What did the vehicle look like?

A: Blue truck I believe. Blue Flashed truck.

Q: Did you have an interceptor with you?

A: No

Q: Did the Iraqis put up a fight when you detained them?

A: I don't know I didn't detain them I was pulling security.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-5, b7C-5	PAGE 1 OF 5 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.

015311 000071

I. A. S. L. I. H. A. I.

66-5, 67C-5  
STATEMENT OF SFC [REDACTED]

TAKEN AT Windsford, Florida

FILE NUMBER: 0011-04-CZ0464-79630

DATED 16 Jan 64

CONTINUED

Q: Do you know who detained the Iraqis?

A: I believe SFC [REDACTED] 66-5, 67C-5

Q: How long did it take to detain the Iraqis?

A: Just long enough to search the vehicle the Iraqis were in and detain them.

Q: Where were you pulling security at?

A: Down the street.

Q: Where was the vehicle & Iraqis in relation to you when you were pulling security?

A: Behind me.

Q: Which vehicle did they place the detainees in?

A: A-11.

Q: Which vehicle were you riding in?

A: A-11.

Q: Where did the detainees sit in A-11?

A: On the floor.

Q: Where did you sit in A-11?

A: Gunner's side closest to the front left hand side.

Q: Do you know the names of the Iraqis detained?

A: No.

Q: Describe the Iraqis detained?

A: I think one was kind of fat the other was smaller.

Q: What were they wearing?

A: I can't remember.

Q: What color hair and eyes did they have?

A: I don't know.

Q: Did they have any facial hair?

A: I'm not sure.

Q: Were the detainees talking when they were in the vehicle?

A: I don't know the Bradley is too loud.

Q: After you detained the Iraqis how far did you drive before you stopped to release them?

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 5 PAGES

015312 000072

STATEMENT OF SPC [REDACTED]

TAKEN AT Brassfield, Mo. DATED 16 Jan 04

CONTINUED

A: I don't know

Q: What is the bridge located where you released the detainees?

A: I don't know where the bridge is located. I'm not familiar with the area because we were out of Balad.

Q: What were you doing in Samarra?

A: We were <sup>tasked</sup> ~~assigned~~ to come up here and eliminate anti-coalition resistance.

Q: When did you arrive in Samarra?

A: Middle of December.

Q: When are you going back to Balad?

A: I believe in 3 or 4 days.

Q: When you stopped to release the detainees who dismantled the vehicle?

A: Sgt [REDACTED], SPC [REDACTED], and myself. b6-5, b7C-5

Q: Did anyone remain in your vehicle?

A: Sgt [REDACTED] (medic) Lt [REDACTED] (B.C.) Driver - SPC [REDACTED]. I'm not sure who was <sup>gunning</sup> ~~gunning~~. b6-5, b7C-5

Q: When everyone dismantled what did Sgt [REDACTED] do?

A: Supervised the release of the detainees.

Q: What did SPC [REDACTED] do when he dismantled the vehicle? b6-5, b7C-5

A: Gave me a knife and pulled security.

Q: What did you do when you dismantled the vehicle?

A: Came out behind the vehicle and I cut the zip straps on the detainees.

Q: What did you do with the cut zip strips?

A: I believe we left them on the ground.

Q: Did anyone say anything to the detainees when you dismantled the vehicle?

A: After I cut the zip strips Sgt [REDACTED] told them to go. b6-5, b7C-5

Q: Did the Iraqis leave when Sgt [REDACTED] told them to go?

A: Last I seen they were walking towards the right side of the road.

Q: Did you push the Iraqis in the water?

A: No.

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 3 OF 5 PAGES

015313 000073

b6-5, b7c-5

FILE NUMBER: 0011-04-CZ464-79030

STATEMENT OF SGT [REDACTED]

TAKEN AT Mansfield Motion

DATED 16 Jan 84

CONTINUED

Q: Did you know one of the Iraqis couldn't swim?

A: No

Q: Was it your intention to kill the Iraqis?

A: No we had no intention we didn't do anything to harm them they were swim there when the ramp came up

Q: How long were you at this location when you released the Iraqis?

A: 1 minute at the most

Q: Did you witness any US soldiers push the Iraqis into the water?

A: No because it didn't happen

Q: Did you ever discuss with anyone about killing the Iraqis you just detained?

A: No

Q: Why did you release the Iraqis?

A: I was ordered to by Sgt [REDACTED] b6-5, b7c-5

Q: Do you know your SOP in regards to releasing individuals you just detained?

A: Yes

Q: What is the SOP?

A: One person cut the cable while the others pull security

Q: Why would you detain an individual and release them a few minutes later at a different location?

A: I don't know that's not my decision

Q: Have you seen this happen before in regards to releasing detainees at a different location?

A: No

Q: Once you released the detainees where did you go?

A: Back on the truck and then back to Brassfield

Q: Did anyone report back to higher that those individuals were released at this location?

A: I don't know there above me

Q: How close was the water when you cut the zip strips off the detainees?

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

b6-5, b7c-5

PAGE 4 OF 5 PAGES

015314 000074

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..... 9

STATEMENT (Continued)

A: I was at night I couldn't see anything.

Q: What side of the road did you release the detainees on?

A: We were behind the Bradley.

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

A: No/A End of statement!!! [REDACTED] b6-5, b7C-5

b6-5, b7C-5  
AFFIDAVIT

I, [REDACTED], 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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-5, b7C-5

[REDACTED] b6-5, b7C-5  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of Jan, 20 04 at Windsor Field House, Iraq

[REDACTED] b6-1, b7C-1  
(Signature of Person Administering Oath)

SA [REDACTED] b6-1, b7C-1  
(Typed Name of Person Administering Oath)

Art B. McGee  
(Authority To Administer Oaths)

PAGE 5 OF 5 PAGES

015315 000075



# 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 - Taken at Samarra, Iraq APO 43rd Military Police (Det) (CID) 09323	2. DATE 16 Jan 09	3. TIME 1359	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS A Co, 1/8th Inf Co, 3rd Bde FOB Brassfield/Mora, Samarra, Iraq APO AE 09323		
7. SSN [REDACTED]	8. GRADE/STATUS SET 1 AD		

## PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

### Section A. Rights

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

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 to speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side).

### Section B. Waiver

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

WITNESSES (If available)		SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)	[REDACTED]	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR 66-1, 67C-1	
2a. NAME (Type or Print)	[REDACTED]	5. TYPED NAME OF INVESTIGATOR 66-1, 67C-1 SA [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR 43rd MP Co (Det) (FWD) (CID) Tikrit, Iraq, APO AE 09323	

### 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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

015316

USAPA 2.01

000076

FOR OFFICIAL USE ONLY

# SWORN STATEMENT

File Number: 0011-04-CID469  
 Location: Samarra, Iraq APO AE 09323  
 Date: 16 Jan 2004  
 Statement Of: SGT [REDACTED]  
 SSN: [REDACTED]  
 Org/Address: A Co, 1/8<sup>th</sup> Inf Co, 3<sup>rd</sup> Bde, FOB Brassfield/Mora, Samarra, Iraq, APO AE 09323  
 Grade/Status: SGT/E-5  
 Time: 1457

I, SGT [REDACTED] want to make the following statement under oath: I don't remember the date exactly but it was sometime in the beginning of Jan 04, my platoon, which is 1<sup>st</sup> Platoon, began patrolling the city of Samarra. Our shift started, I believe, at 1800 and it ended at 2400 that night. I'm not sure how many vehicles were in the convoy. But I know it was at least four vehicles and they were all Bradleys. I don't remember who was all in each Bradley and I don't remember where my vehicle was in the convoy because I was in the back of the Bradley and I really wasn't looking. I know SGT [REDACTED] SPC [REDACTED] and SPC [REDACTED] were in the back of my Bradley, which is A11. The platoon leader, LT [REDACTED] his driver, I'm not sure what his name was and the gunner, SPC [REDACTED] were also on the Bradley. About 2300 that night, after we had been doing walking patrol in Samarra, we were picked up by our vehicle again and we were enroute back to FOB Brassfield/Mora. On the way back, we stopped, we all got out of the vehicle and I saw a white truck on the road. There were two guys in the truck. The truck was already stopped when I saw it. I walked up to the truck and I don't remember who walked to the truck with me, but we searched the two guys and asked them for Identification and we searched their vehicle. They both had identification but one guys ID did not match him. I can't remember which guys didn't match. Myself and SPC [REDACTED] went up to the LT and I told him that one of the guys ID didn't match and he told me to detain them and put them in the back of the Bradley. And that's what we did. We put the flexy cuffs on them and placed them into the Bradley, A11. They did not return to their truck and drive for 20 meters like they are reporting. Once we removed them from the truck they did not get back into the truck. After we got them in the Bradley I was assuming we were going to take them to the EPW camp or the CMOC but we didn't. We had them for about 10-15 minutes and the convoy was still moving. But we stopped and the LT, LT [REDACTED] yelled out to let the detainees go. He didn't say why he wanted to let them go. The ramp opened to the Bradley, I got our first, then SPC [REDACTED] got out, and I looked up at the LT to see what was going on. He told me we were going to let them go. That's when I told SPC [REDACTED] and SPC [REDACTED] to let's get them out of the Bradley. We got them out and they were still handcuffed. We never covered their faces. I asked if anyone had a knife to cut the Flexy Cuffs and SPC [REDACTED] said he had one or something and I told him to cut the cuffs. I think SPC [REDACTED] cut the cuffs on both the guys. SPC [REDACTED] was pulling security. We were on a road and it was dark and I never saw the stream of water or anything. I don't know what these guys are talking about. WE cut the cuffs off and left them there on the side of the road.

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 1 OF 3 PAGES

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015317

EXHIBIT 10

000077

b6-5, b7c-5

SWORN STATEMENT OF SGT [REDACTED] TAKEN AT  
Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED

know we were not far from where their vehicle was left and I assumed they would walk to the truck and just go home. I didn't even hear water and I didn't even know we were close to a bridge. We walked away and they were still standing in the street or road. We all got back in the Bradley and we drove back to FOB Brassfield/Mora.

Q: SA [REDACTED] b6-1, b7c-1.

A: SGT [REDACTED] b6-5, b7c-5

Q: Have your platoon picked up other detainees and then let them go in the streets before?

A: Yes, we have. It's not my call.

Q: Do you know why the decision was made to let these two guys go?

A: I don't know.

Q: Can you describe the two individuals?

A: One guys was chunky, and the other was slim. They both looked Iraqi's.

Q: Did you push either on of those Iraqi guys into a river/lake on that night?

A: No.

Q: Did you witness any soldiers pushing one of those Iraqis into a lake or river from a bridge?

A: No.

Q: One of the two Iraqi's that your unit detained is presumed dead, do you know who was involved in killing that Iraqi?

A: No.

Q: Do you remember what the two local nationals were wearing?

A: I'm not sure. I don't remember.

Q: Why do you think someone would say that member of your unit pushed them into the river from a bridge?

A: I don't know.

Q: Has your unit picked-up other detainees and then decide to let them go for whatever reason?

A: Yes.

Q: Did your unit spend time looking for a local national with flashlights in a river that night?

A: No.

Q: Were you or anybody in your unit or platoon drinking alcohol that day?

A: No.

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

A: No.

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

b6-5, b7c-5

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 2 OF 3 PAGES

FOR OFFICIAL USE ONLY

015318

EXHIBIT 10  
000078

66-5, b7c-5  
SWORN STATEMENT OF SGT [REDACTED]  
Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED

79630  
TAKEN AT

66-5, b7c-5  
AFFIDAVIT

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

66-5, b7c-5  
[REDACTED]  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to  
administer oaths, 16 January 2004, at Samarra, Iraq.

[REDACTED] 66-1, b7c-1  
(Signature of Person Administering Oath)

SA [REDACTED] 66-1, b7c-1  
(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS:

66-5, b7c-5  
EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 3 OF 3 PAGES

FOR OFFICIAL USE ONLY

015319 EXHIBIT 10  
000079

# 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 <i>Bressfield, Samarra, Iraq</i>	2. DATE (YYYYMMDD) <i>16 Jan 01</i>	3. TIME <i>1437</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>b6-5, b7C-5</i>	6. SSN <i>[REDACTED]</i>	7. GRADE/STATUS <i>E7/AD</i>	
8. ORGANIZATION OR ADDRESS <i>A Co, 1st Inf., 1st Cavalry Div, Bn, Iraq APO AE 09323-2598</i>			

9. *[REDACTED]*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
*b6-5, b7C-5*  
 ON 3 JAN 04 at approximately 2310, 1LT *[REDACTED]* called on the RADIO said he was at the vicinity of the link-up point and they had stopped a white Bongo truck and was searching it. Maybe 3-5 minutes later my section linked-up with them at the same location. We were there a few minutes when he said we were going to take them. Their Section led out ahead of mine, I was on trail notice the truck was still in the middle of the road, I pushed the truck to the south side of the road on continued movement. Sometime between the area where we detained the two men and the area 1LT *[REDACTED]* *b6-5, b7C-5* said we would drop them off on the outside of town. The lead vehicle all stopped somewhere at the beginning of the bridge, I stopped just on the west side of the traffic circle (K2). I instructed my gunner to scan to the south. I didn't dismount my Infantry because we were only dropping them off. We were there maybe 1-2 minutes before we began moving. As I passed the two men they were standing talking to each other on the North side of the road on the East side of the Bridge talking to each other. We continued movement and Arrived at FOB Bressfield at approximately 2350 or 2400.  
 Q: SA *[REDACTED]* *b6-1, b7C-1*  
 A: SEC *[REDACTED]* *b6-5, b7C-5*

Q: At the time the men were dropped off, did you hear or see anything?

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>[REDACTED]</i> <i>b6-5, b7C-5</i>	PAGE 1 OF <i>3</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.  
*015320*  
*000080*

66-01010-3  
Statement of SFC [REDACTED] Taken at Semarra, Iraq Dated 16 Jan 01 Continued  
A: No, I was looking South, I can't hear much on top of the BFV when it's running and  
having a CUE on.

Q: When everyone and all vehicles departed for FOB Brassfield, both men were on the side of the  
road alive?

A: YES

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

A: NO //End of Statement///  
[REDACTED] b6-S, b7C-S

NOT USED  
[REDACTED] b6-S,  
b7C-S

015321

000081

EXHIBIT 11

FOR OFFICIAL USE ONLY

STATEMENT OF

SFC [REDACTED]

TAKEN AT

Samarra, Iraq

DATED

16 Jan 04

9. STATEMENT

(Continued)

NOT USED

b6-5,  
b7c-5

b6-5, b7c-5

AFFIDAVIT

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

[REDACTED] b6-5, b7c-5  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of January, 2004 at Samarra, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] b6-1, b7c-1  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

8X [REDACTED] b6-1, b7c-1  
(Typed Name of Person Administering Oath)  
Art 136, UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

b6-5,  
b7c-5

015322

000082

# 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 <u>Brushfield, Samarra, Iraq</u>	2. DATE (YYYYMMDD) <u>16 Jan 04</u>	3. TIME <u>1513</u>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <u>[REDACTED]</u>	6. SSN <u>[REDACTED]</u>	7. GRADE/STATUS <u>02/AD</u>	
8. ORGANIZATION OR ADDRESS <u>A Co, 1st Inf, Cpt Anaconda, 604d Sig, APO AE 09323-2598</u>			
9. <u>[REDACTED]</u>			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 3 JAN04 around 2320, 1st Platoon/Alpha [REDACTED] section identified 2 b6-5 white truck on Albino St. south of the SDI complex. We pulled in front of the vehicle and dismounted the infantry squad. They detained the two individuals inside and began searching the vehicle. SGT [REDACTED] inspected the two ID cards of both individuals and reported that one was fake (not the same picture as the individual carrying). We placed the two individuals in the back of my BFV (A11). Realizing that the CMOC was closed (1-B markers left CMOC at an unknown previous date), I led my platoon's BFVs to the outskirts of Samarra, via K2. Upon arriving at K2, my BFV stopped, dropped ramp, and the team dismounted the BFV. I instructed SGT [REDACTED] to uncut the cuffs and remount the BFV. As the BFV began pulling off, I looked to my rear to see if the other vehicles were moving. At that time, I noticed the two individuals standing on the north side of the road in a small clearing.

Q: SA [REDACTED] b6-1, b7C-1

A: ILT [REDACTED] b6-5, b7C-5

Q: So were you in a position to see everything that transpired?

A: Yes

Q: Did you observe the search of the vehicle?

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <u>[REDACTED]</u> b6-5, b7C-5	PAGE 1 OF <u>3</u> PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED <u>015323</u>		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		



Statement of 1LT [REDACTED] Taken at Samarra Iraq dated 16 Jan 04 Continued  
b6-5, b7C-5

A: Yes. Although I was scanning [REDACTED] to the SW and W, I observed the squad searching the vehicle.

Q: Did you ever observe and rough handling of the Iraqis?

A: No.

Q: Were you wearing CVC?

A: Yes.

Q: Did you observe the release of the Iraqis?

A: Yes.

Q: Did you observe any rough handling of the Iraqis at any time during their encounter w/ US Personnel?

A: No.

Q: Did you hear any threats that were made to the Iraqis or anyone telling them to jump off the bridge?

A: No.

Q: As all vehicles departed, where were the 2 Iraqis?

A: Standing in a small, gravel open area on the N side of the road. They were approximately 10-15 m from a pump house.

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

A: No. // End of Statement //

[REDACTED]  
b6-5, b7C-5

NOT USED

b6-5,  
b7C-5

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EXHIBIT 12

DO NOT OFFICIAL USE ONLY

STATEMENT OF 1LT [REDACTED] TAKEN AT Samarra Iraq DATED 16 Jan 01  
9. STATEMENT (Continued) b6-5, b7C-5

NOT USED b6-5, b7C-5

b6-5, b7C-5

AFFIDAVIT

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

[REDACTED] b6-5, b7C-5  
(Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of January, 2001 at Cp Bunkerfield Samarra Iraq

ORGANIZATION OR ADDRESS

[REDACTED] b6-1, b7C-1  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] b6-1, b7C-1  
(Typed Name of Person Administering Oath)  
Art Bui, UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

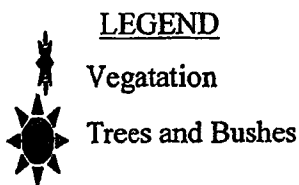
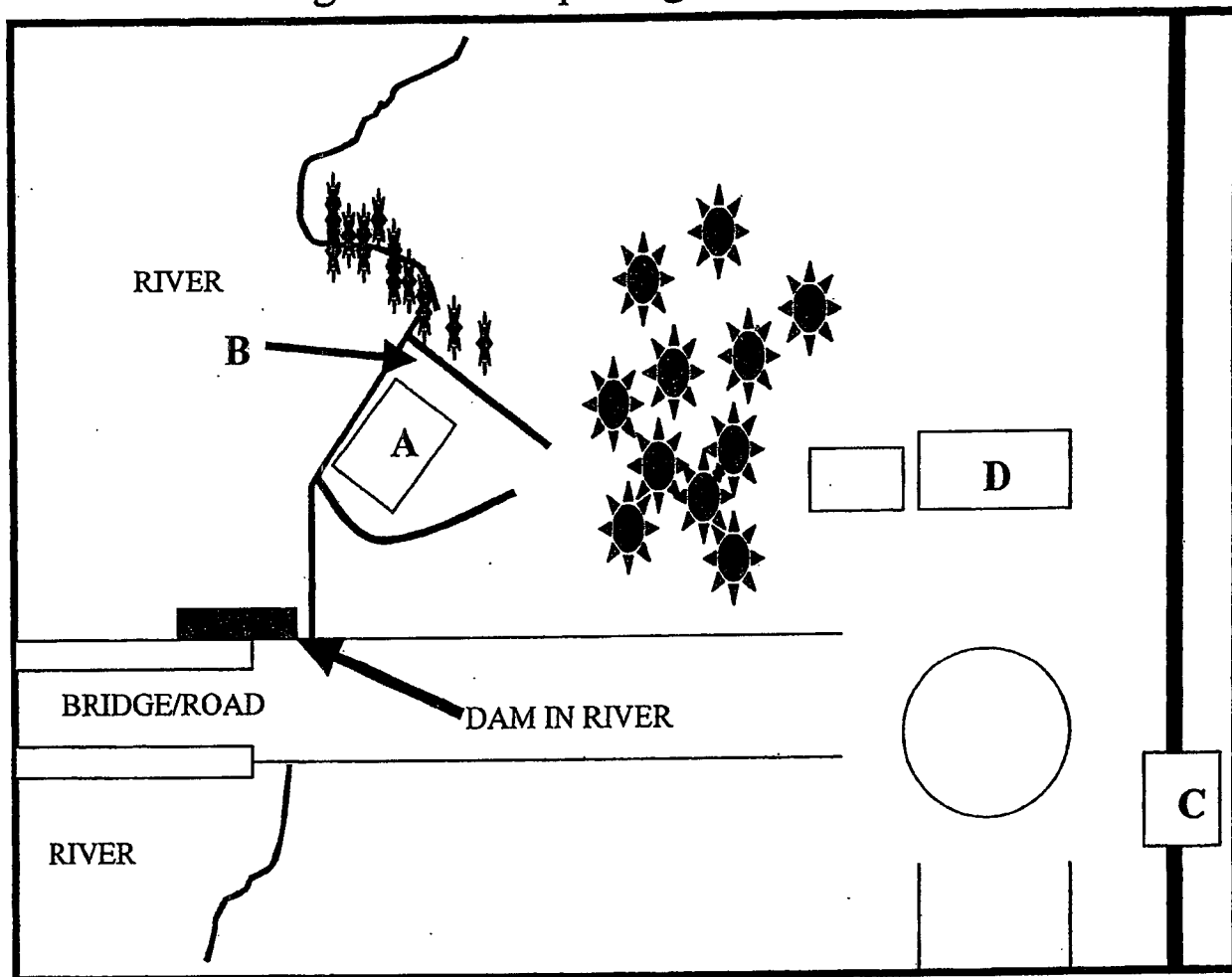
[REDACTED] b6-5, b7C-5

015325 000085

PAGE 3 OF 3 PAGES

**BATES PAGES 15328-15336 ARE PHOTOS  
REVIEWED IN ACCORDANCE WITH CRITERIA  
PROVIDED IN PRIOR IN CAMERA SESSIONS AND  
HAVE BEEN DETERMINED TO BE  
NONRESPONSIVE**

# Rough Sketch Depicting Crime Scene



- A** Pump House
- B** Where victims were forced into the river
- C** ICDC Guard Tower
- D** ICDC Checkpoint

NOT TO SCALE

## TITLE BLOCK

CASE #: 0011-043-CID469-79630

OFFENSE: Involuntary Manslaughter and Aggravated Assault

TIME/DATE PREPARED: 1630/ 16 Jan 04

SCENE PORTRAYED: Overview of bridge area, Samarra, Iraq

LOCATION: 38S LC 9386 8451

VICTIM: Mr. FADHIL and Mr.

[REDACTED] b7C-4, b6-4

SKETCHED BY: SA [REDACTED] b7C-1, b6-1

VERIFIED BY: SA [REDACTED] b7C-1, b6-1

FOR OFFICIAL USE ONLY

**Exhibit 13**

**015326**

000086

## Photographic Packet

Case Number 0011-04-CID469-79630

<u>Number</u>	<u>Description</u>
1	Photograph depicting the north end of the bridge where the alleged incident occurred.
2	Photograph depicting the access road above the bridge where the convoy continued to travel south after Mr. FADHIL and Mr. [REDACTED] were allegedly pushed into the river. b7C-4 b6-4
3	Photograph depicting the area at the northwest end of the bridge where the alleged incident may have occurred.
4	Photograph depicting the river from the north end of the bridge.
5	Photograph depicting a dam, which was located at the north end of the bridge and reflected the whirlpool/suction created by the dam gate in the lowered position in the water.
6	Photograph depicting the opposing side if the dam which was located on the north side of the Bridge.
7	Photograph depicting a close-up view of the dam in the lowered position.
8	Photograph depicting the Iraqi Civil Defense Corp (ICDC) checkpoint tower, which is located adjacent to the access road further north from the north end of the bridge.
9	Photograph depicting the ICDC checkpoint, which is located west of the ICDC checkpoint tower.

FOR OFFICIAL USE ONLY

Exhibit 14

015327

000087

**Page(s)**

97-102

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**Referred to:**

U.S. CENTRAL COMMAND  
7115 SOUTH BOUNDARY BLVD  
ATTN: CCJ6-DM  
MACDILL AIR FORCE BASE  
FLORIDA 33621-5101

Master Sergeant Pamela Andrews  
[andrewsp@centcom.smil.mil](mailto:andrewsp@centcom.smil.mil)

(813) 827-5341/2830

015337