



DEPARTMENT OF THE ARMY  
10th MILITARY POLICE BATTALION (CID)  
THIRD MILITARY POLICE GROUP, USACIDC  
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND  
CAMP VICTORY, IRAQ 09335

CIMPX-FB (195-6)

21 Jan 04

MEMORANDUM FOR

Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command,  
6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585  
Special Agent In Charge, 43d Military Police Detachment (CID) (FWD), 3d Military Police  
Group (USACIDC), Tikrit, Iraq APO AE 09323-2647

SUBJECT: Polygraph Examination Report

INVESTIGATIVE CASE REFERENCE: 0011-03-CID469-79630-5H1

AUTHORIZATION NUMBER: 04-0076, 21 Jan 04

DATE OF EXAMINATION: 21 Jan 04

LOCATION OF EXAMINATION: Tikrit, Iraq

SUBJECT EXAMINED: [REDACTED] SPC; [REDACTED] A Company, 1/8<sup>th</sup> Infantry,  
Ft. Carson, CO 80913; [REDACTED]

OFFENSE: Murder.

PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation was initiated on 13 Jan 04,  
when it was reported from Forward Operating Base (FOB) Brassfield, Samarra, Iraq, of an  
alleged murder of an Iraqi national by American forces. Preliminary investigation revealed  
Mr. [REDACTED] Samarra, Iraq (NFI), reported to the Iraqi Civil Defense  
Corp (ICDC) on 3 Jan 04, that he and his cousin, Mr. Zaydun Ma'mun FADHIL, Samarra, Iraq  
(NFI) were detained by the American forces which resulted in the death of Mr. FADHIL.

Further investigation revealed that Mr. [REDACTED] approached the ICDC security check point in  
Samarra, late in the evening of 3 Jan 04 or early in the morning of 4 Jan 04, and reported he  
and Mr. FADHIL were stopped, searched and later detained by the American Forces. He  
reported that after they were detained they were both pushed off of a bridge into a river and  
Mr. FADHIL apparently drowned.

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destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR  
195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records  
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On 16 Jan 04, Mr. [REDACTED] was interviewed by USACIDC and stated he and Mr. FADHIL were returning from Baghdad, where they had purchased some plumbing supplies. He stated that about 2230, 3 Jan 04, while traveling to their home in Samarra, they arrived at the ICDC check point. Mr. [REDACTED] stated at the check point their vehicle was searched, their identifications cards were checked, and they were allowed to proceed. However, they were instructed to immediately go to their residences as the curfew was nearing (2300). Mr. [REDACTED] said they departed the checkpoint and about 2 or 3 kilometers away they approached an oncoming American convoy. He said the Americans stopped their vehicle and instructed them to exit the vehicle. According to Mr. [REDACTED] their vehicle was searched, they were personally searched and then they were handcuffed and placed in the rear of a military vehicle, later identified as a Bradley Fighting Vehicle (BFV). Mr. [REDACTED] stated they were never informed why they were being detained but were released before the vehicle drove away. He said they got back into their vehicle and drove about 20 meters, when the same soldiers once again stopped them, handcuffed them again and placed them in the back of the BFV. Mr. [REDACTED] indicated the BFV drove away and about 15 minutes later it stopped and they were ordered to exit the vehicle, and once he got out of the vehicle he could see the lights from the ICDC check point and they were un-cuffed and instructed to stand near the bridge. Mr. [REDACTED] stated once they stood near the bridge, the soldiers instructed them to jump off of it and when they did not a soldier approached MR. FADHIL and pushed him off into the water and soon after he also was pushed into the water. Mr. [REDACTED] said when he went into the water he could hear Mr. FADHIL screaming because he did not know how to swim, but he was unable to get to him due to the strong currents in the water. Mr. [REDACTED] stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. [REDACTED] described the soldier that pushed Mr. FADHIL as skinny, not very tall and his skin was a little darker than white. He was unable to describe the soldier that pushed him into the water and was not sure if was the same person or another soldier standing near by. Mr. [REDACTED] stated once the soldiers departed he made his way back to the ICDC check point and reported the incident to the Iraqi guards, who went back to the river with him to assist in the search of Mr. FADHIL. He stated they could not find him and he spent the remainder of the night at the ICDC area. The next morning when he returned to his vehicle he discovered it had been destroyed by unknown means. Photographs were exposed of the vehicle by a friend and the local community continued to search for the body of Mr. FADHIL. The photographs of the vehicle were obtained by USACIDC, and a review of the prints depicts enormous damage to the vehicle and a trailer, apparently caused by a BFV running completely over it.

On 15 Jan 04, the remains of Mr. FADHIL, were apparently discovered by the local nationals and he was soon thereafter buried in a local cemetery. Photographs were also exposed of the human remains. According to Mr. [REDACTED] Mr. FADHIL had injuries to his head and facial area caused by unknown means. Photographs of the human remains have not yet been collected by USACIDC to confirm the identity of the human remains in relation to Mr. FADHIL.

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On 16 Jan 04, three members of the ICDC on duty the night of the incident were interviewed. They were, PFC [redacted] (NFI); PFC [redacted] (NFI); and CPL [redacted] (NFI). Each of them stated they recalled the two Iraqi's coming through their check point and being cleared by themselves. They stated that about 15 minutes after releasing the vehicle they observed an American convoy stop near the bridge and remain there for about 5 minutes. They were unable to see any specific acts or movements and were unable to hear what was being said, although they said they could hear some talking. They stated that about 5 minutes after the convoy departed they observed an individual approaching their check point, later identified as Mr. [redacted]. They said he was soaking wet and informed them that the Americans had thrown he and Mr. FADHIL from the bridge into the water. Members of the ICDC assisted in a search for Mr. FADHIL, but were unable to locate the body.

b6-4  
b7C-4

b6-5  
b7C-5

b6-4  
b7C-4

Additional investigative activities resulted in the identification of the soldiers involved in this incident. This was accomplished by obtaining historical data of particular units and their mission for that particular date and location. As a result of this investigative activity, the particular soldiers involved were interviewed and all denied any wrongdoing pertaining to this investigation.

Eight soldiers were identified as being at the scene and interviewed, three under rights advisement. One of the soldiers interviewed, SSG [redacted] A Company, 1/8<sup>th</sup> Infantry, stated they stopped the vehicle because of a curfew violation and the Iraqi's were detained. He stated he did not exit his vehicle but heard what was transpiring over the radio and that he called the 1LT to request permission to run over the detainee's vehicle with his BFV. According to SSG [redacted], he was denied permission and the convoy proceeded with the detainees in the front BFV, and their vehicle left behind undamaged. SSG [redacted] related that a few minutes later the convoy stopped and he heard the detainees were being released because of a shortage at the detention facility. SSG [redacted] said as the convoy drove away he observed the two detainees standing near the bridge. SSG [redacted] denied he witnessed, assisted, or conspired with anyone to throw the two detainees into the river. He also denied he or anyone else in the convoy drove over the detainee's vehicle with their BFV.

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A b7C-5

all  
b6-5  
b7C-5

On 16 Jan 04, 1LT [redacted] A Company, 1/8<sup>th</sup> Infantry, was interviewed and denied any wrongdoing pertaining to this investigation. 1LT [redacted] stated his unit was returning from their nightly patrols and stopped a vehicle that contained two Iraqi's for a curfew violation. He stated SGT [redacted] reported to him that one of the individuals had a false identification card as the photograph appeared to be that of a younger individual. 1LT [redacted] ordered that the two Iraqi's be detained and placed in the rear of their BFV. He said that once they were moving again, with the two detainees, he realized the detention facility was closed so he stopped and ordered SGT [redacted] to remove the flexi-cuffs and release the detainees. 1LT [redacted] said once that was accomplished they began rolling out and he looked in the mirror and observed the two detainees standing on the north

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b6-5  
b7C-5

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side of the road as the convoy drove away. 1LT [redacted] denied he ordered, witnessed, or had any knowledge of the two detainees being thrown into the river.

On 16 Jan 04, SPC [redacted], A Company, 1/8<sup>th</sup> Infantry ([redacted]), was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC [redacted] stated after the two Iraqi's were detained they drove a while and then the convoy stopped. SPC [redacted] stated they were directed to release the two detainees, so he, SGT [redacted] and SPC [redacted] exited the BFV with the two detainees. He stated SGT [redacted] supervised, SPC [redacted] provided him with the knife and then pulled security, while he [redacted] removed the cuffs from the two detainees. SPC [redacted] stated that after the cuffs were removed, SGT [redacted] told the two detainees to leave, and the three of them got back inside the BFV and departed. He said the last time he saw the two detainees, they were walking along the side of the road.

On 16 Jan 04, SGT [redacted], A Company, 1/8<sup>th</sup> Infantry, was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SGT [redacted] stated they stopped the vehicle for a curfew violation and during a search they discovered one of them had a false identification card. It was then decided to detain the two Iraqi's. SGT [redacted] stated they loaded the two Iraqi's into the BFV and departed. He said about 15 minutes after leaving they stopped the vehicles and 1LT [redacted] told him to release the detainees; so he, SPC [redacted] and SPC [redacted] exited the vehicle, removed the cuffs, and left the two Iraqi's standing on the side of the road. SGT [redacted] stated that when he got back into the BFV, the two Iraqi's were still standing on the side of the road. He also stated he did not know they were located near a river or bridge, because it was dark and he couldn't see. It should be noted that there was a light near the bridge and the ICDC checkpoint had numerous lights illuminating the immediate area, and others interviewed were aware of the bridge being there. SGT [redacted] matches the description provided by the surviving victim of the individual that pushed Mr. FADHIL from the bridge. SGT [redacted] continued to deny he pushed either of the two Iraqi's into the river, denied he observed either of the two Iraqi's being pushed into the river, and denied he planned with any members of his unit to conceal the act of pushing the two Iraqi's into the river.

all 66-5107C-5

The other three soldiers (SGT [redacted], SGT [redacted], and SPC [redacted]) all of A company, 1/8<sup>th</sup> Infantry, were interviewed and denied having any knowledge of wrongdoing pertaining to this investigation. Each of them were in the back of another BFV and apparently never dismounted their vehicle.

On 16 Jan 04, SPC [redacted] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC [redacted] stated after they had detained the two Iraqi's, the convoy stopped and they were instructed to release the two detainees. He said himself, SPC [redacted] and SGT [redacted] exited the BFV and he pulled security, SPC [redacted] removed the cuffs, and SGT [redacted] supervised. He stated they escorted the

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b6-5  
b7c-5

two detainees near the bridge on the right side of the road, removed the cuffs, and SGT [redacted] told them (the detainees) to leave. SPC [redacted] stated the last time he saw the two detainees they were standing on the side of the road as the convoy departed. SPC [redacted] was offered the opportunity to undergo a polygraph examination to verify the truthfulness of his statement, to which he agreed.

[redacted]

[redacted]

[redacted]

b6-5/b7c-5

[redacted]

b6-5  
b7c-5

[redacted]

b6-5/b7c-5

[redacted]

all b7E

RELEVANT QUESTIONS USED:

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

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all b7E

[REDACTED]

///Original Signed///

[REDACTED]  
Polygraph Examiner

b6-1  
b7C-1  
b2-1

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15348 **F** EXHIBIT 23  
000118

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-50; 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 Building 214, Camp Ironhorse, Tikrit, Iraq	2. DATE 22 Jan 04	3. TIME 1049	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS A Company, 1/8th Infantry BN, 3 BCT Balad, Iraq APO AE 09323-2598		
6. SSN [REDACTED]	7. GRADE/STATUS O2 / AD		

*R 66-5,67C-52*

*66-5,67C-5*

**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: Conspiracy, Conduct Unbecoming, False Official Statement

*6-5, 12-5*  
↓

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

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

- or -

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

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 [REDACTED] <i>66-5, 67C-5</i>
1a. NAME (Type or Print) SA [REDACTED] <i>66-1, 67C-1</i>	b. ORGANIZATION OR ADDRESS AND PHONE 43rd MP DET (CID)	4. SIGNATURE OF INVESTIGATOR [REDACTED] <i>66-1, 67C-1</i>
2a. NAME (Type or Print) SA [REDACTED]	b. ORGANIZATION OR ADDRESS AND PHONE 43rd Military Police (Det) (Fwd) (CID) Camp Ironhorse, Tikrit, Iraq APOAE 09323	5. PRINTED NAME OF INVESTIGATOR SA [REDACTED] <i>66-1, 67C-1</i>

**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

SWORN STATEMENT

File Number : 0011-04-CID469-79630  
Location : Tikrit, Iraq APO AE 09323  
Date : 22 Jan 2004  
Statement Of : [redacted] b6-5, b7c-5  
SSN : [redacted]  
Org/Address : A Company, 1/8<sup>th</sup> Infantry Bn, Balad, Iraq APO AE 09323-2598  
Time: 1407 [redacted] b6-5, b7c-5  
Grade/Status: 0-2/AD

b6-5  
b7c-5

I, 1LT [redacted] want to make the following statement under oath: I would prefer to just answer questions and not give a narrative of what happened.

Q: SA [redacted] b6-1, b7c-1

A: 1LT [redacted] b6-5, b7c-5

Q: While you are wearing your CVC helmet, are you listening to company or platoon frequency?

A: Both.

Q: When you stopped to release the detainees, where you on the platoon frequency?

A: I was on both.

Q: Did you radio into higher chain of command that these detainees were apprehended and released?

A: No. My chain of command wasn't informed about the detainees being detained and released until the next day.

Q: Are you supposed to call into the higher chain of command that these detainees were detained and released?

A: No.

Q: When you stopped to release the detainees, which direction were you scanning?

A: To the west and southwest.

Q: Did you instruct SGT [redacted] to uncut the cuffs on the detainees when they were released? b6-5, b7c-5

A: No.

Q: Then why does your previous statement state you told SGT [redacted] to uncut the cuff on the detainees.

A: I didn't remember telling you that before and that's not something that I would normally tell my soldiers to do.

Q: Did you observe the release of the two Iraqi detainees?

A: I observed them(soldiers and detainees) dismount the BFV and move to the North into a gravel clearing area and then I saw the soldiers return to the BFV.

Q: Have you been back to the incident location since that night?

A: Yes.

Q: How many times did you physically stop at that location after this incident?

A: Twice.

Q: Why did you stop?

A: After the alleged allegation came out I went back there to determine if maybe there could have been a third individual there. I thought if I saw the two

EXHIBIT \_\_\_\_\_

INITIALS: [redacted]

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EXHIBIT 24

b6-5, b7c-5

SWORN STATEMENT OF ILT [REDACTED] TAKEN AT Tikrit, IRAQ, APO AE 09323, 22 Jan 04. CONTINUED

detainees standing when I left but yet one died then maybe there could have been a third individual somewhere.

Q: What about the second time, why did you stop?

A: Same reason, trying to determine what happened and how one detainee may have been killed.

Q: At anytime since the incident, did you personally go into the river for any reason?

A: I prefer not to answer that question.

Q: At anytime since the incident, did any member of your unit physically get into the river or water?

A: I prefer not to answer that question.

Q: Were you aware that the detainee who initially showed what was believed to be a fake ID, produced an alleged valid ID during the search of the detainees?

A: No.

Q: Was there talk among members of your unit about throwing Iraqi's into a river that night?

A: I prefer not to answer that question.

Q: Did you know your soldiers were going to do anything to the detainees, other than release them when they were released?

A: I prefer not to answer that question.

Q: Before anyone was detained, did you discuss with your soldiers how they were going to be released into the river?

A: I prefer not to answer that question.

Q: After the detainees were released, did you have knowledge that the two detainees were pushed or forced to jump into the river?

A: I prefer not to answer that question.

Q: Before anyone was detained that evening, were you aware that it was discussed to have a detainee thrown or forced to jump into the river?

A: No.

Q: Did you and SFC [REDACTED] gather SGT [REDACTED] SPC [REDACTED] and SPC [REDACTED] to discuss what had happened with the two detainees days after the detainees were released? *b6-5, b7c-5*

*b6-5, b7c-5*

A: Yes. We spoke about it numerous times.

Q: During these discussions did everyone agree on what to say if questioned about what happened to the detainees?

A: I prefer not to answer that question.

Q: Did you encourage SPC [REDACTED] SGT [REDACTED] and SPC [REDACTED] to clean up the story about what really happened to the detainees? *b6-5, b7c-5*

*b6-5, b7c-5*

A: No. *On the wording of the question, I prefer not to answer.* *b6-5, b7c-5*

*b6-5, b7c-5*

Q: Did you agree with SFC [REDACTED] SGT [REDACTED] SPC [REDACTED] and SPC [REDACTED] that you would all say that the last time you saw the detainees was standing on the side of the road? *b6-5, b7c-5*

*b6-5, b7c-5*

A: No.

Q: Do you have any knowledge of what happened to the detainee vehicle after they were detained?

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

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FOR OFFICIAL USE ONLY *b6-5, b7c-5*

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b6-5, b7c-5

SWORN STATEMENT OF 1LT [REDACTED] TAKEN AT Tikrit, IRAQ, APO AE 09323, 22 Jan 04. CONTINUED

A: Yes. As I pulled away from the site of detaining the individuals, the vehicle was not in the condition or location that I have seen on the video. After talking to my platoon sergeant that night, the vehicle was pushed to the south side of Albino St. I was not aware of any significant damage that could be caused by pushing the vehicle with a BFV.

b6-5, b7c-5

Q: Was there any other units patrolling the area that night?

A: Not that I know of.

Q: Did any member of your platoon destroy the detainees vehicle the night they were detained?

A: I know it was pushed but I don't know the extent of damage the vehicle sustained.

Q: Do you know which soldier pushed the vehicle out of the road with a BFV?

b6-5, b7c-5

A: SFC [REDACTED] BFV. The driver was I believe PFC [REDACTED] b6-3, b7c-3

Q: Prior to this alleged incident, do you have any knowledge of members of your platoon throwing or forcing a detainee to jump or get into a river after being released in the past?

A: Yes, I have seen at least one detainee in a body of water in Balad somewhere. My platoon was conducting a mission with Special Forces and the detainee was an informant and I didn't see him being pushed or forced in the water, but I know he wasn't providing the information SF needed and he was put into the water. I don't know if members of my unit got him in the water or if it was SF. He then provided the information and he took us to where we needed to go for a raid. That happened months ago.

Q: Was there a bridge or floating bridge in that area where this occurred?

A: No.

Q: Is that the only knowledge you have about members of your unit placing anyone into a body of water?

b6-5, b7c-5

A: No, there was another time where we had taken a detainee and then we released him on a floating bridge in BALAD, IRAQ. This detainee was detained because a kid he was with was flicking us off or had a toy gun or something and we took the guy just to teach them a lesson and he was released.

Q: When did this occur?

A: Probably Sep or Oct 03.

Q: Was that detainee in BALAD pushed or forced to get into a body of water by members of your unit?

A: I didn't see anyone pushing him into the water. I don't know.

Q: Do you have any knowledge that the detainee in BALAD was in fact either pushed or forced into the water by members of your unit?

b6-5, b7c-5

A: No.

Q: Did you know that these two detainees were in the river that night in Samarra?

A: I'm not going to answer that question.

Q: Do you know for sure if your soldiers did anything to those two detainees other than release them on the road?

A: I prefer not to answer that question.

b6-5, b7c-5

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

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b6-5, b7c-5  
015352

000122

EXHIBIT 24

b6-5, b7c-5

SWORN STATEMENT OF ILT [REDACTED] TAKEN AT Tikrit, IRAQ, APO AE 09323, 22 Jan 04. CONTINUED

Q: Is it true that you spoke with your soldiers about the truth of what happened to those two detainees that night?

A: I'd rather not answer that question.

b6-5, b7c-5

Q: Where was SPC [REDACTED] position when the detainees were released?

A: I didn't see where he was. I just saw him get out of the Bradley and get back in.

Q: Who escorted the two detainees and actually released them?

b6-5, b7c-5

A: I don't know for sure who released the detainees but it was members of SGT [REDACTED] team to include SGT [REDACTED] b6-5, b7c-5

Q: What was your order when you told SGT [REDACTED] to release the detainees?

A: I don't remember exactly and I don't want to guess.

Q: Did you tell SGT [REDACTED] to take the detainees into the water and release them? b6-5, b7c-5

A: I'd rather not answer that question.

Q: Have you threatened any soldiers with bodily harm if they spoke the truth about this incident?

A: No.

thrown [REDACTED] b6-5, b7c-5

Q: Did you see the two detainees being pushed or thrown into the river that night?

A: No.

Q: Why didn't you release the detainees at the ICDC checkpoint located a few hundred meters away from where they were released?

A: Because it didn't occur to me and plus I don't trust ICDC personnel and that's not something we normally do.

Q: If the CMOC was unable to process the two detainees, why weren't they taken to another holding facility?

A: There isn't one other than FOB Brassfield/Mora and I didn't think these detainees belonged there. The detention facility there is for people detained in raids, not really for a curfew violation.

Q: Did you ever acknowledge to your commander that members of your platoon did in fact throw or cause an Iraqi detainee to go into any body of water?

A: I'd rather not answer that question. b6-5, b7c-5

Q: Did your platoon take MAJ [REDACTED] to the incident location to demonstrate what had occurred?

A: He was with us one of times we went back there.

Q: Did you demonstrate for MAJ [REDACTED] what happened? b6-5, b7c-5

A: No. He just wanted to go to see the location where the alleged incident occurred. b6-5, b7c-5

Q: Did you verbally state to MAJ [REDACTED] the events that occurred when the two detainees were released?

A: I'd rather not answer that question.

Q: Did you conspire to have these two detainees released into the water/river that night?

A: I'd rather not answer that question. 'Conspire' presumes guilt. [REDACTED] b6-5, b7c-5

Q: What was the date on the night this incident occurred?

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED] PAGE 4 OF 4 PAGES

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EXHIBIT 24

b6-5, b7c-5

SWORN STATEMENT OF 1LT [REDACTED] TAKEN AT Tikrit, IRAQ, APO AE 09323, 22 Jan 04. CONTINUED

A: I was initially told 4 Jan 04, then I was told it was 3 Jan 04 but I don't really remember. I know it was in the beginning of Jan 04 sometime.

Q: Did you enter into an agreement with anyone in your platoon to have the detainees pushed or throw into the river or water after they were released?

A: No.

Q: Were you told by any members of your unit that those two detainees had actually been in the water or river?

A: I'd rather not answer that.

Q: Do you have knowledge that those two detainees were put into the water by any means, while in custody of your unit's personnel?

A: I'd rather not answer that question.

Q: Did you witness the cuffs being removed from the two detainees prior to their release?

A: No.

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

A: Yes, when I was driving away that night I saw two individuals standing there, neither which led me to believe that they were in a life threatening situation.

Q: Are the two individuals you saw standing there, the same two individuals your platoon detained?

A: To the best of my knowledge.

Q: Can you describe the two individuals you saw standing there when you were departing the area?

A: They were just two Iraqi males. I couldn't tell what they were wearing or anything.

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

A: We had stopped two vehicles earlier that night prior to picking up the two detainees. Both the vehicles were stopped for violating curfew. The one vehicle was returning from the hospital because I think they just had a baby and we let them go. And the second vehicle was stopped for curfew as well but the guy seemed trustworthy and stated he was city counsel and had a valid ID, and he was also released. The reason I'm saying this is because the victim is saying we stopped them prior to 2300 but that was not the case.

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

A: No.

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

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED] ← PAGE 5 OF 4 PAGES

FOR OFFICIAL USE ONLY b6-5, b7c-5

015354

900124 EXHIBIT 24

b6-5, b7c-5

SWORN STATEMENT OF ILT [REDACTED] TAKEN  
AT Tikrit, IRAQ, APO AE 09323, 22 Jan 04. CONTINUED

b6-5, b7c-5

AFFIDAVIT

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

b6-5,  
b7c-5

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to  
administer oaths, 22<sup>nd</sup> of January 2004, at Tikrit, Iraq.

(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: b6-1, b7c-1

SA [REDACTED]

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 6 OF 6 PAGES

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b6-5,

b7c-5

015355 000125

EXHIBIT 24

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: Building 215 Camp Ironhorse, Tikrit, Iraq
2. DATE: 22 Jan 04
3. TIME: 1936
4. FILE NO.
5. NAME (Last, First, MI): [Redacted]
6. ORGANIZATION OR ADDRESS: A Co, 18th Inf BN, 3rd BCT
7. SSN: [Redacted]
8. GRADE/STATUS: SPC IAD
9. Balad, Iraq APO AE 09323

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
Commander as a special agent and wanted to question me about the following offense(s) of which I am
suspected/accused: Murder, Conspiracy, False Official Statement

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

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

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

1a. WITNESS (if available) [Redacted]
1b. ORGANIZATION OR ADDRESS AND PHONE: 10th MP BN (CID) APO-AE Camp Victory, Baghdad, Iraq
2a. NAME (Type or Print): SA [Redacted]
2b. ORGANIZATION OR ADDRESS AND PHONE: 43rd Military Police (Det) (Fwd) (CD) Camp Ironhorse, Tikrit, Iraq APO AE 09323
3. SIGNATURE OF INTERVIEWEE: [Redacted]
4. SIGNATURE OF INVESTIGATOR: [Redacted]
5. TYPED NAME OF INVESTIGATOR: SA [Redacted]
6. ORGANIZATION OF INVESTIGATOR: 43rd Military Police (Det) (Fwd) (CD) Camp Ironhorse, 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

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USAPA 2.01

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END OFFICIAL USE ONLY

**SWORN STATEMENT**

FOR USE OF THIS FORM, SEE FORM 190-45; THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

LOCATION: Tikrit, Iraq      DATE: 22 Jan 04      TIME: 2310      FILE NUMBER: 0011-04-CID469-79630-5H1

NAME: *b6-5, b7c-5* [REDACTED]      SOCIAL SECURITY NUMBER: [REDACTED]      GRADE/STATUS: E-4/RA

ORGANIZATION: A Company, 1/8<sup>th</sup> Infantry, Ft. Carson, CO  
*b6-5, b7c-5*

I, [REDACTED] want to make the following statement under oath:

I would like to correct my initial sworn statement to clarify what happened that night. We dismounted out of the Bradley's to detain 2 individuals that were out after curfew. I was pulling security while SPC [REDACTED] and SGT [REDACTED] searched the vehicle and detained the 2 individuals. We loaded up in the Bradley drove a ways, dropped ramp, got out and loaded back up. Drove a little bit farther, got out, the LT told us to throw them into the river. SGT [REDACTED] told the 1<sup>st</sup> guy to jump he said "No mister" in English. I'm not sure if he got pushed or jumped into the river. I told my guy to jump and he jumped, after that we loaded back up and left. Before this investigation started we went back out to the site and our LT jumped into the water to see how deep it was. He could stand up in the water. Our LT sat down with us and told us what to say in the investigation. Our CO also helped coached us along.

*b6-5, b7c-5*  
*b6-5, b7c-5*

- Q: What time did you detain the two Iraqi's?
- A: My best guess would be about 2320.
- Q: Can you provide me with a location or grid coordinate where you detained the two Iraqi's?
- A: I don't know for sure where we were when we stopped them, I was in the back of a Bradley.
- Q: Once they were detained, how long did you drive before the convoy stopped and they were forced into water?
- A: About 10 minutes.
- Q: Did you hear anyone say anything about throwing any curfew violators into the water earlier in the night?
- A: Yes.
- Q: Who?
- A: SFC [REDACTED] *b6-5, b7c-5*
- Q: Who is he?
- A: My Platoon Sergeant.
- Q: What did he say?
- A: Somebody is getting wet tonight.
- Q: What did he mean by that?
- A: If anybody violated curfew tonight we would throw them into the water.
- Q: Where were you when he said that and what time was it?
- A: I was in the back of the Bradley at the FOB Brassfield/Mora. It was either at 1545 or 1745, I am not sure. We had changed the time we began patrols around that date. It was 15 minutes before we left for patrol.
- Q: Did anyone else hear this?
- A: Everyone that was listening to the radio in my platoon, he said it over the platoon frequency.
- Q: Explain to me exactly what was said and by whom when the convoy stopped and the detainees were off loaded?

EXHIBIT: \_\_\_\_\_ INITIALS: [REDACTED] PAGE 1 OF 6 PAGES  
DA FORM 2823E *b6-5, b7c-5*

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EXHIBIT 25

**SWORN STATEMENT**

FOR USE OF THIS FORM, SEE 194-45. THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

*b6-5, b7c-5*

SWORN STATEMENT OF SPC [REDACTED] 22 JAN 04, CONTINUED

*b6-5, b7c-5*

A: When we stopped, the ramp went down and everyone in my vehicle off-loaded to include the detainees, except for our doctor (SGT [REDACTED]). Then the LT said to take them over and throw them off by the pump house. We then walked them over and that is when they went into river.

Q: Who heard the LT order you guys to throw them into the water?

A: Just the three of us; Myself, SGT [REDACTED] and SPC [REDACTED]. He did not say it over the radio.

*b6-5, b7c-5*

Q: Explain to me how many people were in your vehicle and who got out?

*b6-5, b7c-5*

A: There were a total of nine people in our Bradley. Myself, SGT [REDACTED], SPC [REDACTED], the LT, the doctor, the gunner, the driver and the two detainees. Five of us exited the vehicle,

*b6-5, b7c-5*

my self, SGT [REDACTED], SPC [REDACTED] and the two detainees. The remainder stayed in.

Q: When you walked to the river where was SPC [REDACTED]?

*b6-5, b7c-5*

A: He stayed by the Bradley.

Q: Do you know why he stayed there instead of going to the river with you?

A: To pull security and he did not want anything to do with it.

Q: Did he say anything or just stay behind?

*b6-5, b7c-5*

A: He told SGT [REDACTED] he did not want to have anything to do with it.

Q: Did anybody say anything to him for not participating in the incident?

*b6-5, b7c-5*

A: Yes, SGT [REDACTED] chewed him out when we returned to the Bradley.

Q: Where was the LT positioned when this was taken place?

A: On top of the Bradley.

Q: Could he observe what was going on from his vantage point?

A: Yes, he saw the two detainees go into the river.

Q: Other than you, SGT [REDACTED] and the LT, did anyone else observe the two detainees go into the water?

*b6-5, b7c-5*

A: Yes, SFC [REDACTED] could also see it take place.

Q: Who gave the order to have the detainees pushed into the river?

A: LT [REDACTED]

*b6-5, b7c-5*

Q: Did you personally hear the LT give the order to push the detainees into the river?

A: Yes.

Q: Who told the detainees to jump into the river first?

A: SGT [REDACTED]

*b6-5, b7c-5*

Q: Did you witness both detainees go into the river?

A: Yes.

Q: Did you witness either of the two detainees exit the river?

A: No.

Q: Explain to me in detail what took place once the four of you arrived by the water?

*b6-5, b7c-5*

A: We were in a single file. Up front was one of the detainees, then SGT [REDACTED] then about five feet behind him was the second detainee and then I was directly behind him. My guy was not struggling as we were walking, I am not sure about the guy in the front. We stopped walking at one point near a concrete barrier and I got the cuffs from the guy I had (the heavy one). I then gave the knife to SGT [REDACTED] and he cut the cuffs away from his guy (The thin one). The bigger of the two detainees was with me and the smaller one was the guy in the

*b6-5, b7c-5*

front with SGT [REDACTED]. We again started walking and went through the barriers towards

*b6-5, b7c-5*

the water. When we arrived at the waters edge, SGT [REDACTED] told his guy to jump. This is

*b6-5, b7c-5*

EXHIBIT: \_\_\_\_\_ INITIALS: [REDACTED] PAGE 2 OF 6 PAGES  
DA FORM 2823E *b6-5, b7c-5*

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**SWORN STATEMENT**

FOR USE OF THIS FORM, SEE PAR 190-45; THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

SWORN STATEMENT OF SPC [REDACTED] 22 JAN 04, CONTINUED

when he said "No mister." He does not jump. Then SGT [REDACTED] says "You better fucking jump". I could not tell for sure if he was pushed or if he jumped into the water, because of my guy standing in front of me. At this time I said "jump" and my guy jumped into the water. SGT [REDACTED] and I were then standing there by the pump house by ourselves. We then turned around and walked back to the Bradley. When we returned to the Bradley, I could see the LT smiling and saying something over the radio but I was unable to hear what he was saying. SGT [REDACTED] just told me to load up and we departed.

Q: How far was the drop from the edge to the top of the water?

A: About 10 feet.

Q: When they fell into the water did you hear anything else from either of the two detainees?

A: No.

Q: Did you ever see them again?

A: No.

Q: Who had the knife?

A: SPC [REDACTED] gave it to me before we started to walk. When we cut the cuffs we just left them laying on the ground.

Q: Did your platoon return to the scene of the incident a few days later, and why?

A: Not the entire platoon it was just our team and (myself, [REDACTED] and [REDACTED], the LT, SFC [REDACTED] the Commanding Officer (CPT [REDACTED] and Major [REDACTED] (BN XO). This took place the day before CID was due to come in a talk to us. The XO wanted us to go there and that is when the LT jumped in to see how deep it was. I am not sure what the officers discussed before we went there. The LT had another change of clothes in the Bradley and went to change. This all took place (us going there) after they talked to us about what to say.

Q: Who talked to you?

A: LT [REDACTED] SFC [REDACTED] and the CO.

Q: Who did they speak with?

A: The three of us, my team.

Q: When did they speak with you?

A: Several times. They talked to us a bunch of times before we spoke with you guys. The morning you guys were there at the unit we rehearsed a lot what we were suppose to say to you guys. The LT would drill me and ask me where I was at that night, where I was sitting in the Bradley, what I did, what happened, etc. I would have to respond with the answers they gave me. The Commander would sit there and listen to everything the LT would tell us. He, the CO was telling us what to expect from CID and that if we stuck to the story it would go away soon. The Commander told the three of us that if we took the polygraph test it would get over with faster. The LT and SFC [REDACTED] said they would also take the polygraph but they wanted us to go first. They told us the results of the test did not matter and they could not use them against us. They would talk to us on a daily basis and when it got close to CID coming (about two or three days) they were talking to us about two or three times a day. We discussed the polygraph test the day before and the day of CID's arrival. I really wanted to tell the truth but I felt a lot of pressure from my chain of command to go with the lies. If we don't follow orders we get in a lot of trouble.

Q: What did the XO have to do with any of this?

EXHIBIT: \_\_\_\_\_ INITIALS: [REDACTED] PAGE 3 OF 6 PAGES  
DA FORM 2823E

66-5, 67C-5

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**SWORN STATEMENT**

FOR USE OF THIS FORM, SEE AR 190-45. THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

b6-5, b7c-5

SWORN STATEMENT OF SPC [REDACTED] 22 JAN 04, CONTINUED

A: He was just there the day we went out to the bridge.

Q: Did the XO know that you guys threw the detainees into the water?

A: Yes, we were discussing it with him that day at the bridge.

Q: Did he say anything to you about the story you were told to tell?

A: No, he didn't say anything but he was aware of the truth and the lies we were told to say. The XO was there at the bridge that day when the LT jumped in. The LT told us that battalion knew everything. That included not only the XO but my Battalion Commander, LTC

[REDACTED] b6-5, b7c-5  
Q: Who in your chain of command knows that these two detainees were forced into the water that night?

A: My LT, my platoon SGT, the CO, the BN XO, the BN Commander. I am not sure but I would say the Brigade Commander knows also. I know he tried to keep us from coming here and talking to you guys. The CO told us that the Brigade Commander was trying to get us from coming here but he wasn't having much luck.

Q: How do you know for sure that they knew what happened?

A: The Company Commander and BN XO were at the bridge that day when we discussed it. The Battalion Commander and the Brigade Commander was not there that day but I have been told by my chain of command that they know everything.

Q: Have you or any members of your team talked to the Brigade Commander about this?

A: No.

Q: What is his name?

A: COL [REDACTED] b6-3, b7c-3

Q: Can you describe what happened to the detainee's vehicle after they were detained?

A: I do not know anything about the vehicle.

Q: Do you know of any other incidents where you unit threw Iraqi's into the river?

A: Yes, I know of one other incident. On Dec 4<sup>th</sup> or 5<sup>th</sup>, I had just returned from leave and they went to Anaconda to pick me up. When we were returning back to Balad, we stopped at what I thought was an auto shop. I heard SFC [REDACTED] say over the radio to go in and find the biggest guy you can find. I was the driver so I stayed in the vehicle. Four other guys went inside and returned with a detainee. We started driving and stopped by a pontoon bridge. I was in the rear of the convoy and had to turn my Bradley around for security, so I could not see what happened. When we returned to our base camp they were talking about throwing the guy off of the bridge.

b6-5, b7c-5

Q: Why did they do this?

A: There was a competition between platoons to see who would get do it first. The guy had done nothing wrong that I am aware of, SFC [REDACTED] just wanted to be the first one to do it.

Q: Do you know of any other incidents? b6-5, b7c-5

A: No.

Q: Do you know of any other platoons that have thrown people into the river?

A: No.

Q: Do you know anything else about this incident that we have not discussed?

A: No.

Q: Why did you not come forward and report this earlier?

A: I was scared.

EXHIBIT: \_\_\_\_\_ INITIALS: [REDACTED] PAGE 4 OF 6 PAGES  
DA FORM 2823E b6-5, b7c-5

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**SWORN STATEMENT**

FOR USE OF THIS FORM, SEE PAR 194-45; THE PROONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

b6-5, b7c-5

SWORN STATEMENT OF SFC [REDACTED] 22 JAN 04, CONTINUED:

Q: Did you throw anyone into the river?

A: I didn't actually throw the guy but I made him jump?

Q: Why?

A: Because I was following a direct order from the LT. I felt I had to follow the orders, SFC [REDACTED] would not have any problems putting his hands on me.

b6-5, b7c-5

Q: Did you voluntary waive your legal rights and agree to speak with us today?

A: Yes.

Q: How were you treated today during this interview?

A: Good.

Q: Were you given the opportunity to take any breaks today during the interview?

A: Yes.

Q: Did you make this statement of your own free will?

A: Yes.

Q: Did you read this statement before you signed it?

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

Q: Were you given the opportunity to make changes to the statement before you signed-it?

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

Q: Is there anything else you would like to add to this matter under investigation?

A: Yes, I fear going back to my unit, any unit in my brigade. I am afraid of personal injury and physical harm if I return after telling the truth here tonight.

Q: Anything else?

A: No.///END OF STATEMENT/// [REDACTED] b6-5, b7c-5

b6-5, b7c-5

EXHIBIT: \_\_\_\_\_  
DA FORM 2823E

INITIALS: [REDACTED]

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EXHIBIT 25

**SWORN STATEMENT**

FOR USE OF THIS FORM, SEE PAR 190-45: THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL.

*b6-5, b7c-5*

SWORN STATEMENT OF SPC [REDACTED] 22 JAN 04, CONTINUED:

*Not Used* [REDACTED] *b6-5, b7c-5*

*b6-5, b7c-5*  
I [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[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 22<sup>ND</sup> DAY OF JANUARY 2004, AT TIKRIT, IRAQ

*b6-1, b7c-1*  
[REDACTED]

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

SIGNATURE OF PERSON ADMINISTERING OATH

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

TYPED NAME OF PERSON ADMINISTERING OATH

ARTICLE 136 UCMJ AUTHORITY TO ADMINISTER OATH

EXHIBIT: \_\_\_\_\_  
DA FORM 2823E

INITIALS: [REDACTED]

PAGE 6 OF 6 PAGES

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22 JAN 04 2040

I would like to correct my initial sworn statement to clarify what happened that night.

We dismantled out of the Bradleys to detain 2 individuals that were out after curfew. I was pulling security while Spc [REDACTED] b6-5, b7c-5 and Sgt [REDACTED] b6-5, b7c-5 searched the vehicle and detained the 2 individuals. We loaded up in the Bradley drove a ways dropped ramp got out and loaded back up. Drove ~~for~~ a little bit further got out the LT told us to throw them into the river. Sgt [REDACTED] b6-5, b7c-5 told the 1st guy to jump he said No mister in english I'm not sure if he got pushed or jumped into the river. I told my guy to jump and he jumped after that we loaded back up and left.

Before this investigation started we went back out to the site and our LT jumped into the water to see how deep it was. He could stand up in the water. Our LT sat down w/us

and told us what to say in the investigation. Our CO also helped coach us along. Spc [REDACTED] [REDACTED]

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b6-5, b7c-5

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**DEPARTMENT OF THE ARMY**  
**16th MILITARY POLICE BATTALION (CID)**  
**THIRD MILITARY POLICE GROUP, USACIDC**  
**UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND**  
**CAMP VICTORY, IRAQ 09335**

CIMPX-FB (195-6)

23 Jan 04

**MEMORANDUM FOR**

Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command,  
 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585  
 Special Agent In Charge, 43d Military Police Detachment (CID) (FWD), 3d Military Police  
 Group (USACIDC), Tikrit, Iraq APO AE 09323-2647

**SUBJECT:** Polygraph Examination Report**INVESTIGATIVE CASE REFERENCE:** 0011-03-CID469-79630-5H1**AUTHORIZATION NUMBER:** 04-0075, 20 Jan 04**DATE OF EXAMINATION:** 20 Jan 04, 22 Jan 04**LOCATION OF EXAMINATION:** Tikrit, Iraq

**SUBJECT EXAMINED:** [REDACTED] A Company, 1/8<sup>th</sup> Infantry,  
 Ft. Carson, CO 80913; [REDACTED]

**OFFENSE:** Murder.**PURPOSE OF EXAMINATION:** Criminal Investigation

**INVESTIGATIVE/OPERATIONAL SUMMARY:** Investigation was initiated on 13 Jan 04, when it was reported from Forward Operating Base (FOB) Brassfield, Samarra, Iraq, of an alleged murder of an Iraqi national by American forces. Preliminary investigation revealed Mr. [REDACTED] Samarra, Iraq (NFI), reported to the Iraqi Civil Defense Corp (ICDC) on 3 Jan 04, that he and his cousin, Mr. Zaydun Ma'mun FADHIL, Samarra, Iraq (NFI) were detained by the American forces which resulted in the death of Mr. FADHIL.

Further investigation revealed that Mr. [REDACTED] approached the ICDC security check point in Samarra, late in the evening of 3 Jan 04 or early in the morning of 4 Jan 04, and reported he and Mr. FADHIL were stopped, searched and later detained by the American Forces. He reported that after they were detained they were both pushed off of a bridge into a river and Mr. FADHIL apparently drowned.

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Attached as Exhibit \_\_\_\_\_ is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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EXHIBIT 27

On 16 Jan 04, Mr. [REDACTED] was interviewed by USACIDC and stated he and Mr. FADHIL were returning from Baghdad, where they had purchased some plumbing supplies. He stated that about 2230, 3 Jan 04, while traveling to their home in Samarra, they arrived at the ICDC check point. Mr. [REDACTED] stated at the check point their vehicle was searched, their identifications cards were checked, and they were allowed to proceed. However, they were instructed to immediately go to their residences as the curfew was nearing (2300). Mr. [REDACTED] said they departed the checkpoint and about 2 or 3 kilometers away they approached an oncoming American convoy. He said the Americans stopped their vehicle and instructed them to exit the vehicle. According to Mr. [REDACTED] their vehicle was searched, they were personally searched and then they were handcuffed and placed in the rear of a military vehicle, later identified as a Bradley Fighting Vehicle (BFV). Mr. [REDACTED] stated they were never informed why they were being detained but were released before the vehicle drove away. He said they got back into their vehicle and drove about 20 meters, when the same soldiers once again stopped them, handcuffed them again and placed them in the back of the BFV. Mr. [REDACTED] indicated the BFV drove away and about 15 minutes later it stopped and they were ordered to exit the vehicle, and once he got out of the vehicle he could see the lights from the ICDC check point and they were un-cuffed and instructed to stand near the bridge. Mr. [REDACTED] stated once they stood near the bridge, the soldiers instructed them to jump off of it and when they did not a soldier approached MR. FADHIL and pushed him off into the water and soon after he also was pushed into the water. Mr. [REDACTED] said when he went into the water he could hear Mr. FADHIL screaming because he did not know how to swim, but he was unable to get to him due to the strong currents in the water. Mr. [REDACTED] stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. [REDACTED] described the soldier that pushed Mr. FADHIL as skinny, not very tall and his skin was a little darker than white. He was unable to describe the soldier that pushed him into the water and was not sure if it was the same person or another soldier standing near by. Mr. [REDACTED] stated once the soldiers departed he made his way back to the ICDC check point and reported the incident to the Iraqi guards, who went back to the river with him to assist in the search of Mr. FADHIL. He stated they could not find him and he spent the remainder of the night at the ICDC area. The next morning when he returned to his vehicle he discovered it had been destroyed by unknown means. Photographs were exposed of the vehicle by a friend and the local community continued to search for the body of Mr. FADHIL. The photographs of the vehicle were obtained by USACIDC, and a review of the prints depicts enormous damage to the vehicle and a trailer, apparently caused by a BFV running completely over it.

h-729/h-99 112  
 11 66-4/67-4

On 15 Jan 04, the remains of Mr. FADHIL were apparently discovered by the local nationals and he was soon thereafter buried in a local cemetery. Photographs were also exposed of the human remains. According to Mr. [REDACTED], Mr. FADHIL had injuries to his head and facial area caused by unknown means. Photographs of the human remains have not yet been collected by USACIDC to confirm the identity of the human remains in relation to Mr. FADHIL.

On 16 Jan 04, three members of the ICDC on duty the night of the incident were interviewed. They were PFC [REDACTED] (NEI), PFC [REDACTED]

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Attached as Exhibit [REDACTED] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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 EXHIBIT 27

(NFI) and CPL [redacted] Each of them stated they recalled the two Iraqi's coming through their check point and being cleared by themselves. They stated that about 15 minutes after releasing the vehicle they observed an American convoy stop near the bridge and remain there for about 5 minutes. They were unable to see any specific acts or movements and were unable to hear what was being said, although they said they could hear some talking. They stated that about 5 minutes after the convoy departed they observed an individual approaching their check point, later identified as Mr. [redacted]. They said he was soaking wet and informed them that the Americans had thrown Mr. FADHIL from the bridge into the water. Members of the ICDC assisted in a search for Mr. FADHIL, but were unable to locate the body.

b6-4  
b7-4

Additional investigative activities resulted in the identification of the soldiers involved in this incident. This was accomplished by obtaining historical data of particular units and their mission for that particular date and location. As a result of this investigative activity, the particular soldiers involved were interviewed and all denied any wrongdoing pertaining to this investigation.

Eight soldiers were identified as being at the scene and interviewed, three under rights advisement. One of the soldiers interviewed, SSG [redacted] A Company, 1/8<sup>th</sup> Infantry, stated they stopped the vehicle because of a curfew violation and the Iraqi's were detained. He stated he did not exit his vehicle but heard what was transpiring over the radio and that he called the 1LT to request permission to run over the detainee's vehicle with his BFV. According to SSG [redacted] he was denied permission and the convoy proceeded with the detainees in the front BFV, and their vehicle left behind undamaged. SSG [redacted] related that a few minutes later the convoy stopped and he heard the detainees were being released because of a shortage at the detention facility. SSG [redacted] said as the convoy drove away he observed the two detainees standing near the bridge. SSG [redacted] denied he witnessed, assisted, or conspired with anyone to throw the two detainees into the river. He also denied he or anyone else in the convoy drove over the detainee's vehicle with their BFV.

On 16 Jan 04, 1LT [redacted] A Company, 1/8<sup>th</sup> Infantry, was interviewed and denied any wrongdoing pertaining to this investigation. 1LT [redacted] stated his unit was returning from their nightly patrols and stopped a vehicle that contained two Iraqi's for a curfew violation. He stated SGT [redacted] reported to him that one of the individuals had a false identification card as the photograph appeared to be that of a younger individual. 1LT [redacted] ordered that the two Iraqi's be detained and placed in the rear of their BFV. He said that once they were moving again, with the two detainees, he realized the detention facility was closed so he stopped and ordered SGT [redacted] remove the flexi-cuffs and release the detainees. 1LT [redacted] said once that was accomplished they began rolling out and he looked in the mirror and observed the two detainees standing on the north side of the road as the convoy drove away. 1LT [redacted] denied he ordered, witnessed, or had any knowledge of the two detainees being thrown into the river.

S-769/5-90

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Attached as Exhibit [redacted] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACRCC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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EXHIBIT 27  
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The other three soldiers (SGT [redacted], SGT [redacted], and SPC [redacted]) all of A company, 1/8<sup>th</sup> Infantry, were interviewed and denied having any knowledge of wrongdoing pertaining to this investigation. Each of them were in the back of another BFV and apparently never dismounted their vehicle. On 16 Jan 04, SGT [redacted] A Company, 1/8<sup>th</sup> Infantry, Ft. Carson, CO, was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SGT [redacted] stated they stopped the vehicle for a curfew violation and during a search they discovered one of them had a false identification card. It was then decided to detain the two Iraqi's. SGT [redacted] stated they loaded the two Iraqi's into the BFV and departed. He said about 15 minutes after leaving they stopped the vehicles and 1LT [redacted] told him to release the detainees; so he, SPC [redacted] and SPC [redacted] exited the vehicle, removed the cuffs, and left the two Iraqi's standing on the side of the road. SGT [redacted] stated that when he got back into the BFV, the two Iraqi's were still standing on the side of the road. He also stated he did not know they were located near a river or bridge, because it was dark and he couldn't see. It should be noted that there was a light near the bridge and the ICDC checkpoint had numerous lights illuminating the immediate area, and others interviewed were aware of the bridge being there. SGT [redacted] matches the description provided by the surviving victim of the individual that pushed Mr. FADHIL from the bridge. SGT [redacted] continued to deny he pushed either of the two Iraqi's into the river, denied he observed either of the two Iraqi's being pushed into the river, and denied he planned with any members of his unit to conceal the act of pushing the two Iraqi's into the river.

On 16 Jan 04, SPC [redacted] A Company, 1/8<sup>th</sup> Infantry, was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC [redacted] stated after they had detained the two Iraqi's, the convoy stopped and they were instructed to release the two detainees. He said himself, SPC [redacted] and SGT [redacted] exited the BFV and he pulled security, SPC [redacted] removed the cuffs, and SGT [redacted] supervised. He stated they escorted the two detainees near the bridge on the right side of the road, removed the cuffs, and SGT [redacted] told them (the detainees) to leave. SPC [redacted] stated the last time he saw the two detainees they were standing on the side of the road as the convoy departed.

On 16 Jan 04, SPC [redacted] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC [redacted] stated after the two Iraqi's were detained they drove a while and then the convoy stopped. SPC [redacted] stated they were directed to release the two detainees, so he, SGT [redacted] and SPC [redacted] exited the BFV with the two detainees. He stated SGT [redacted] supervised, SPC [redacted] provided him with the knife and then pulled security, while he [redacted] removed the cuffs from the two detainees. SPC [redacted] stated that after the cuffs were removed, SGT [redacted] told the two detainees to leave, and the three of them got back inside the BFV and departed. He said the last time he saw the two detainees, they were walking along the side of the road. SPC [redacted] was offered the opportunity to undergo a polygraph examination to verify the truthfulness of his statement, to which he agreed.

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Attached as Exhibit [redacted] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACRDC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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EXHIBIT 22

[REDACTED]

b6-5/b7c-5

b6-5/b7c-5

On 22 Jan 04, [REDACTED] was re-interviewed under rights advisement and rendered a sworn statement wherein he detailed his involvement and knowledge regarding this incident.

RELEVANT QUESTIONS USED:

[REDACTED]

all b7-E

WITNESS, MONITOR OR INTERPRETER: SA [REDACTED] b6-1/b7c-1

EXAMINEE'S NATIVE LANGUAGE: English

LANGUAGE USED DURING THE EXAMINATION: English

[REDACTED]

///Original Signed///

Polygraph Examiner [REDACTED]

b6-1/b7c-1

b2-1

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Attached as Exhibit \_\_\_\_\_ is polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6b, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACRCC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5503. Reproduction of this exhibit or its contents is prohibited.

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EXHIBIT 27  
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**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
 For use of this form, see AR 190-30; the proponent agency is OD/OPS

**DATA REQUIRED BY THE PRIVACY ACT**

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

1. LOCATION <b>Building 215, Camp Ironhorse, Tikrit, Iraq</b>	2. DATE <b>23 Jan 04</b>	3. TIME <b>1043</b>	4. FILE NO. <b>66-5, b7c-5</b>
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <b>A Company, 1st Inf BN, 3rd BCT Balad, Iraq APO AE</b>		
6. SSN [REDACTED]	7. GRADE/STATUS <b>SGT IAD</b>		

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

**Section A. Rights**

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

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

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

- or -

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

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)		SIGNATURE OF INTERVIEWEE <b>[REDACTED] 66-5, b7c-5</b>	
1a. [REDACTED]		4. SIGNATURE OF INVESTIGATOR <b>[REDACTED] 66-1, b7c-1</b>	
b. ORGANIZATION OR ADDRESS AND PHONE <b>16TH MP BN (CID) Camp Victory, Baghdad, IRAQ</b>		5. TYPED NAME OF INVESTIGATOR <b>SA [REDACTED] 66-1, b7c-1</b>	
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <b>43rd Military Police (Det) (FWD) (CID) Camp Ironhorse, Tikrit, Iraq APO AE 09323</b>	

**Section C. Non-waiver**

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

**015365**

USAPA 2.01

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EXHIBIT 28

SWORN STATEMENT

File Number: 0011-94-CID469-79630-5H1

Location: Tikrit, Iraq APO AE 09323

Date: 23 Jan 2004 b6-5, b7c-5

Time: 1605

b6-5, b7c-5

Statement Of: [Redacted]  
SSN: [Redacted]

Grade/Status: SGT

Org/Address: A Company, 1/8<sup>th</sup> Infantry, Ft. Carson, CO 80913

b6-5,  
b7c-5

I, [Redacted] want to make the following statement under oath:  
I [Redacted] am about to tell you everything that I know about the two Iraqi's going in the river. It was on 3 Jan and that night we were going to do a patrol in Sammara which we did, we walked around the streets for about 1 hour-1 1/2 hour, but before we did the patrol I overheard somebody say "Yeah we are going to do a patrol and then pick somebody up for a swim". So we did the patrol and I assumed that we were going back to Brassfield so we get back in the Bradley's and took off when the Bradley's stopped. My team and myself get out of the Bradley and there was a car right in front of it, so we told the guys in the car to get out. We searched them and the car. I thought that we stopped them for curfew violations at first, so we ask them for ID's. The skinny guy was legit and the chunky guy gave us a fake ID. We called it up to the LT and he said to detain him and place them in the back of the Bradley, so we did. So the Bradley starts moving and when it stopped we were by a ICDC checkpoint I believe. So the LT told us to get back in the Bradley's, so we did and when it stopped we were by the bridge and I believe the LT said if you don't feel good throwing them off of the bridge just throw him by the shore. So I walked by the shore and called the guys over. [Redacted] had one and SPC [Redacted]

b6-5,  
b7c-5

b6-3,  
b7c-3

b6-5, b7c-5  
b6-5, b7c-5

[Redacted] had one and [Redacted] SGT [Redacted] came walking with them. They asked if we were going to throw them in the water with their hands tied up and I said hell no, cut them loose. So I told one guy, the skinny guy to jump and he didn't so I kicked him in the butt and told him to jump and he still didn't. And somehow during all that commotion I believe that [Redacted] pushed him off the bridge and right when I was about to look over the edge I got bum rushed from my left side so I turned around and grabbed a hold of [Redacted] because I thought that he was going to fall too and that's when the chunky guy was in the water. After that everybody went back to the Bradley's and me and [Redacted] saw the chunky guy swim to the shore and the skinny guy was still on the water saying something and that's when me and [Redacted] went back to the Bradley's. When we got back to Brassfield I heard that the white truck the guys were in was crushed by a Bradley and that was it for the night. A couple of days had gone by when the LT came to talk to me about that night. He said that it's gotten big, that the Iraqi's send an e-mail saying that we killed this man in the river and that we must not tell nobody about this, because the CO could lose his company and the LT could lose the platoon and who knows what else might happen. So the next day they told us that CID wanted to talk to us about it but we had to stick to the story that we dropped them off on the road. The LT, CO, plt SGT, and a Maj, took us back to the bridge during daylight hours to find out what really happened. So we told him and my LT jumps in the water to see how deep it is and they said it was impossible for those for those two guys to be saying the truth when the LT and SFC [Redacted] saw them out of the water. So they told us again to stick to the story because CID is bad, they are out to get us and that everybody knew the truth but they are out to get us.

b6-3,  
b7c-3

b6-5, b7c-5

b6-5, b7c-5

b6-5,  
b7c-5

EXHIBIT \_\_\_\_\_

INITIALS: [Redacted]

PAGE 1 OF 2 PAGES

b6-5, b7c-5

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EXHIBIT 28

- Q: Who did you hear say "someone was going for a swim"?
- A: The LT.
- Q: What time did he say that?
- A: I heard it a couple of times during the night.
- Q: What time did you detainee the two Iraqi's?
- A: 2300.
- Q: Can you provide me with a location or grid coordinate where you detained the two Iraqi's?
- A: No.
- Q: Why do you think the one guys ID was fake?
- A: Because the photo did not look like him.
- Q: Were the two men released and then re-detained prior to moving them?
- A: No.
- Q: When you say their car, what were they driving?
- A: A white truck.
- Q: Where was their vehicle parked when they were detained?
- A: I am not sure, I think it was parked on the road near the side of the road. I do not know what direction it was facing.
- Q: Did you see anyone move their vehicle?
- A: No.
- Q: What and from whom did you hear about running over their vehicle?
- A: I don't remember who, I just know that someone ran over the vehicle. I think it was when we got back in the Bradley's and were leaving that area when one of our Bradley's ran it over. I didn't feel anything.
- Q: Once they were detained, how long did you drive before the convoy stopped and they were forced into water?
- A: About 15 minutes, maybe.
- Q: Did you hear anyone say anything about throwing any curfew violators into the water earlier in the night?
- A: Not just curfew violators, but he said we were going to pick someone up for a swim.
- Q: Who?
- A: The LT.
- Q: Did anyone else hear this?
- A: I don't know.
- Q: Explain to me exactly what was said and by whom when the convoy stopped and the detainees were off loaded?
- A: Before we got to the bridge, we stopped once and off loaded. But we were told to get back on and we drove again for a few minutes. This is when we had the detainees exited the vehicle. We were all standing outside the Bradley and looked up to the LT, who was standing in the turret. This is when he said if we were not comfortable with throwing them over the bridge we could throw them by the shore. Nothing else was said.
- Q: Who heard the LT order you guys to throw them into he water? b6-5, b7c-5
- A: I don't know who else heard it other than me, but [REDACTED] were standing there also. I think [REDACTED] was still in the Bradley.
- Q: Explain to me how many people were in your vehicle and who got out?

b6-3,  
b7c-3

EXHIBIT

INITIALS: [REDACTED]

PAGE 2 OF 7 PAGES

b6-5, b7c-5  
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EXHIBIT 28

SWORN STATEMENT OF SGT [REDACTED] IRAQ, APO AE 0937, 23 Jan 04. CONTINUED

b6-5, b7c-5

A: There were a total of nine people in our Bradley. Myself, SPC [REDACTED] the LT, the doctor, the gunner [REDACTED] the driver (unknown) and the two detainees. Six of us exited the vehicle initially, myself, SPC [REDACTED] SPC [REDACTED] the [REDACTED] and the two detainees. [REDACTED] later got out himself. That left only the LT and the driver in the vehicle.

b6-5, b7c-5

b6-5, b7c-5

b6-3  
b7c-3  
b6-3, b7c-3

Q: Where was SGT [REDACTED] during this time? b6-5, b7c-5

A: In another Bradley.

Q: Explain to me in detail what happened after you exited the vehicle until you re-entered it and departed?

A: After the LT made that statement I walked down to the barrier by myself and told the guys to come over here. Everyone, except [REDACTED] walked to where I was standing.

b6-5, b7c-5

b6-3, b7c-3

This is the time when [REDACTED] jumped down and walked with the other guys. They asked me if we were going to throw them with the cuffs on and I said no. Then [REDACTED] cut the cuffs from both detainees. We told them to jump, but they did not. I told them again, and kicked one of them (skinny one) in the butt. I don't remember if anyone else said anything or not. When I kicked the guy he did not go into the water.

b6-5, b7c-5

This is when I believe [REDACTED] pushed him into the water and almost at the same time I got hit by both [REDACTED] and his detainee. I grabbed [REDACTED] to prevent him from falling into the water. When they were both in the water, everybody but myself and [REDACTED] went back to the Bradley. [REDACTED] and I stood there and looked over the edge, this is when I heard the skinny guy saying something, shouting and I saw the chunky guy swimming towards the shore, he was near the shore. Then the two of us go back to the Bradley, got loaded up and we left.

b6-5, b7c-5

b6-3, b7c-3  
b6-5, b7c-5

b6-5, b7c-5

Q: Did you ever see either one of the detainees exit the water?

A: No.

Q: How far was the drop to the top of the water?

A: 10 to 12 feet.

Q: What was the one detainee saying in the water?

A: I do not know.

Q: When you say LT, whom are you referring to?

A: 1LT [REDACTED] he is my platoon leader. b6-5, b7c-5

Q: When you say CO, whom are you referring to?

A: Captain [REDACTED] my Company Commander. b6-5, b7c-5

Q: When you say MAJ, whom are you referring to?

A: Major [REDACTED] the Battalion Executive Officer (XO). b6-5, b7c-5

Q: When you walked to the river where was SPC [REDACTED] b6-5, b7c-5

A: He stayed by the Bradley.

Q: Do you know why he stayed there instead of going to the river with you?

A: He did not want to come.

Q: Did he say anything or just stay behind?

A: He did not say anything.

Q: Did anybody say anything to him for not participating in the incident?

A: Yes, I told him when I tell him to do something he has to do it.

Q: Where was the LT positioned when this was taken place?

A: On top of the Bradley.

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

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b6-5, b7c-5

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EXHIBIT 28

Q: Could he observe what was going on from his vantage point?

A: I do not know.

Q: Other than the individuals you described as being at the water, did anyone else observe the two detainees go into the water?

A: I do not know.

Q: Who gave the order to have the detainees pushed into the river?

A: LT [redacted] b6-5, b7c-5

Q: Did you personally hear the LT give the order to push the detainees into the river?

A: Yes.

Q: Who told the detainees to jump into the river first?

A: I did.

Q: Did you witness both detainees go into the river?

A: Yes.

Q: Did you witness either of the two detainees exit the river?

A: No.

Q: Did you ever see the detainees again?

A: No.

Q: Did your platoon return to the scene of the incident a few days later, and why?

A: It was just part of the platoon. It was SGT [redacted] the CO, the LT, the BN XO, [redacted] b6-5, b7c-5

[redacted] and [redacted] and myself. I am not sure if [redacted] was there this day or not. The officers wanted to see how deep the water was. This is when the LT jumped into the water. The CO was going to jump in but the LT said No, I will do it. While we were standing there, we told Major [redacted] how we forced them into the river and this is when he told us we would say we just dropped them off on the road side and not tell anyone (CID) about the water. Then he gave us a big speech about how CID is bad. Later the CO and the LT said the same thing about our story and about CID.

Q: Other than the LT, CO, and XO, did anyone else talk to you about what to say?

A: SFC [redacted] b6-5, b7c-5

Q: Who did they speak with?

A: They spoke with me initially then they spoke with my team and me.

Q: When did they speak with you?

A: Several times. Before we went back to the river, at the river and several times after that but before we spoke with CID. They would ask us individually. Okay what are you going to say and we would answer them. They even had us practice in the Bradley where we would sit and rehearse how and who got out. After we were initially interviewed by CID we were told not to talk about it again by the LT and SFC [redacted] b6-5, b7c-5

Q: Did the XO know that you guys threw the detainees into the water?

A: Yes, the BN XO did. I never spoke with the Company XO.

Q: Who in your chain of command knows that these two detainees were forced into the water that night?

A: My LT, my platoon SGT, the CO, the BN XO I know for sure because I spoke with them. I was told everyone in our chain of command knew the truth and that we were told to lie about it.

Q: How do you know for sure that they knew what happened?

A: The Company Commander and BN XO were at the bridge that day when we

EXHIBIT

INITIALS: [redacted]

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discussed it. The Battalion Commander and the Brigade Commander was not there that day but I have been told by my chain of command that they know everything.

Q: Have you or any members of your team talked to the Brigade Commander about this?  
A: No.

Q: What is his name?  
A: COL [REDACTED] b6-3, b7c-3

Q: Do you know of any other incidents where you unit threw Iraqi's into the river?  
A: Yes, once. In Balad and SFC [REDACTED] made the plan to pick somebody up and throw them in to the river. We stopped near a store and SFC [REDACTED] said "Yes, this guy looks good". We (Myself, with another squad) took him, threw him in the Bradley and stopped by a bridge somewhere. The ramp came down and we exited the vehicle with the detainee. We uncuffed him and threw him off of the bridge. SGT [REDACTED] was the other guy that helped me. SFC [REDACTED] gave the order to do it and pushed him over the edge. I don't remember if the LT was there that day or not. b6-5, b7c-5

Q: Why did you guys detain this man and throw him into the water?

A: SFC [REDACTED] said so. He did not do anything, the Plt SGT said to pick him up. b6-5, b7c-5

Q: Did you see this guy exit the water?

A: No. SFC [REDACTED] started screaming at us and called us stupid fucks, because we did not do it the way he wanted us to. b6-5, b7c-5

Q: Can you describe the location where this took place?

A: In Balad.

Q: When?

A: I do not know.

Q: Do you know of any other incidents?

A: No.

Q: Do you know of any other platoons that have thrown people into the river?

A: No.

Q: Do you know anything else about either of these two incidents that we have not discussed?

A: No.

Q: Why did you not come forward and report this earlier?

A: I was scared.

Q: Did you voluntarily waive your legal rights and agree to speak with us today?

A: Yes.

Q: How were you treated today during this interview?

A: Good.

Q: Were you given the opportunity to take any breaks today during the interview?

A: Yes.

Q: Did you make this statement of your own free will?

A: Yes.

Q: Did you read this statement before you signed it?

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

Q: Were you given the opportunity to make changes to the statement before you signed it?

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

EXHIBIT

INITIALS: [REDACTED]

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EXHIBIT 28

SWORN STATEMENT OF SGT [REDACTED] TAKEN AT TIKRIT,  
IRAQ, APO AE 09 [REDACTED], 23 Jan 04. CONTINUED *b6-5, b7c-5*

Q: Is there anything else you would like to add to this matter under investigation?

A: Yes, I did this because I was following orders. I felt that if my team saw me not obey orders from my chain of command then they would think that it is okay to not obey me. I do not want to go back to my unit. I need to PCS from Ft. Carson to get away from everybody and to protect my family.

Q: Anything else?

A: No.///END OF STATEMENT/// [REDACTED] *b6-5, b7c-5*

*b6-5, b7c-5*  
EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

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..... *A*

*b6-5, 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 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, 23 January 2004, at Tikrit, Iraq.

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

*b6-5, b7c-5*

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 2 OF 2 PAGES

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b6-5, b7c-5

~~I~~ [REDACTED] is about to tell you everything that I know about the two ~~Iracs~~ Iraqis going in the River it was 3 Jan and that night we were going to do a patrol in Samarra which we did. we walked around the streets for about ~~1 hour to about 1/2~~ 1 hour - 1/2 but before we did the patrol I overheard somebody say "yeah... we are going to do a patrol and then pick somebody up for a swim" so we did the patrol and I assumed that we were going back to brass field so we got back in the bradleys and took off when the bradley's stopped my team and myself got out of the bradley and there was a car right in front of it so we told the guys in the car to get out we searched them ~~in the~~ and the car. I thought that it was beer we stopped them for curfew violation's at first so we asked them for ID's the skinny guys was legit and the chunky guy gave us a fake ID we called it up to the Lt and he said to detain him and place them in the back of the bradley so we did. so the bradley starts moving and when it stopped we were by a ICD checkpoint I believe so the Lt told us to get back in the bradleys so we did and when it stopped we were by the bridge ~~and the Lt said~~ and I believe that the Lt said if you don't feel good about throwing them off the bridge just throw him by the shore. Page 1 [REDACTED] 28 Jan 04

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b6-5, b7c-5 000147 EXHIBIT 29

So I walked by the Shore and called the <sup>b6-3, b7c-3</sup> [redacted] had one and [redacted] had  
 guys <sup>b6-5, b7c-3</sup> of over [redacted] one and [redacted] came walking with them  
 they had asked <sup>b6-5, b7c-3</sup> it we were going to throw them in the  
 water with their hands tied up and I said hell NO  
 cut them loose, so I told one guy the skinny guy  
 to jump and he didn't ~~so~~ so quicked him in the butt  
 and told him to jump and he still didn't and somehow <sup>b6-3, b7c-3</sup> [redacted]  
 during all that comotion I believe that [redacted]  
 pushed him off the ledge and right when I was  
 about to look over the ledge I got bum pushed  
 from my left side. So I turned around and grabbed  
 a hold of [redacted] <sup>b6-5, b7c-3</sup> because I thought that he  
 was going to fall too and that's when the chunky  
 guy when in after that everybody went back to  
 the bradleys and me and [redacted] <sup>b6-5, b7c-3</sup> saw the chunky  
 guy swim to the shore ~~and~~ and the skinny guy  
 was still on the water saying something and that's  
 when me and [redacted] <sup>b6-5, b7c-3</sup> went back to the bradleys  
 then we got back to brassfield I heard that  
 the white truck <sup>b6-5</sup> the guys were in was crushed  
 by a bradley <sup>b7c-3</sup> and that was it for that night  
 a couple day had gone by when the lt came to talk  
 to me about that night he said that it's gotten

3 page 2 24 Jan 23 Jan 04 [redacted]  
 [redacted] ← b6-5, b7c-3

015374

000148

that the Iraqis send a E-mail saying that we had killed this man in the River and that we must not tell nobody about this, because the CO could loose his company and the Lt could lose the platoon and who knows what else might happen so the next day they told us that CID wanted to talk to us about it but we had to stick to the story that we dropped them off on the Road. The Lt, Co, plt Sgt, and a ms. took us back to the bridge during daylight hours ~~and~~ to find out what really happened so we told him and my Lt jumps in the water to see how deep it is and they said that it was impossible for those two guys to be saying the truth when the Lt and SFC ~~\_\_\_\_\_~~ saw them out of the water, so they told us again to stick to the story because CID is bad they are out to get us and that everybody knew the truth but they are out to get us.

page 3 23 Jan 04 ~~\_\_\_\_\_~~

b6-5, b7C-5

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EXHIBIT 29  
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DEPARTMENT OF THE ARMY  
10th MILITARY POLICE BATTALION (CID)  
THIRD MILITARY POLICE GROUP, USACIGD  
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND  
CAMP VICTORY, IRAQ 09335

CIMPX-FB (195-6)

23 Jan 04

MEMORANDUM FOR

Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command,  
6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585  
Special Agent In Charge, 43d Military Police Detachment (CID) (FWD), 3d Military Police  
Group (USACIGD), Tikrit, Iraq APO AE 09323-2647

SUBJECT: Polygraph Examination Report

INVESTIGATIVE CASE REFERENCE: 0011-03-CID469-79630-5H1

AUTHORIZATION NUMBER: 04-0073, 19 Jan 04

DATE OF EXAMINATION: 20 Jan 04, 23 Jan 04

LOCATION OF EXAMINATION: Tikrit, Iraq

SUBJECT EXAMINED: [REDACTED], A Company, 1/8<sup>th</sup>  
Infantry, Ft. Carson, CO 80913; [REDACTED]

b6-5/b7c-5

OFFENSE: Murder.

PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation was initiated on 13 Jan 04,  
when it was reported from Forward Operating Base (FOB) Brassfield, Samarra, Iraq, of an  
alleged murder of an Iraqi national by American forces. Preliminary investigation revealed  
Mr. [REDACTED] Samarra, Iraq (NFI), reported to the Iraqi Civil Defense  
Corp (ICDC) on 3 Jan 04, that he and his cousin, Mr. Zaydun Ma'mun FADHIL, Samarra, Iraq  
(NFI) were detained by the American forces which resulted in the death of Mr. FADHIL.

b6-4  
b7c-4

Further investigation revealed that Mr. [REDACTED] approached the ICDC security check point in  
Samarra, late in the evening of 3 Jan 04 or early in the morning of 4 Jan 04, and reported he  
and Mr. FADHIL were stopped, searched and later detained by the American Forces. He  
reported that after they were detained they were both pushed off of a bridge into a river and  
Mr. FADHIL apparently drowned.

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Attached as Exhibit is Polygraph Examination Report (DA Form 2802). This exhibit will be  
destroyed not later than 3 months after the date of the report of investigation (para 2-6H, AR  
195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records  
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On 16 Jan 04, Mr. [REDACTED] was interviewed by USACIDC and stated he and Mr. FADHIL were returning from Baghdad, where they had purchased some plumbing supplies. He stated that about 2230, 3 Jan 04, while traveling to their home in Samarra, they arrived at the ICDC check point. Mr. [REDACTED] stated at the check point their vehicle was searched, their identifications cards were checked, and they were allowed to proceed. However, they were instructed to immediately go to their residences as the curfew was nearing (2300). Mr. [REDACTED] said they departed the checkpoint and about 2 or 3 kilometers away they approached an oncoming American convoy. He said the Americans stopped their vehicle and instructed them to exit the vehicle. According to Mr. [REDACTED] their vehicle was searched, they were personally searched and then they were handcuffed and placed in the rear of a military vehicle, later identified as a Bradley Fighting Vehicle (BFV). Mr. [REDACTED] stated they were never informed why they were being detained but were released before the vehicle drove away. He said they got back into their vehicle and drove about 20 meters, when the same soldiers once again stopped them, handcuffed them again and placed them in the back of the BFV. Mr. [REDACTED] indicated the BFV drove away and about 15 minutes later it stopped and they were ordered to exit the vehicle, and once he got out of the vehicle he could see the lights from the ICDC check point and they were un-cuffed and instructed to stand near the bridge. Mr. [REDACTED] stated once they stood near the bridge, the soldiers instructed them to jump off of it and when they did not a soldier approached MR FADHIL and pushed him off into the water and soon after he also was pushed into the water. Mr. [REDACTED] said when he went into the water he could hear Mr. FADHIL screaming because he did not know how to swim, but he was unable to get to him due to the strong currents in the water. Mr. [REDACTED] stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. [REDACTED] described the soldier that pushed Mr. FADHIL as skinny, not very tall and his skin was a little darker than white. He was unable to describe the soldier that pushed him into the water and was not sure if it was the same person or another soldier standing near by. Mr. [REDACTED] stated once the soldiers departed he made his way back to the ICDC check point and reported the incident to the Iraqi guards, who went back to the river with him to assist in the search of Mr. FADHIL. He stated they could not find him and he spent the remainder of the night at the ICDC area. The next morning when he returned to his vehicle he discovered it had been destroyed by unknown means. Photographs were exposed of the vehicle by a friend and the local community continued to search for the body of Mr. FADHIL. The photographs of the vehicle were obtained by USACIDC, and a review of the prints depicts enormous damage to the vehicle and a trailer, apparently caused by a BFV running completely over it.

h-76-4/1676-4

On 15 Jan 04, the remains of Mr. FADHIL were apparently discovered by the local nationals and he was soon thereafter buried in a local cemetery. Photographs were also exposed of the human remains. According to Mr. [REDACTED], Mr. FADHIL had injuries to his head and facial area caused by unknown means. Photographs of the human remains have not yet been collected by USACIDC to confirm the identity of the human remains in relation to Mr. FADHIL.

Additional investigative activities resulted in the identification of the soldiers involved in this incident. This was accomplished by obtaining historical data of particular units and their

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mission for that particular date and location. As a result of this investigative activity, the particular soldiers involved were interviewed and all denied any wrongdoing pertaining to this investigation.

Eight soldiers were identified as being at the scene and interviewed, three under rights advisement. One of the soldiers interviewed, SSG [redacted] A Company, 1/8<sup>th</sup> Infantry, stated they stopped the vehicle because of a curfew violation and the Iraqi's were detained. He stated he did not exit his vehicle but heard what was transpiring over the radio and that he called the 1LT to request permission to run over the detainee's vehicle with his BFV. According to SSG [redacted], he was denied permission and the convoy proceeded with the detainees in the front BFV, and their vehicle left behind undamaged. SSG [redacted] related that a few minutes later the convoy stopped and he heard the detainees were being released because of a shortage at the detention facility. SSG [redacted] said as the convoy drove away he observed the two detainees standing near the bridge. SSG [redacted] denied he witnessed, assisted, or conspired with anyone to throw the two detainees into the river. He also denied he or anyone else in the convoy drove over the detainee's vehicle with their BFV.

On 16 Jan 04, 1LT [redacted] A Company, 1/8<sup>th</sup> Infantry, was interviewed and denied any wrongdoing pertaining to this investigation. 1LT [redacted] stated his unit was returning from their nightly patrols and stopped a vehicle that contained two Iraqi's for a curfew violation. He stated SGT [redacted] reported to him that one of the individuals had a false identification card as the photograph appeared to be that of a younger individual. 1LT [redacted] ordered that the two Iraqi's be detained and placed in the rear of their BFV. He said that once they were moving again, with the two detainees, he realized the detention facility was closed so he stopped and ordered SGT [redacted] to remove the flexi-cuffs and release the detainees. 1LT [redacted] said once that was accomplished they began rolling out and he looked in the mirror and observed the two detainees standing on the north side of the road as the convoy drove away. 1LT [redacted] denied he ordered, witnessed, or had any knowledge of the two detainees being thrown into the river.

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The other three soldiers (SGT [redacted] SGT [redacted] and SPC [redacted] all of A company, 1/8<sup>th</sup> Infantry, were interviewed and denied having any knowledge of wrongdoing pertaining to this investigation. Each of them were in the back of another BFV and apparently never dismounted their vehicle.

On 16 Jan 04, three members of the ICDC on duty the night of the incident were interviewed. They were, PFC [redacted] (NFI); PFC [redacted] (NFI); and CPL [redacted] (NFI). Each of them stated they recalled the two Iraqi's coming through their check point and being cleared by themselves. They stated that about 15 minutes after releasing the vehicle they observed an American convoy stop near the bridge and remain there for about 5 minutes. They were unable to see any specific acts or movements and were unable to hear what was being said, although they said they could hear some talking. They stated that about 5 minutes after the convoy departed they observed an

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W6-4/67C-4

individual approaching their check point, later identified as Mr. [redacted]. They said he was soaking wet and informed them that the Americans had thrown himself and Mr. FADHIL from the bridge into the water. Members of the ICDC assisted in a search for Mr. FADHIL, but were unable to locate the body.

On 16 Jan 04, SPC [redacted], A Company, 1/8<sup>th</sup> Infantry [redacted] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC [redacted] stated after the two Iraqi's were detained they drove a while and then the convoy stopped. SPC [redacted] stated they were directed to release the two detainees, so he, SGT [redacted] and SPC [redacted] A Company, 1/8<sup>th</sup> Infantry (27 Jul 79, Lima, OH), exited the BFV with the two detainees. He stated SGT [redacted] supervised, SPC [redacted] provided him with the knife and then pulled security, while he [redacted] removed the cuffs from the two detainees. SPC [redacted] stated that after the cuffs were removed, SGT [redacted] told the two detainees to leave, and the three of them got back inside the BFV and departed. He said the last time he saw the two detainees, they were walking along the side of the road.

On 16 Jan 04, SPC [redacted] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC [redacted] stated after they had detained the two Iraqi's, the convoy stopped and they were instructed to release the two detainees. He said SPC [redacted] SGT [redacted] and himself exited the BFV, while he pulled security, SPC [redacted] removed the cuffs, and SGT [redacted] supervised. He stated they escorted the two detainees near the bridge on the right side of the road, removed the cuffs, and SGT [redacted] told them (the detainees) to leave. SPC [redacted] stated the last time he saw the two detainees they were standing on the side of the road as the convoy departed.

On 16 Jan 04, SGT [redacted] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SGT [redacted] stated they stopped the vehicle for a curfew violation and during a search they discovered one of them had a false identification card. It was then decided to detain the two Iraqi's. SGT [redacted] stated they loaded the two Iraqi's into the BFV and departed. He said about 15 minutes after leaving they stopped the vehicles and 1LT [redacted] told him to release the detainees; so he, SPC [redacted] and SPC [redacted] exited the vehicle, removed the cuffs, and left the two Iraqi's standing on the side of the road. SGT [redacted] stated that when he got back into the BFV, the two Iraqi's were still standing on the side of the road. He also stated he did not know they were located near a river or bridge, because it was dark and he couldn't see. It should be noted that there was a light near the bridge and the ICDC checkpoint had numerous lights illuminating the immediate area, and others interviewed were aware of the bridge being there. SGT [redacted] matches the description provided by the surviving victim of the individual that pushed Mr. FADHIL from the bridge. SGT [redacted] continued to deny he pushed either of the two Iraqi's into the river, denied he observed either of the two Iraqi's being pushed into the river, and denied he planned with any members of his unit to conceal the act of pushing the two Iraqi's into the river. SGT [redacted] was offered the opportunity to undergo a polygraph examination to verify the truthfulness of his statement, to which he agreed.

W6-5/67C-5

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Attached as Exhibit [redacted] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-61). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACRDC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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[REDACTED]

[REDACTED]

[REDACTED] b6-5/b7c-5

[REDACTED] b6-5/b7c-5

[REDACTED]

On 23 Jan 04, [REDACTED] b6-5/b7c-5 was re-interviewed under rights advisement and rendered a sworn statement wherein he described his involvement pertaining to the two detainees being thrown into the water, and his knowledge of actions that occurred after the incident by members of his unit.

RELEVANT QUESTIONS USED:

[REDACTED]

WITNESS, MONITOR OR INTERPRETER: SA [REDACTED] b6-1/b7c-1

EXAMINEE'S NATIVE LANGUAGE: English

LANGUAGE USED DURING THE EXAMINATION: English

[REDACTED]

//Original Signed//

[REDACTED] b6-1/b7c-1  
Polygraph Examiner b2-1

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Attached as Exhibit [REDACTED] is Polygraph Examination Report (DA Form 2887), this exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

15376 E

EXHIBIT 30  
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**RICHS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

**DATA REQUIRED BY THE PRIVACY ACT**

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

1. LOCATION <u>Fob Iron Horse Tikrit, Iraq</u>	2. DATE <u>24 Jan 04</u>	3. TIME <u>1348</u>	4. FILE NO: <u>0011-04-CE1489-7963</u>
5. NAME (Last, First, MI) <u>[REDACTED] 66-5, 67C-5</u>	8. ORGANIZATION OR ADDRESS <u>A Company 114th IA Balad, Iraq</u>		
6. SSN <u>[REDACTED]</u>	7. GRADE/STATUS <u>E-4/IA</u>		

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

**Section A. Rights**

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

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
- I do not have to answer any question or say anything.
  - Anything I say or do can be used as evidence against me in a criminal trial.
  - (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE <u>66-5, 67C-5</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED] 66-1, 67C-1</u>
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME <u>SA [REDACTED]</u>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>43rd MADET (CID) Tikrit, Iraq</u>

**Section C. Non-waiver**

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

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

DA FORM 388-1, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

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**015377**

**000155**

**VALIDITY 31**

SWORN STATEMENT

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

LOCATION FOB Iron Horse, Building 214, Tikrit, Iraq	DATE 24 Jan 2004	TIME 1500	FILE NUMBER 0011-04-CID469-79630
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-4/RA
ORGANIZATION OR ADDRESS A Company, 1/8 <sup>th</sup> Infantry			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- Q: SA [REDACTED] b6-5, b7c-5
- A: SPC [REDACTED] b6-1, b7c-1
- Q: Who else was with you when you exited the vehicle to release the Iraqi Detainees? b6-5, b7c-5
- A: It was myself, SGT [REDACTED] SPC [REDACTED] SGT [REDACTED] b6-5, b7c-5
- Q: Did SPC [REDACTED] exit the vehicle? b6-3, b7c-3
- A: Yes, SPC [REDACTED] exited the vehicle a few seconds later because he was exiting from the top of the Bradley. b6-3, b7c-3
- Q: Why was SPC [REDACTED] on top of the Bradley? b6-3, b7c-3
- A: Because he is the gunner.
- Q: Did someone order SPC [REDACTED] to help release the detainees? b6-3, b7c-3
- A: I don't know, but the only person who could have ordered him was LT [REDACTED] Usually a gunner will not exit a vehicle unless instructed to.
- Q: Who escorted the detainees towards the pump house? b6-5, b7c-5
- A: Myself, SPC [REDACTED] and SGT [REDACTED] b6-5, b7c-5
- Q: What was SGT [REDACTED] and SPC [REDACTED] doing while the detainees were being escorted to the pump house? b6-5, b7c-5
- A: SPC [REDACTED] was pulling security by the Bradley and SGT [REDACTED] was standing by the barrier near the pump house.
- Q: Could SGT [REDACTED] observe the release of the detainees? b6-5, b7c-5
- A: The only thing SGT [REDACTED] could see were the detainees in the water.
- Q: Did SGT [REDACTED] observe the detainees being pushed into the water? b6-5, b7c-5
- A: No.
- Q: Why would SGT [REDACTED] state to CID agents that he did not leave the vehicle when the detainees were being released? b6-5, b7c-5
- A: Because LT [REDACTED] instructed SGT [REDACTED] to tell CID he was in the vehicle the entire time the detainees were released.
- Q: Did SPC [REDACTED] push the detainee into the water? b6-3, b7c-3
- A: I could not see if SPC [REDACTED] or SGT [REDACTED] pushed the detainee into the water. All I heard was "No Mister" and "You better fuckin jump". b6-5, b7c-5
- Q: Who stated "You better fuckin jump"? b6-5, b7c-5
- A: SGT [REDACTED] b6-5, b7c-5
- Q: Did you see the Iraqi in the water at any time?
- A: No.
- Q: What did you do with your Iraqi you had detained?
- A: Once I exited the vehicle I led the Iraqi to the pump house. I then proceeded to cut his cuffs off. Then I walked him towards the edge of the bridge and then the Iraqi jumped into the water.
- Q: Did you tell the Iraqi to jump?
- A: Yes I told him to jump while I was walking him to the bridge.
- Q: Did anyone attempt to grab you?
- A: Yes, SGT [REDACTED] grabbed the back of my IBAS because he thought I was going to fall into the river with the Iraqi.
- Q: Did you push the Iraqi into the water?
- A: No.
- Q: Why did SGT [REDACTED] think you were going to fall into the water? b6-5, b7c-5
- A: I think he thought that I was closer to the edge than I actually was.
- Q: Did SGT [REDACTED] get hit by you and the detainee while you were walking him to the edge? b6-5, b7c-5
- A: I don't think so. There is a possibility because the area is very narrow.
- Q: Did SPC [REDACTED] say anything while he was outside of the vehicle? b6-3, b7c-3
- A: I can't remember if he said anything.
- Q: Did SGT [REDACTED] say anything while he was outside of the vehicle? b6-5, b7c-5

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-5, b7c-5	PAGE 1 OF 2 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.

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31  
EXHIBIT

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STATEMENT (Continued)

A: Not that I know of because he was to far away for me to hear anything.

Q: When you were escorting the detainee towards the edge were you walking or running?

A: I was walking at a fast pace.

Q: Where was the detainee located?

A: In front of me. SGT [REDACTED] was off to the left side. b6-5, b7c-5

Q: Did you have your hands on the detainee while you were escorting him to the edge?

A: Yes, I was grabbing the clothing on the back of the Iraqi with my left hand.

Q: When did you release your grip on the clothes?

A: I don't think I let go until he jumped off the edge.

Q: Why did you hold onto the Iraqi when he jumped off the edge?

A: I could not see the edge because the Iraqi was in front of me.

Q: Did the Iraqi understand when you told him to jump off the edge?

A: Yes, because he saw his friend in the water.

Q: Did the Iraqi you were escorting jump into the water without any assistance?

A: Yes.

Q: Did you assist the Iraqi when he jumped off the edge?

A: No.

Q: Was anyone else outside of the vehicle when you released the detainees?

A: I think SPC [REDACTED] might have been there. b6-3, b7c-3

Q: Why do you think he was there?

A: Because he is on our team.

Q: Did you physically see SPC [REDACTED] b6-3, b7c-3

A: Yes, I saw him in the vehicle I was in.

Q: Do you know if SPC [REDACTED] dismounted his vehicle when you stopped to release the detainees? b6-3, b7c-3

A: I think so, but he did not walk over to the pump house.

Q: Do you have anything else to add to this statement? b6-5, b7c-5

A: The name of the person who pushed the Iraqi into the water in Balad was SGT [REDACTED] The order to push the Iraqi into the water was given by SFC [REDACTED] b6-5, b7c-5

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

A: No.///End of Statement/// [REDACTED] b6-5, b7c-5

66-5, b7c-5 AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 21 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, b7c-5

WITNESSES:

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

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

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of January, 2004 at FOB Iron Horse, Tikrit, Iraq b6-1, b7c-1

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

SA [REDACTED]  
 (Typed Name of Person Administering Oath)

Article 136, UCMJ  
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b6-5, b7c-5

PAGE 2 OF 2 PAGES

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EXHIBIT 31

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
For use on 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.

*b6-5, b7c-5*

1. LOCATION Building 4010, LSA Anaconda, Balad, Iraq, APO AE 09391	2. DATE 25 Jan, 04	3. TIME 0723	4. FILE NO. 0011-04-GID469-79630
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS A Company, 1/8 <sup>th</sup> Infantry Battalion, 3 <sup>rd</sup> BCT		
6. SSN [REDACTED] <i>b6-5, b7c-5</i>	7. GRADE/STATUS CPT/O-3	Balad, Iraq, APO AE 09391	

**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. *b6-5, b7c-5* and wanted to question me about the following offense(s) of which I am suspected/accused: Obstruction of Justice, Conspiracy, Accessory after the Fact.

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <i>b6-1, b7c-1</i>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR SA [REDACTED] <i>b6-1, b7c-1</i>
		6. ORGANIZATION OF INVESTIGATOR 43 <sup>rd</sup> Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323-2647

**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  
[REDACTED] *b6-5, b7c-5*

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

DA FORM 3821 NOV 80

EDITION OF NOV 84 IS OBSOLETE

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**000158**  
EXHIBIT *32*

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
 For use of DA Form 3881, 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 PMO, LSA Anaconda, Balad, Iraq, APOAE 0391	2. DATE 27 Jan 04	3. TIME 0925	4. FILE NO. 0011-04-CID469-79630
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS A Co, 1st Inf Bn, 3rd BCT FOB Attack, Balad, Iraq, APO AE		
6. SSN [REDACTED]	GRADE/STATUS SPO4 PFC/E-3		

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

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am as a Special Agent // b6-3, b7c-3

suspected/accused Destruction to private property. III  
 Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any questions or say anything. b6-3, b7c-3
- Anything I say or do can be used as evidence against me in a criminal trial. b6-3, b7c-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. b6-3, b7c-3

- or -

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

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. b6-3, b7c-3

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 [REDACTED] <u>b6-3, b7c-3</u>
1a. NAME (Type or Print)	[REDACTED]	4. SIGNATURE OF INVESTIGATOR [REDACTED] <u>b6-1, b7c-1</u>
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR SA [REDACTED]
2a. NAME (Type or Print)	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR 43rd Military Police Det (FWD) (CIA) Camp Ironhorse, Tikrit, Iraq
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	

**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

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EXHIBIT 33

SWORN STATEMENT

File Number: 0011-04-CID469-79630

Location: Tikrit, Iraq APO AE 09323

Date: 27 Jan 2004

Time: 1740

Statement Of: [redacted] b6-3, b7c-3

Grade/Status: PFC/AD

SSN: [redacted]

Org/Address: A Company, 1/8<sup>th</sup> Infantry Bn, 3<sup>rd</sup> BCT, Balad, Iraq, APO AE 09323

b6-3, b7c-3

I, [redacted] want to make the following statement under oath: On 3 Jan 04, I was on patrol with my Platoon, 1<sup>st</sup> Platoon, Alpha Company, 1/8<sup>th</sup> Inf, in Samarra. About 2330-2400, 3 Jan 04, my platoon stopped two Iraqi's for violating curfew. They were driving a white Bongo truck and after they were detained their vehicle was left in the middle of the road. SFC

b6-5, b7c-5

[redacted] told me to move the vehicle to the side of the road. I was the last vehicle in the convoy and the three Bradley's in front of me passed the truck without moving it out of the way. At that time, the front of my Bradley, A14, was facing the front of the Bongo truck. I approached the truck with my Bradley and pushed it off to the side of the road. The left front side of my track made contact with the left front side of the Bongo truck. I felt my track make contact with Bongo truck and I could feel the Bongo Truck moving but I never climbed the Bongo truck with my Bradley to destroy it.

Q: SA [redacted] b6-1, b7c-1

A: PFC [redacted] b6-3, b7c-3

Q: I just showed you pictures of the Bongo truck and the damages the truck sustained, did you cause those damages when moving that truck on the night of 3 Jan 04?

A: No. The only damage I may have caused by moving the Bongo truck was maybe a dent to the front left side of that truck. I did not cause all those other damages.

Q: Did you feel your truck mount the Bongo truck when you moved the truck that night?

A: No.

Q: At what point throughout the night did you move the truck from the middle of the road?

A: It was right after my platoon detained someone, as we were leaving that area.

Q: When you pushed the Bongo truck out of the road, did you know why the truck was there?

A: I assumed we had picked up someone for curfew violation, but I had not seen how many people were picked up or what happened during the search of their vehicle.

Q: Did your convoy return to the Bongo after you pushed the Bongo truck out from the middle of the road?

A: No.

Q: Who caused the damages to the Bongo truck that night?

A: I don't have a clue.

b6-5, b7c-5

Q: Did you hear SFC [redacted] say that someone is going to get wet tonight at anytime throughout the evening of 3 Jan 04?

EXHIBIT \_\_\_\_\_

INITIALS: [redacted]

PAGE 1 OF 4 PAGES

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EXHIBIT 33

b6-3, b7c-3

SWORN STATEMENT OF PFC [REDACTED] TAKEN AT  
Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED

b6-3  
b7c-3

A: No, I didn't.  
Q: Could you hear radio traffic from the platoon and company frequencies while mounted on your Bradley that evening?  
A: No, I just heard internal radio conversations within the Bradley.  
Q: What did you see when the two detainees were released?  
A: I couldn't see anything. I still didn't know if there was one individual or three. I didn't even know that someone was being dropped off.  
Q: At what point after that night did you become aware that two Iraqi detainees may have been forced into a river in Samarra?  
A: Either the next day or the day after that.  
Q: Who did you hear that from?  
A: I don't remember anyone in particular, I just heard rumors from other platoon members.

b6-5, b7c-5

Q: What was the rumors?  
A: That some guys had got thrown in the river on the night of 3 Jan 04.  
Q: Was their talk as to who threw the Iraqi's into the river?  
A: No.  
Q: Who in your chain of command had talked to you about this investigation?  
A: SFC [REDACTED] came up to me first and he told me that we were getting investigated because of the two Iraqi's that were forced into the river on 3 Jan 04. He told me that about 3 or 4 days before CID came to interview us in Samarra the first time.

b6-5, b7c-5

Q: At anytime, did he influence you on what to tell CID about the two Iraqi's on the Bongo truck?  
A: No.  
Q: Was it common knowledge when SFC [REDACTED] approached you that the two Iraqi's had been forced into the river on 3 Jan 04?

b6-5, b7c-5  
b6-5, b7c-5

A: Yes.  
Q: At what point did the rumors of the two Iraqi's being forced into the river become the truth about what happened?  
A: Once the investigation started I knew the rumors could be true and then when SPC [REDACTED] SGT [REDACTED] and SPC [REDACTED] did not return to our platoon after being questioned by CID, SFC [REDACTED] told the whole platoon, "the cats out of the bag" and I knew that meant that the two Iraqi's had in fact been forced into the river that night.

b6-5, b7c-5

Q: When SFC [REDACTED] say this comment about, "the cats out of the bag"?  
A: He said that after he was questioned by CID, I think two nights ago.  
Q: Were you aware of any type of cover-up from your chain of command to the soldiers involved in the actual incident?

b6-5, b7c-5

A: No.  
Q: When was the last time LT [REDACTED] discussed this investigation with your platoon?  
A: Yesterday, he approached myself, SGT [REDACTED] and SPC [REDACTED] and told us we were going to be questioned by CID, but he didn't really say anything else.

b6-5, b7c-5

b6-3, b7c-3

EXHIBIT \_\_\_\_\_ INITIALS: [REDACTED] PAGE 2 OF 4 PAGES

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EXHIBIT 33

b6-3, b7c-3

SWORN STATEMENT OF PFC [REDACTED] TAKEN AT  
Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED

b6-3,  
b7c-3

Q: Has LT [REDACTED] ever stated that he knew the two Iraqi's were in fact forced into the river on the night of 3 Jan 04?

A: No. Not to me. b6-5, b7c-5

Q: Has CPT [REDACTED] discussed this investigation with you?

A: No, not with me personally. He has talked to the whole platoon about the investigation but I really don't remember what he said.

Q: Do you know if MAJ [REDACTED] was aware of what actually happened at the river that night? b6-5, b7c-5

A: I don't know.

Q: Did you go back to the scene of the incident after 3 Jan 04?

A: Yes. I went back when MAJ [REDACTED] LT [REDACTED] SFC [REDACTED] and I b6-5, b7c-5 think the commander was there too and a few other soldiers. I stayed in the Bradley the whole time we were there, so I did not see anything and I wasn't sure what was going on. I assumed it had to do with the investigation.

Q: Did you see LT [REDACTED] jump into the river when you all returned to the river? b6-5, b7c-5

A: No. I didn't see anything that happened.

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

A: No.

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

b6-3, b7c-3

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

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EXHIBIT 33

B6-3, b7c-3

SWORN STATEMENT OF PFC [REDACTED] TAKEN AT  
Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED

b6-3, b7c-3

AFFIDAVIT

I, PFC [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 [REDACTED] b6-3, b7c-3

b6-3, b7c-3

[REDACTED]  
Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to  
administer oaths, 27<sup>th</sup> of January 2004, at LSA Anonconda, 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

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 4 OF 4 PAGES

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EXHIBIT 33

**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 PMO, LSA Anonconda, Balad, Iraq, APO AE 09398	2. DATE 27 Jan 09	3. TIME 1131	4. FILE NO. 0011-04-CID469-79630
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS A Co, 48th Inf Bn, 3rd BCT Balad, Iraq, APO AE		
6. SSN [REDACTED]	GRADE/STATUS SPC/E-4		

**PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR [REDACTED] b6-1, b7c-1
2a. NAME (Type or Print)		5. NAME OF INVESTIGATOR SA [REDACTED] b6-1, b7c-1
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 43rd Military Police Det (FWD) (CID) Camp Ironhorse, Tikrit, Iraq APO AE 09398

**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

[REDACTED] b6-3, b7c-3

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

**TS WARNING PROCEDURE/WAIVER CERTIFICATE**  
 or 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 PMO, LSA Ananconda, Balad, Iraq, APO 09323	2. DATE 27 Jan 09	3. TIME 1416	FILE NO. 0011-04-CID469
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS A Company, 1/8th Inf Bn, 3BCT FOB Attack, Balad, Iraq, APO AE 09323		
6. SSN [REDACTED]	7. GRADE/STATUS Sgt 1E-5	PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE	

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation and wanted to question me about the following offense(s) of which I am suspected/received: Murder, Conspiracy-11

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

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

6. COMMENTS (Continued on reverse side)

**Section B. Waiver**

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. NAME OF INVESTIGATOR SA [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 43rd Military Police Det (CID) Tikrit, Iraq, APO AE 09323

**Section C. Non-waiver**

1. I do not want to give up my rights  
 I want a lawyer

2. SIGNATURE OF [REDACTED] b6-5, b7c-5

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  
**FOR OFFICIAL USE ONLY**

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 15327

USAPA 2.01  
**EXHIBIT 25**  
 000165

**RIGHTS WAIVER 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	2. DATE	3. TIME	4. FILE NUMBER
LSA Anonconda, Balad, Iraq APO AE 09323	27 Jan 04	1534 HRS	66-3, b7c-3
5. Name (Last, First, MI)	8. ORGANIZATION OR ADDRESS		
[REDACTED]	3rd BCT		
6. SSN	7. GRADE/STATUS	Balad, Iraq, APO AE 09323	
[REDACTED]	b6-3, b7c-3 / 06/AC		

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

**SECTION A. Rights**

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

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

I do not have to answer any questions or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

b6-3, b7c-3 -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 the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**SECTION B. Waiver**

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		[REDACTED] b6-3, b7c-3
b. ORGANIZATION OR ADDRESS AND PHONE		[REDACTED] b6-1, b7c-1
2a. NAME (Type or Print)	5. TYPE OF INVESTIGATOR	
	SA	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR	
	43rd Military Police Det (CID)	
	Tikrit, Iraq, APO AE 09323	

**SECTION C. Non-waiver**

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

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 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

**FOR OFFICIAL USE ONLY**

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EXHIBIT 34  
 000166

SWORN STATEMENT

File Number : 0011-04-CID469-79630

Location : [redacted] Iraq APO AE 09323

Date : Jan 2004

Statement Of : [redacted]

SSN : [redacted]

Org/Address : 3<sup>rd</sup> BCT, Balad, Iraq, APO AE 09323

b6-3, b7c-3

Time: 1636 hrs

Grade/Status: O-6/COL

b6-3, b7c-3

b6-3, b7c-3

[redacted] want to make the following statement under oath. Around the 6-7 Jan 04, 1/66 Armor Commander [redacted] contacted me and told me he was notified by the city counsel that US Forces had forced Iraqi's to jump into the Tigris river and one of them had drowned. The next day, I informed the commanding general when he visited that I was aware of this allegation and I didn't believe it was true but that I started a commander's inquiry. He directed me to get CID involved in the investigation. I then contacted CPT [redacted] and informed her of the allegation and that for her to contact CID and have an investigation started. I met with CPT [redacted] I believe on 8 Jan 04. The next city counsel meeting was a few days later and after that meeting, I met with the alleged survivor and the ICDC personnel that were at the checkpoint the night of the alleged incident. There was an interpreter available and through him I got the victim's verbal statement of what had occurred. The victim said he was picked up and rode around in a Bradley on the night in [redacted] questioned. He said they were then taken to the river and him and his cousin were motioned by the soldiers to jump into the river. He stated he knew his cousin couldn't swim and that's why he didn't want to jump. He stated his cousin was pushed first into the river and then he was also pushed. He went into how he tried to help his cousin and he couldn't and he believed that his cousin drowned. He then went to the ICDC checkpoint and reported what happened. I then spoke to the ICDC personnel and then pretty much had the same story on what the Victim said. They did see the victim walk towards the checkpoint and he was wet and muddy and told them the same story he told me. A couple of days after that meeting, I was at FOB Braddfield/Mora and I requested to speak directly with the Platoon Sergeant, SFC [redacted]. He came to speak with me with the Company Commander, CPT [redacted]. I asked SFC [redacted] if he had been read his rights and he said yes and I asked him a question about the incident, I don't remember exactly what I asked him, but he said that he was the last vehicle in the convoy and he stated that when he was departing the incident scene, the two Iraqi's were standing on the side of the road facing each other. At no time did anyone tell me that an Iraqi had actually been pushed and then was seen on the side of the road. I only found out that an Iraqi had been pushed as a result of this investigation and the confessions CID has received.

b6-3, b7c-3

b6-3, b7c-3

b6-3, b7c-3

b6-5, b7c-5

b6-5, b7c-5

Q: SA [redacted]

A: COL [redacted]

Q: Did LTC [redacted] ever tell you that he knew that the two IRAQI's were in fact forced into the water on the night of the incident?

A: No.

b6-5, b7c-5

b6-3, b7c-3

EXHIBIT \_\_\_\_\_

INITIALS: [redacted]

PAGE 1 OF 3 PAGES

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EXHIBIT 34

b6-3, b7c-3

SWORN STATEMENT OF COL [REDACTED]  
TAKEN AT Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED

b6-3,  
b7c-3

At what point did you become aware that the two Iraqi's had actually been forced into the water?

A: Through CID's investigation and confessions the soldiers have given.

Q: Did anyone in the chain of command for A Co, 1/8<sup>th</sup> Inf, inform you that a cover story was in place to give to the CID investigators?

A: No.

Q: Were you aware of the instructions LTC [REDACTED] told CPT [REDACTED] and LT [REDACTED] about not saying that the Iraqi's were actually forced into the water?

b6-5 →  
b7c-5

A: No.

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

A: No.

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

b6-3, b7c-3

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 2 OF 43 PAGES

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EXHIBIT 36

SWORN STATEMENT OF COL [REDACTED]  
TAKEN AT Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED

b6-3, b7c-3

b6-3,  
b7c-3

b6-3, b7c-3 AFFIDAVIT

[REDACTED] COL [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]  
(Signature of Person Making Statement)

b6-3,  
b7c-3

Subscribed and sworn to before me, a person authorized by law to administer oaths, 27<sup>th</sup> of January 2004, at LSA Anonconda, 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

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 3 OF 43 PAGES

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EXHIBIT 36

**BATES PAGE 15392 IS A PHOTO  
REVIEWED IN ACCORDANCE WITH CRITERIA  
PROVIDED IN PRIOR IN CAMERA SESSIONS AND  
HAVE BEEN DETERMINED TO BE  
NONRESPONSIVE**

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

**AUTHORITY:**  
**PRINCIPLE 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 is used as an additional/alternative means of identification  
to facilitate filing and retrieval.  
Disclosure of your Social Security Number is voluntary.

**LOCATION:** Balad, Iraq      **DATE:** 30 Jan 04      **TIME:** 0742  
**FILE NUMBER:** 0011-04-CID469-79630-5H1-5H7      **SSAN:** [REDACTED]      **GRADE / STATUS:** COL  
**NAME (Last, First MI):** [REDACTED]  
**ORGANIZATION OR ADDRESS:** 3d Brigade Combat Team, Samarra, Iraq

**RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

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

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

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

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

If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the 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:**

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.

Witness# 1  
Signature of Witness: SA [REDACTED]

Witness# 2  
Signature of Witness: [REDACTED]

[REDACTED]  
Signature of Interviewee: [REDACTED]  
[REDACTED]  
10TH MP BN (CID)  
BAGHDAD, IRAQ

**NON-WAIVER CERTIFICATE**

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

Signature of Interviewee: \_\_\_\_\_

DA Form 3881-E

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EXHIBIT 38



DEPARTMENT OF THE ARMY  
10th MILITARY POLICE BATTALION (CID)  
THIRD MILITARY POLICE GROUP, USACIDC  
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND  
CAMP VICTORY, IRAQ 09335

CIMPX-FB (195-6)

30 Jan 04

MEMORANDUM FOR

Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command,  
6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585  
Special Agent In Charge, 43d Military Police Detachment (CID) (FWD), 3d Military Police  
Group (USACIDC), Tikrit, Iraq APO AE 09323-2647

SUBJECT: Polygraph Examination Report

INVESTIGATIVE CASE REFERENCE: 0011-03-CID469-79630-5H1

AUTHORIZATION NUMBER: 04-0164, 29 Jan 04

DATE OF EXAMINATION: 30 Jan 04

LOCATION OF EXAMINATION: FOB Anaconda, Balad, Iraq

SUBJECT EXAMINED: [REDACTED] COL, 264-75-8656; 3d Brigade  
Combat Team, Ft. Carson, CO (Deployed to Balad, Iraq); [REDACTED]

b6-5 / b7C-5

OFFENSE: Misprison of a Serious Offense, Conspiracy

PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation was initiated on 13 Jan 04, when it was reported from Forward Operating Base (FOB) Brassfield, Samarra, Iraq, of an alleged murder of an Iraqi national by American forces. Preliminary investigation revealed Mr. [REDACTED], Samarra, Iraq (NFI), reported to the Iraqi Civil Defense Corp (ICDC) on 3 Jan 04, that he and his cousin, Mr. Zaydun Ma'mun FADHIL, Samarra, Iraq (NFI) were detained by the American forces which resulted in the death of Mr. FADHIL.

b6-4  
b7C-4

Further investigation revealed that Mr. [REDACTED] approached the ICDC security check point in Samarra, late in the evening of 3 Jan 04 or early in the morning of 4 Jan 04, and reported he and Mr. FADHIL were stopped, searched and later detained by the American Forces. He reported that after they were detained they were both pushed off of a bridge into a river and Mr. Fadhil apparently drowned.

FOR OFFICIAL USE ONLY

Attached as Exhibit 1 is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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EXHIBIT 39  
000172

On 16 Jan 04, Mr. [REDACTED] was interviewed by USACIDC and stated he and Mr. FADHIL were returning from Baghdad, where they had purchased some plumbing supplies. He stated that about 2230, 3 Jan 04, while traveling to their home in Samarra, they arrived at the ICDC checkpoint. Mr. [REDACTED] stated at the checkpoint their vehicle was searched, their identifications cards were checked, and they were allowed to proceed. However, they were instructed to immediately go to their residences the curfew was nearing (2300). Mr. [REDACTED] said they departed the checkpoint and about 2 or 3 kilometers away they approached an oncoming American convoy. He said the Americans stopped their vehicle and instructed them to exit the vehicle. According to Mr. [REDACTED], their vehicle was searched, they were personally searched and then they were handcuffed and placed in the rear of a military vehicle, later identified as a Bradley Fighting Vehicle (BFV). Mr. [REDACTED] stated they were never informed why they were being detained but were released before the vehicle drove away. He said they got back into their vehicle and drove about 20 meters, when the same soldiers once again stopped them, handcuffed them again and placed them in the back of the BFV. Mr. [REDACTED] indicated the BFV drove away and about 15 minutes later it stopped and they were ordered to exit the vehicle, and once he got out of the vehicle he could see the lights from the ICDC check point and they were un-cuffed and instructed to stand near the bridge. Mr. [REDACTED] stated once they stood near the bridge, the soldiers instructed them to jump off of it and when they did not a soldier approached MR. FADHIL and pushed him off into the water and soon after he also was pushed into the water. Mr. [REDACTED] said when he went into the water he could hear Mr. FADHIL screaming because he did not know how to swim, but he was unable to get to him due to the strong currents in the water. Mr. [REDACTED] stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. [REDACTED] described the soldier that pushed Mr. FADHIL as skinny, not very tall and his skin was a little darker than white. He was unable to describe the soldier that pushed him into the water and was not sure if it was the same person or another soldier standing near by. Mr. [REDACTED] stated once the soldiers departed he made his way back to the ICDC check point and reported the incident to the Iraqi guards, who went back to the river with him to assist in the search of Mr. FADHIL. He stated they could not find him and he spent the remainder of the night at the ICDC area. The next morning when he returned to his vehicle he discovered it had been destroyed by unknown means. Photographs were exposed of the vehicle by a friend and the local community continued to search for the body of Mr. FADHIL. The photographs of the vehicle were obtained by USACIDC, and a review of the prints depict enormous damage to the vehicle and a trailer, apparently caused by a BFV running completely over it.

D11 66-11-676-1

A Company, 1/8<sup>th</sup> Inf, was identified as the unit having contact with the two Iraqi's in question. Unit members were interviewed and described detaining, and subsequently releasing, these two individuals but denied injuring or causing injury to either person.

On 20 and 21 Jan 04 three A Co. unit members underwent polygraph examinations. All three rendered sworn statements wherein they detailed their involvement in throwing the two men into the water and how their chain of command ordered them to deny doing so. Specifically, one soldier stated 1LT [REDACTED], CPT [REDACTED] and MAJ [REDACTED] had knowledge of the men being thrown into the water and that they were involved in covering up this incident.

**FOR OFFICIAL USE ONLY**

Attached as Exhibit [REDACTED] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5583. Reproduction of this exhibit or its contents is prohibited.

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EXHIBIT 29  
000173

0011-03-CID469-79630-5H1

afterwards. One soldier also stated he was told by someone in his chain of command that LTC [redacted] and COL [redacted] knew the two men were thrown into the water and knew about the distortion of the facts. He did not specify who provided him the information pertaining to COL [redacted]. Another soldier identified CPT [redacted] as being aware of these facts, but was not aware of anyone else higher in his chain of command being involved in or having any knowledge of this incident. The third soldier identified Major [redacted] and LTC [redacted] as being involved. This soldier reported that he and the other two unit members involved had not spoken with COL [redacted] about this incident but he was told by members of his chain of command that they (referring to the [redacted]) knew everything. He was unable to specifically identify who made these comments.

On 22 Jan 04, 1LT [redacted] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. 1LT [redacted] did not discuss anything about COL [redacted] having knowledge of this incident.

On 25 Jan 04, CPT [redacted] was advised of his legal rights which he invoked, electing not to be questioned about the incident. He did not discuss anything pertaining to COL [redacted] knowledge or involvement in this investigation.

On 25 Jan 04, MAJ [redacted] HHC, 1/8<sup>th</sup> Infantry Battalion, was interviewed under rights advisement and continued to deny any wrongdoing pertaining to this investigation. Major [redacted] is the [redacted] and was specifically identified in statements as being aware of the incident and being directly involved in the false information initially reported. Major [redacted] did not provide any information regarding COL [redacted] knowledge of or involvement in this investigation.

On 27 Jan 04, LTC [redacted], HHC, 1/8<sup>th</sup> Infantry Battalion, Ft. Carson, CO, was interviewed under rights advisement and admitted he was made aware of the two Iraqi's being thrown into the water from CPT [redacted] and 1LT [redacted]. He stated he instructed everyone involved to say they released the Iraqi's on the side of the road, instead of describing how they were thrown into the water. LTC [redacted] did say that he was not aware of the possibility that one of the Iraqi's drowned, as he was told that both men were seen on the roadside when the convoy departed. LTC [redacted] stated to his knowledge Major [redacted] and COL [redacted] were not involved in this incident from any perspective.

On 29 Jan 04 all members of the 1<sup>st</sup> platoon that were present on the night of this incident were interviewed and either denied having any knowledge or elected not to speak about the incident. None of the soldiers indicated COL [redacted] had any knowledge and/or involvement in this investigation.

On 29 Jan 04, 1SG [redacted], A Company, 1/8<sup>th</sup> Infantry, was interviewed and stated he was first informed about the incident through his Commander, CPT [redacted].

**FOR OFFICIAL USE ONLY**

Attached as Exhibit [redacted] is Polygraph Examination Report (DA Form 2002). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6b, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACRDC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5595. Reproduction of this exhibit or its contents is prohibited.

a11 66-5 167C-5

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EXHIBIT 39  
000174

Although, ISG [redacted] stated he instructed the Commander to not tell him any details, as someone had to remain in control of the remainder of the unit. ISG [redacted] claimed he had no knowledge of the incident or of any cover up until the CID investigation was initiated. Also, ISG [redacted] stated to his knowledge COL [redacted] had no involvement in the incident or the actions taken afterwards.

On 29 Jan 04, CSM [redacted] 586-66-1015, HHC, 1/8<sup>th</sup> Infantry, was interviewed and denied having any knowledge pertaining to this incident. CSM stated once he heard the rumors of the incident he approached LTC [redacted] to question what was going on and he was told by him to not be concerned with it and stay out of it. CSM [redacted] stated to his knowledge, COL [redacted] was not involved in any phase of the incident.

On 29 Jan 04, SGM [redacted] 3d Brigade Combat Team, was interviewed and denied having any involvement pertaining to this investigation. Also, CSM [redacted] stated to his knowledge COL [redacted] did not have any prior knowledge pertaining to the two men being thrown into the river and that he did not have any involvement in the actions taken by certain members to conceal information after the incident.

On 27 Jan 04, COL [redacted] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. COL [redacted] stated he initially heard of the incident when he was notified by the local city counsel of the allegations that US Forces had forced Iraqi's to jump into the river. COL [redacted] stated he briefed the Commanding General, 4<sup>th</sup> Infantry Division, Tikrit, Iraq, the next day, telling him he did not believe it was true but that he had initiated a commander's inquiry, and that the CG had instructed him to get CID involved. COL [redacted] stated that at the next city counsel meeting, he spoke with the surviving victim and the ICDC personnel, who all told him about the two being thrown into the water. COL [redacted] said a few days later he spoke with CPT [redacted] and SFC [redacted] and was never told about anyone being pushed into the water, saying he discovered they were pushed as a result of the CID interviews of his soldiers. Although LTC [redacted] denies informing COL [redacted] about the offense as it occurred and about the plan to cover the truth, it is believed COL [redacted] was informed about the incident prior to his being briefed about the results of the USACIDC interviews. COL [redacted] continued to deny that he had any knowledge of the two men being thrown into the water (prior to the confession to USACIDC), denied any of his subordinates informed him that the two men were forced into the water, and denied planning with anyone to distort the truth about the two men being thrown into the water. COL [redacted] was offered the opportunity to undergo a polygraph examination to verify the truthfulness of his statement, to which he agreed.

5-769/5-90

[redacted]

b7-E

**FOR OFFICIAL USE ONLY**

Attached as Exhibit [redacted] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5545. Reproduction of this exhibit or its contents is prohibited.

15394

EXHIBIT 39 175

0011-03-CID469-79630-5H1

[REDACTED]

b6-5 / b7C-5

[REDACTED]

RELEVANT QUESTIONS USED:

[REDACTED]

b7-E

WITNESS, MONITOR OR INTERPRETER: SA [REDACTED] b6-1 / b7C-1

EXAMINEE'S NATIVE LANGUAGE: English

LANGUAGE USED DURING THE EXAMINATION: English

[REDACTED]

///Original Signed///

[REDACTED]  
Polygraph Examiner, [REDACTED]

b6-1 / b7C-1

b2-1

**FOR OFFICIAL USE ONLY**

Attached as exhibit is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6<sup>th</sup> Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

15394 E

EXHIBIT 39  
000176

# Photographic Packet

Case Number 0011-04-CID469-79630

<u>Number</u>	<u>Description</u>
1	Photograph depicting the pump house area adjacent to the north end of the bridge where Mr. FADHIL and Mr. [REDACTED] were forced into the river. b7C-4, b6-4
2	Photograph depicting the area where Mr. FADHIL and Mr. [REDACTED] stood when their flexi cuffs were removed prior to them being forced into the water. b7C-4, b6-4
3	Photograph depicting the area between the pump house and cylinder blocks where Mr. FADHIL and Mr. [REDACTED] were forced to walk through before being forced into the river. b7C-4, b6-4
4	Photograph depicting a soldier standing at the location where Mr. FADHIL and Mr. [REDACTED] were forced into the river. b7C-4, b6-4
5	Photograph depicting the vegetation area where Mr. FADHIL climbed out of the river.
6	Photograph depicting a close-up of the vegetation area where Mr. FADHIL climbed out of the river.

FOR OFFICIAL USE ONLY

Exhibit 40

015395

000177

**BATES PAGES 15396-15401 ARE PHOTOS  
REVIEWED IN ACCORDANCE WITH CRITERIA  
PROVIDED IN PRIOR IN CAMERA SESSIONS AND  
HAVE BEEN DETERMINED TO BE  
NONRESPONSIVE**

# Page(s)

184

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translation provided at page 185

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## Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

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015402

MEMORANDUM FOR RECORD

9 February 2004

SUBJECT: Transliteration of a one page letter written in Arabic, transliterated by [REDACTED] Titan Interpreter, Detainee Central Collection Point, Forward Operating Base, Iron Horse, Tikrit, Iraq, on 9 February 2004 at 1330 hours, local, in response to a request by Special Agent [REDACTED] US Army CID.

b7C-3, b6-3

b7C-1, b6-1

//BEGIN TRANSLITERATION//

In the name of God the merciful

*NOT UNDERSTOOD (Direct quotes from the Koran, very proper Arabic)*

And after: God had created humans and preferred them over all other creations.

*NOT UNDERSTOOD (Direct quotes from the Koran, very proper Arabic)*

Nobody has the right to destroy this creation, or take this life to a place of destruction or sabotage, and his body is protected in life and death, and is forbidden to be disturbed even after death, and nobody has the right to hurt the body in anyway. Even after death, nobody has the right to cremate the body or break any of its bones. Also, nobody has the right to step or sit on the grave. Also, the rules say you are prevented from exhuming the grave to remove the body, unless it is very important to do so.

On the question of Mr. [REDACTED] regarding the exhuming of [REDACTED] Zaydoon's body in order to discover the cause of the death and solve a mystery by opening the grave.

b7C-3, b6-3

b7C-3, b6-3

I declare under God:

By law, the opening of the grave, as long as there is an important need to open it, with knowledge that this action will not be in conflict with the dead person's rights under the Koran, and has been determined as necessary and as defined in the law of the Koran, is hereby approved by God, without whom nothing is possible.

Dr. [REDACTED] Director, Head of Religious Counsel in Salah Aldeen Imam and Preacher, The Big Mosque, Samarra

b7C-3, b6-3

//END TRANSLITERATION//

015403

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EXHIBIT 42  
000185

**Page(s)**

186-194

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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

(813) 827-5341/2830

015404

**DETAILS**

**BASIS FOR NOTIFICATION:** About 1904, 22 Jan 04, this office received a Request for Assistance (RFA) from 43<sup>rd</sup> Military Police Detachment, Camp Ironhorse, Tikrit, Iraq, requesting this office locate, fully identify and conduct subject interviews of CPT [REDACTED] and SFC [REDACTED] Both of A Co, 1/8<sup>th</sup> Infantry, Balad, Iraq. *b6-5, b7c-5*

*b6-5, b7c-5*  
 About 0928, 25 Jan 04, SA [REDACTED] *b6-1, b7c-1* this office, advised SFC [REDACTED] *b6-5, b7c-5* A Company, 1/8<sup>th</sup> Infantry Battalion, (Balad, Iraq) Fort Carson, CO, which he waived and provided a verbal statement. SFC [REDACTED] stated he had made joking statements in the past about throwing an Iraqi into the water, and that statements were made the night of the incident that "someone's going to get wet". SFC [REDACTED] stated he pushed a white truck belonging to one of the detainees off the road with his Bradley vehicle the night of the incident. SFC [REDACTED] further stated he knew two individuals had been thrown in the water the night of the incident, but when he drove past he saw two individuals standing on the side of the road. SFC [REDACTED] stated he knew CPT [REDACTED] was aware of the true version of what happened that night, but would not state how CPT [REDACTED] knew. SFC [REDACTED] provided a hand drawn sketch of the incident scene. SFC [REDACTED] refused to sign his written statement and terminated the interview by requesting legal counsel. (See written statement and sketch for details) *b6-5, b7c-5, b6-5, b7c-5*

About 1158, 25 Jan 04, SA [REDACTED] *b6-1, b7c-1* this office, advised MAJ [REDACTED] *b6-5, b7c-5* Executive Officer, Headquarters and Headquarters Company (HHC), 1/8<sup>th</sup> Infantry Battalion (INF BN), (Balad, Iraq), Fort Carson, CO 80913, which he waived and rendered a sworn statement detailing his knowledge of the incident and his role as an appointed inquiry officer as requested by his chain of command (see Waiver Certificate and Sworn Statement for details).

*b6-5, b7c-5*  
 About 1202, 27 Jan 04, SA [REDACTED] *b6-1, b7c-1* advised LTC [REDACTED] *b6-5, b7c-5* Commander, HHC 1/8<sup>th</sup> INF BN, (Balad, Iraq), Fort Carson, CO 80913, which he waived and rendered a sworn statement, where in he confessed to ordering CPT [REDACTED] and 1LT [REDACTED] to change their story regarding the detainees being put in the water (see Waiver Certificate and Sworn Statement for details).///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] <i>b6-1, b7c-1, b2-1</i>	ORGANIZATION 12 <sup>th</sup> MP DET (CID) (MINUS), LSA Anaconda, Iraq APO AE 09391	
SIGNATURE [REDACTED]	DATE 27 JAN 04	EXHIBIT 46

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
 For use on this form, see AR 190-30; the proponent agency 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 Building 4010, LSA Anaconda, Balad, Iraq, APO AE 09391	2. DATE 25 Jan, 04	3. TIME 0928	4. FILE NO. 0011-04-CID469-79630
5. NAME (Last, First, MI) [REDACTED] b6-5, b7c-5	8. ORGANIZATION OR ADDRESS A Company, 1/8 <sup>th</sup> Infantry Battalion, 3 <sup>rd</sup> BCT		
6. SSN [REDACTED]	7. GRADE/STATUS SFC/E-7	Balad, Iraq, APO AE 09391	

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

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected: Involuntary Manslaughter, Conspiracy, Obstruction of Justice b6-5, b7c-5

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:

b6-5  
b7c-5  
↓

I do not have to answer any questions or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

**5. COMMENTS (Continue on reverse side)**

*Have you been advised of your rights in the past 30 days and requested a*

**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. b6-5, b7c-5

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b6-5, b7c-5	
1a. NAME (Type or Print)	[REDACTED]	4. SIGNATURE OF WITNESS	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR	SA [REDACTED] b6-1, b7c-1
2a. NAME (Type or Print)	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR	12 <sup>th</sup> MP Det GFD (G) LSA Anaconda, Balad, Iraq APO AE 09391
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]		

**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

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EXHIBIT 47

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 Building 4010, LSA Anaconda, Iraq	2. DATE (YYYYMMDD) 20040127	3. TIME	4. FILE NUMBER 0011-04-CID469
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b6-5, b7c-5	6. SSN [REDACTED]	7. GRADE/STATUS SFC / AC	
8. ORGANIZATION OR ADDRESS A Company, 1st Infantry Bn, 3rd BCT, Balad, Iraq APO AE 09391			

9. I, SFC [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That on 3 Jan 04 at approximately 2315, two males were detained from the South Side of The SDC complex on Albino Rd by Asec + 1st Sqd. My section linked up with them about 5 minutes later and began moving out of the city. On the way out of the city LT [REDACTED] b6-5, b7c-5 said we weren't going to take them to the CMOC and that we were taking them outside of the city and drop them off on the way out of town. We stopped just west of K2, the traffic circle between the two dams and the westerly mo

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

Sketch of CITY of samara

25 JAN 04  
1012

b6-5, b7c-5

sketched by [redacted]  
witnessed by [redacted]

SA [redacted]

← b6-1, b7c-1 →

2315

2330

LT'S  
Track Detainers

SFC [redacted]

b6-5, b7c-5

SDI

Albino

X

Sketch of bridge

25 JAN 04  
1012

b6-5, b7c-5

sketched by: SFC [redacted]  
witnessed by: [redacted]

SA [redacted]

← b6-1, b7c-1 →

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EXHIBIT 48

000198

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
 For use on this form, see AR 190-30; the proponent agency 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.

*b6-5, b7c-5*

1. LOCATION Building 4010, LSA Anaconda, Balad, Iraq, APO AE 09391	2. DATE 25 Jan, 04	3. TIME 1030	4. FILE NO. 0011-04-CID469-79630
5. NAME (Last, First, MI) [REDACTED]	8. ORG ADDRESS A Company, 176 Infantry Battalion, 3rd BCT HHC Balad, Iraq, APO AE 09391		
6. SSN [REDACTED]	7. GRADE/S MAJ/O-4		

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

**Section A. Rights**

The [REDACTED] 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 of Justice, Conspiracy, Accessory after the Fact.

He/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:  
 I do not have to answer any questions or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.  
 I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

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

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

**5. COMMENTS (Continue on reverse side)**

*Have you Requested a Lawyer within the last 30 days or been advise of rights?* **NO**

**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>b6-5, b7c-5</i>
1a. NAME (Type or Print)	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED] <i>b6-1, b7c-1</i>	
2a. NAME (Type or Print)	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 12 <sup>TH</sup> MP DET (CID)(MINUS), LSA ANACONDA, BALAD, IRAQ, APO AE 09391	

**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

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**015409**

**000199**

SWORN STATEMENT

File Number : 0014-04-CID919  
Location : LSA Anaconda CID Office, Balad, IZ APO PE 09391  
Date : 25 Jan 04  
Statement Of : [REDACTED] ← b6-5, b7c-5 →  
SSN : [REDACTED] Grade/Status: O-4/RA  
Org/Address : HHC, 1/8<sup>th</sup> INF BN, Balad, Iraq APO AE 09391/Ft. Carson, CO

b6-5, b7c-5

I, MAJ [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Approximately one week after this incident occurred, my commander asked me to conduct an informal Commander's Inquiry on his behalf into what happened. Due to the death of one of our Company Commanders from a recent mortar attack, the Battalion Commander was unable to conduct a formal Commander's Inquiry into this incident—he was in Balad, while I stayed in Samarra. So, I questioned several soldiers from 1<sup>st</sup> Platoon, A Company. Following my questioning, I was to report back to him on what I found and what I think happened. As instructed, I spoke first to LT [REDACTED] and SFC [REDACTED] about this incident and had them explain to me in great detail the event from the time they first detained the two Iraqi males to the point they released them, and what was the LAST thing each of them saw as they drove away in their M2A2 Bradleys. The next day after my questioning of the platoon leader and platoon sergeant, I accompanied the entire first platoon, A Company back to the proposed site that they released the two Iraqi male detainees. I had the soldiers replay the exact events that happened that night to include where they stood and what they saw from their vantage point that night. Then, I had the Platoon Leader show me what he saw from his Bradley as he drove away, which was the two males standing apart from each other. As the Platoon Sergeant drove away, as the last vehicle in the patrol facing to the rear, he saw both males facing each other, approximately 10 feet from where LT [REDACTED] saw them moments earlier. They were facing each other and talking. Based off of these verbal statements and seeing the location, I believed what the Platoon Leader and Platoon Sergeant told me. I reported back to the Battalion and Brigade Commander that I honestly believed, based off of what the members of 1<sup>st</sup> platoon told me, and based on the verbal statements from the platoon leader and platoon sergeant, that neither of the male detainees drown during that incident.

b6-5, b7c-5

b6-5, b7c-5

Q: SA [REDACTED]

b6-5, b7c-5

A: MAJ [REDACTED]

b6-5, b7c-5

Q: How many times did you meet with the soldiers from 1<sup>st</sup> Platoon to discuss the incident?

A: Twice

← b6-5, b7c-5 →

Q: How many times did you meet with 1LT [REDACTED] to discuss the incident?

A: Twice. I met with him the night before we went out to the scene and the day we went to the scene.

← b6-5, b7c-5 →

Q: How many times did you meet with CPT [REDACTED]

b6-5, b7c-5

A: Numerous times, we met several times a day tactically and every night 1900.

Q: At any point did you instruct the unit personnel to withhold information regarding the incident when talking CID or anybody else?

b6-5, b7c-5

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 1 OF 4 PAGES

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A: No. [REDACTED] b6-5, b7c-5

Q: At any time were you instructed by your higher command to withhold information regarding the incident?

A: No. [REDACTED] b6-5, b7c-5

Q: What do you believe happened to the two detainees the night of the incident?

A: They walked back to Samarra, again based off what I was told because I wasn't there. [REDACTED] b6-5, b7c-5

Q: At any time did you instruct CPT [REDACTED] to withhold information or for him to instruct the unit personnel to withhold information regarding the incident?

b6-5, b7c-5 A: No, CPT [REDACTED] wasn't there either. So, everything we have to off of was based upon what the soldiers stated. [REDACTED] b6-5, b7c-5

Q: Why did you go to the river with 1st Platoon?

A: I went to the site location where they stated they dropped the detainees off and it was next to the river. I wanted to go to the site and assess the situation and replay the events of what happened so I could report it back to the BN Commander. [REDACTED] b6-5, b7c-5

Q: When at the site, did you instruct anybody to go in the water and why?

b6-5, b7c-5 A: Yes, I asked the Platoon Leader (1LT [REDACTED]) to go in the water. I wanted to check the depth of the water near the location on the road where the detainees were dropped of as well as the current speed of the water. The Platoon SGT (SFC [REDACTED]) and 1LT [REDACTED] had stated the two detainees were dropped of near a pump house on the side of the road and that was the last place they indicated the two detainees were seen together as the Patrol left the area. The reason I had him jump in the water was based upon an printed copy of an email that the family of one of the detainees had forwarded as far as I know to the President of the U.S. and Tony BLAIR (British Prime Minister) relating that the 1st Platoon soldiers were intoxicated and that they had thrown the detainees into the swift current and one of them had drown as a result. I was conducting a Commanders inquiry and wanted to check all possibilities. [REDACTED] b6-5, b7c-5

Q: At any point were your aware of the soldiers of 1st Platoon pushing the detainees into the water?

A: Only off what they were accused of, they were accused of pushing them into the water and that is the only thing I was aware of. Again it is difficult when you are not even present and I was not told until about week later and I am only getting information from the soldiers. [REDACTED] b6-5, b7c-5

Q: Do you believe the detainees were released safely on the side of the road?

b6-5, b7c-5 A: Based upon the statements of SFC [REDACTED] and 1LT [REDACTED] who saw them talking to each other in the dirt parking area on the side of the road. I believe 1LT [REDACTED] because I've known him longer. If he said they were there on the pavement, then I believe him, I don't think they lied based upon my instinct and I passed that on to the Commander. [REDACTED] b6-5, b7c-5

Q: Why then would you have 1LT [REDACTED] jump into the water if you believed him? [REDACTED] b6-5, b7c-5

A: Because I was conducting a commander's inquiry and I wanted to refute any possibility of the detainees being thrown into a swift current and drowning. The

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 2 OF 4 PAGES

b6-5, b7c-5

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water was still and not that deep, about knee to waist deep near the bank. I wanted to check the possibility of what happened and to refute the accusations within the email and to report this information to the BN Commander. [REDACTED] b6-5, b7c-5

Q: Why would soldiers within the unit state they were instructed to withhold information regarding this incident?

A: No idea. [REDACTED] b6-5, b7c-5

Q: Were you aware that the truck had been pushed to the side of the road by one of the 1<sup>st</sup> Platoon Bradley's?

A: Yes, based upon a statement given by SFC [REDACTED] b6-5, b7c-5

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

A: No.///End of Statement/// [REDACTED] b6-5, b7c-5

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED] b6-5, b7c-5

PAGE 3 OF 7 PAGES

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b6-5, b7C-5

AFFIDAVIT

I, MAJ [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 [REDACTED]

b6-5, b7C-5

[REDACTED]  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of Jan, 2004 at LSA Anaconda, Balad, IZ.

b6-1, b7C-1

[REDACTED]  
(Person Administering Oath)

SA [REDACTED]

(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ

(Authority To Administer Oaths)

WITNESS:

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

b6-5, b7C-5

EXHIBIT \_\_\_\_\_

INITIALS: [REDACTED]

PAGE 4 OF 4 PAGES [REDACTED]

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015413

000203

**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 <b>CID Office, LSA Anaconda, b6-5, b7c-5</b>	2. DATE <b>27 JAN 04</b>	3. TIME <b>1030</b>	4. FILE NUMBER <b>b6-5, b7c-5</b>
5. Name (Last First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <b>MHC, 1/8th INF BN Balad, IZ APO AE 09391 Fort Carson, CO 80913</b>		
6. SSN [REDACTED]	7. GRADE/STATUS <b>O-5/KA</b>		

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

**SECTION A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent, b6-5, b7c-5 and wanted to question me about the following offense(s) of which I am suspected/accused: Misprison of a serious offense, b6-5, b7c-5

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
- I do not have to answer any questions or say anything.
  - Anything I say or do can be used as evidence against me in a criminal trial.  
(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

*b6-5, b7c-5*

-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 the 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)  
*Have you requested a lawyer or been advised of your rights in the last 30 days?*

**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 INTERVIEWER <b>[REDACTED] b6-5, b7c-5</b>
1a. NAME (Type or Print)		4. SIGNATURE OF SUSPECT/ACCUSED <b>[REDACTED] b6-1, b7c-1</b>
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <b>12th MP DET (CID) (minus) LSA Anaconda, Balad, IZ APO AE 09391</b>
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 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

**FOR OFFICIAL USE ONLY**

015414

EXHIBIT 50  
000204

### SWORN STATEMENT

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

#### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN);  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary. *b6-5, b7c-5*

1. LOCATION <i>PAO office, LSA Anacosta IL</i>	2. DATE (YYYYMMDD) <i>2004 01 27</i>	3. TIME <i>1202</i>	4. FILE NUMBER <i>b6-5, b7c-5</i>
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS <i>D-5/RA</i>	
8. ORGANIZATION OR ADDRESS <i>HHC, 118th INF BN, (BALAD, IZ) FORT CARSON, CO 80913</i>			

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

Here is what I know to be true.

I returned back to Samarra (Brassfield-Mora) on the day of CPT Paliwoda's memorial service (7 JAN 04). As most know, Eric's death deeply affected me. In the days afterward, I was definitely not myself - basically having one of my Company Commanders die in my presence - had left me pretty much grief stricken and very upset. It also bothered me a great deal that Eric died on Paliwoda FOB (formerly Eagle) while 1-8 IN was still in Samarra. Anyway, I was still pretty upset when CPT [REDACTED] and <sup>LT</sup> [REDACTED] *b6-5, b7c-5* approached me with a report of the incident in Samarra.

I needed to meet the Bde Cdr and the 1-66 AR Cdr for a transition meeting since I was returning back to Balad the next day to relieve 2-3 Infantry. So, in a 10 minute meeting or so, CPT [REDACTED] *b6-5, b7c-5* relayed to me the events that on the night of 3 JAN 04, 1st Platoon, A Company had detained [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] <i>b6-5, b7c-5</i>	PAGE 1 OF <i>26</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.

b6-5, b7c-5

STATEMENT OF LTC [redacted] TAKEN AT LSA Anaconda DATED 27 JAN 04

9. STATEMENT (Continued)

2 individuals breaking curfew up near the SOI Complex in Samarra, however, instead of moving them to the CMOC or police station across from the CMOC, they moved the 2 detainees to a location just past checkpoint K2 and had them get out of the Bradley, they uncuffed the detainees, and motioned to have the 2 individuals jump into the nearby water - the 2 Iraqis did just that and then soldiers watched as the Iraqis got out of the water and walked away. The soldiers then remounted their Bradleys and continued movement back to Brassfield-Mora.

As a result of this information, I made a poor, hasty decision to have everyone involved just talk about dropping the Iraqis off on the road. First, I was clearly not myself - still focused on the mortar attacks in Balad, Eric, and finding his killers. Second, I thought the water was inconsequential since the soldiers had watched them get out. I was very upset with the platoon's leadership, their poor judgement/actions, and wanted to handle this at my level.

b6-5, b7c-5

CPT [redacted] is my best Company Commander and A Company is my best infantry company. Well-trained, organized, effective, and aggressive, A Company has done a phenomenal job in both phases of engagement. Eliminating attackers while also engaging

b6-5, b7c-5

INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 2 OF 6 PAGES

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USAPA V1.00 000206 EXHIBIT 50

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

b7C-5, b6-5

STATEMENT OF LTC [redacted] TAKEN AT 2SA Anaconda DATED 27 JAN 04  
b7C-5, b6-5

9. STATEMENT (Continued)

in a highly successful civil affairs campaign in Balad. So, I told the Company Cdr and Platoon leader to not mention anything about the water. And then I left the next day for Balad and basically took my "eye off the ball" in Samarra since we launched into several consecutive operations to capture/detain CPT [redacted]'s killers - and by the time I came out of those operations - CIA was involved, the investigation was on-going, and everything was clearly out of my hands. And so, though I am quite sure [redacted] is alive and well - it has come to this. b7C-4, b6-4

I have made hundreds of decisions out here in combat - many split-second under fire, many that fall into the "life or death" category, and many on the future of detainees (release or hold). In all cases, I know I have made the right call - but in this instance, I did not.

I do not excuse the behavior of those involved in having the Iraqis jump into the water - it was an act of stupidity, but no one drowned - and hopefully in two weeks or so I will be able to detain [redacted] and prove that. b6-4, b7C-4

I also do not excuse my decision - of the hundreds of right calls I have made, this one was wrong - no matter that I was still suffering

INITIALS OF PERSON MAKING STATEMENT

[redacted] b7C-5, b6-5

PAGE 3 OF 6 PAGES

b7C-5, b6-5

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USAPA V1.00

000207

EXHIBIT 50

b6-5, b7c-5

b6-5  
b7c-5

STATEMENT OF LTC [redacted] TAKEN AT LSA Anacorda DATED 27 JAN 04

9. STATEMENT (Continued)

from Eric's death - I should have conducted a formal Commander's inquiry and presented the facts to the Bde Cdr. I wish I could have a "re-do" on this part.

So I take full responsibility for what has happened since the incident.

Q: SA [redacted] b6-5, b7c-5  
A: LTC [redacted] b6-5, b7c-5

Q: When CPT [redacted] and 1LT [redacted] came to you, did you know or were you aware of the possibility that one of the detainees drowned?

A: No. [redacted] b6-5, b7c-5

Q: Why did you instruct CPT [redacted] and 1LT [redacted] to withhold the fact that the detainees were told to end went into the water?

A: I thought the water part was inconsequential since soldiers saw the Iraqis get out and walk away. [redacted] 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 [redacted]. 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:

not used

Subscribed and sworn to before me, a person authorized by law to administer oaths, this [redacted] day of [redacted] at [redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

[redacted] b6-5, b7c-5

[redacted] b6-5, b7c-5

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 4 OF 6 PAGES

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

b7C-5, b6-5

STATEMENT OF LTC [REDACTED] b7C-5, b6-5 TAKEN AT LSA Amazon da DATED 27 JAN 04

9. STATEMENT (Continued)

Q: At any point was MAJ [REDACTED] b7C-5, b6-5 aware of your instructions or did you instruct him to withhold information regarding the detainees being thrown or told to go into the water?

A: Please restate the question. [REDACTED] b7C-5, b6-5

Q: Did you at any point instruct MAJ [REDACTED] b7C-5, b6-5 to withhold or cover up any information regarding the detainees and the water?

A: NO. [REDACTED] b7C-5, b6-5

Q: Were aware or did you believe at any point that CPT [REDACTED] b7C-5, b6-5 and ILT [REDACTED] b7C-5, b6-5 could have or did lie to you when they briefed you?

A: Absolutely NOT. [REDACTED] b7C-5, b6-5

Q: After you became aware of the possibility of one of the detainees drowning, did you at any point decide to change your instructions given to CPT [REDACTED] b7C-5, b6-5 and ILT [REDACTED] b7C-5, b6-5 to withhold information?

A: By the time I became aware of this possibility - I was just too focused on operations in Balad and the investigation had progressed to the point where everything was out of my hands. [REDACTED] b7C-5, b6-5

Q: Do you believe that "Zaydoon", the IRAQI Detainee actually drown the night of the incident?

A: Not at all - in fact, I firmly believe he is still alive and well in either Samarra or Baghdad. [REDACTED] b7C-5, b6-5

Q: Do you regret and are you remorseful for your decision to cover and/or withhold information regarding this incident?

A: Clearly it was a bad decision and I [REDACTED] b7C-5, b6-5 could regret making it very much. I wish I could "re-do" that meeting with CPT [REDACTED] b7C-5, b6-5 and LT [REDACTED] n25

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

A: NO. /// END OF STATEMENT /// [REDACTED] b7C-5, b6-5

INITIALS OF PERSON MAKING STATEMENT

n25

PAGE 5 OF 6 PAGES

015419 000209 EXHIBIT SD

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0011-04-CID469-79630

PAGE 1 OF 1 PAGES

### DETAILS

Between 0930 and 1550, 29 Jan 04, the following individuals from A Company, 1-8<sup>th</sup> Infantry, 4ID, (Balad, Iraq), Fort Carson, CO 80913 (FCCO), were canvass interviewed for their knowledge of the reported incident. None of the listed individuals had anything pertinent to add to the investigation. All denied they had prior knowledge of any incident involving throwing detained individuals into the river. All claimed they learned about the alleged incident after their command informed them a USACIDC investigation was ongoing. All denied anyone in their chain of command informed them how to answer any questions posed by investigators.

- CSM [REDACTED] b6-3, b7C-3
- SGT [REDACTED] b6-5, b7C-5
- SPC [REDACTED] b6-3, b7C-5
- PFC [REDACTED] b6-3, b7C-3
- PVT [REDACTED] b6-3, b7C-3
- SGT [REDACTED] b6-3, b7C-3
- PV2 [REDACTED] b6-3, b7C-3
- SPC [REDACTED] b6-3, b7C-3
- SSG [REDACTED] b6-3, b7C-3
- SPC [REDACTED] b6-3, b7C-3
- SPC [REDACTED] b6-3, b7C-3
- SSG [REDACTED] b6-3, b7C-3
- SPC [REDACTED] b6-3, b7C-3
- SPC [REDACTED] b6-3, b7C-3
- SPC [REDACTED] b6-3, b7C-3
- SGT [REDACTED] b6-3, b7C-3
- SPC [REDACTED] b6-3, b7C-3
- SPC [REDACTED] b6-3, b7C-3
- PFC [REDACTED] b6-3, b7C-3
- SGT [REDACTED] b6-3, b7C-3
- SSG [REDACTED] b6-3, b7C-3
- SGM [REDACTED] b6-3, b7C-3

b6-3

b7C-3

About 1046, 29 Jan 04, SA [REDACTED] this office, interviewed 1SG [REDACTED] A Company, 1-8<sup>th</sup> Infantry, 4ID, (Balad, Iraq), FCCO, who provided a sworn statement. 1SG [REDACTED] denied he had any knowledge pertaining to the alleged incident. (See Sworn Statement for details)///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b6-1, b7C-1, b2		ORGANIZATION 12 <sup>th</sup> MP Det (CID) (MINUS), LSA ANACONDA, APO AE 09391	
SIGNATURE [REDACTED]		DATE 29 Jan 04	EXHIBIT 51

SWORN STATEMENT

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

LOCATION LSA ANACONDA	DATE 29 JAN 72	TIME 10:46	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED] b6-3, b7c-3		GRADE/STATUS E8
ORGANIZATION OR ADDRESS Aco 1-8 JN YFD			

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

That I did not have prior knowledge of the incident in question until around 29 JAN 72. The way I found out was from my commander, he informed me that CID was conducting an investigation on one of the plts. I told the commander not to give me any details because one of us needed to be in control of the remainder of the company. Prior to this I had no knowledge of the incident in question nor did I hear of any jokes about making somebody swim.

Q: Who is your CDR?

A: CPT [REDACTED] Aco 1-8 JN

Q: Which PLT was the CDR referring to?

A: 1st PLT

Q: What did the CDR tell you about the "CID investigation"?

A: He just said it was involving 1st PLT and an alleged drowning

Q: Did he say who drowned or who was involved?

A: NO.

Q: Did anyone else confront you about this incident before the CDR did?

A: NO

Q: Besides "Rumor" did any one else ever confront you about this incident?

A: NO

Q: On the site of "Rumor" what have you heard concerning soldiers who are involved either if it is pushing, witness, or failing to report the incident. (I.E. covering up the incident)

A: The only ones that I know of or have rumor of were SGT [REDACTED] SPC [REDACTED] and SPC [REDACTED] I didn't hear anything of a cover up

Q: Referring to SGT [REDACTED], SPC [REDACTED] and SPC [REDACTED], who are they? b6-5, b7c-5

A: These are 3 team members on my 1st PLT that are currently in TARRIT

Q: What about these soldiers? What did the "Rumor" say they did?

A: All I know is the rumor that they were present but nothing specific

Q: Present for what?

A: For the alleged drowning incident

Q: Has anyone approached you and either told you, asked you, or threatened you

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-3, b7c-3	PAGE 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 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.

DA FORM 2823, JUL 72

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

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000212 EXHIBIT 52

b6-3, b7c-3

FILE NUMBER:

STATEMENT OF 1SG [REDACTED]

TAKEN AT SJA Anacapa

DATED 29 Jan 04

CONTINUED

to not say anything about this incident?

A: NO

Q: On the night in question that an Iraqi was allegedly thrown in the water, what was your location of duty?

A: Crossfield more FOB

Q: As the 1SG what are your duties?

A: I mainly run admin and personnel issues

Q: Whom is the person the soldier report to after a mission (de-brief etc)?

A: The company commander Capt [REDACTED] b6-3, b7c-3

Q: Do you have anything further you would like to add to this statement?

A: NO !!! END OF STATEMENT !!! [REDACTED] b6-3, b7c-3

b6-3, b7c-3

b6-3, b7c-3

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 3 PAGES

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000213

EXHIBIT 52

STATEMENT (Continued)

[Large redacted area with handwritten 'b6-3, b7c-3' and a blacked-out signature]

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 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIAED 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.

b6-3, b7c-3

b6-3, b7c-3

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 29 day of JAN 2004 at SA [redacted] ALL-2008

b6-1, b7c-1

ORGANIZATION OR ADDRESS

[Redacted signature]

SA [redacted]

b6-1, b7c-1

ORGANIZATION OR ADDRESS

Article 106 (Authority to Administer Oaths)

b6-3, b7c-3

INITIALS OF PERSON MAKING STATEMENT

[redacted] b6-3, b7c-3

PAGE 3 OF 3 PAGES

U.S. Government Printing Office: 1994 - 300-727/10572 015424 EXHIBIT 000214

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AGENT'S INVESTIGATION REPORT CID Regulation 195-1	ROI NUMBER 0014-04-CID919 (RFA)
	PAGE 1 OF 1 PAGES

DETAILS

b6-1, b7c-1

b6-5, b7c-5

b6-5,  
b7c-5

About 1750, 30 Jan 04, SA [REDACTED] advised SGT [REDACTED] A Co, 1/8<sup>th</sup> INF BN, (Balad, IZ) Fort Carson, CO, of his legal rights. SGT [REDACTED] invoked and stated he had already retained counsel through Trial Defense Services, LSA Anaconda, Balad, IZ (see Non-Waiver Certificate for details).///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b6-1, b7c-1, b2-1	ORGANIZATION 12 <sup>th</sup> MP DET (CID) (MINUS), LSA Anaconda, Iraq APO AE 09391
SIGNATURE [REDACTED]	DATE 30 Jan 04
	EXHIBIT 53

CID 195-1 FOR OFFICIAL USE ONLY

015425 000215

**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 <i>PMO/MPF office, LSA Anaconda, IZ</i>	2. DATE <i>30 JAN 04</i>	3. TIME <i>1750</i>	4. FILE NUMBER <i>6014-04-CID919</i>
5. Name (Last First MI) <i>[REDACTED]</i>	8. ORGANIZATION OR ADDRESS <i>A CO, 1/8th INF BN (BALAD) Fort CARLSON, Colorado 80913</i>		
6. SSN <i>[REDACTED]</i>	7. GRADE/STATUS <i>E-5/RA</i>	b6-5, b7c-5	

**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 Aggravated Assault 111 b6-5, b7c-5

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 the 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)

*Have you requested a lawyer or been advised of your rights in the last 30 days?*

**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 INTERVIEWER	
1a. NAME (Type or Print)		<i>[REDACTED]</i> b6-1, b7c-1	
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF SUSPECT/ACCUSED	
2a. NAME (Type or Print)		<i>[REDACTED]</i> b6-1, b7c-1	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>12th MP DET (CID) (minus) LSA Anaconda, BALAD, IZ APOAE 09391</i>	

**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  
*[REDACTED]* b6-5, b7c-5

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

DA FORM 3881, NOV 89 (AUTOMATED)

EDITION OF NOV 84 IS OBSOLETE

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015426

000216

EXHIBIT

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0011-04-CID469-79630

PAGE 1 OF 1 PAGES

DETAILS

About 1000, 18 Mar 04, SA [REDACTED] <sup>b7C-1, bb-1</sup> received notification from MAJ [REDACTED] <sup>b7C-3, bb-3</sup> (NFI), Staff Judge Advocate's Office, 4<sup>th</sup> Infantry Division, Camp Ironhorse, Tikrit, Iraq, who related the exhumation of Mr. FADHIL was no longer required for prosecution. MAJ [REDACTED] further opined there was probable cause to believe the subjects committed the listed offenses.

About 1800, 23 Apr 04, SA [REDACTED] <sup>b7C-1, bb-1</sup> received an information report from the <sup>b7C-3, bb-3</sup> 75<sup>th</sup> Military Police Det (CID), LSA Anaconda, Balad, Iraq, APO AE 09391, which stated SA [REDACTED] advised SPC [REDACTED] A Co, 1/8<sup>th</sup> Inf Bn, Balad, Iraq, of his legal rights, on 9 Mar 04, which he invoked requesting counsel and requesting to remain silent. (See Non-Waiver Certificate of SPC [REDACTED] for details) ///LAST ENTRY///

b7C-5, bb-5

b7C-5, bb-5

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

<sup>b7C-1, bb-1</sup>  
<sup>b2-1</sup>

ORGANIZATION

38<sup>th</sup> MP Det (CID), 22<sup>nd</sup> MP BN (CID)  
Baghdad, Iraq, APO AE 09342

SIGNATURE

<sup>b7C-1, bb-1</sup>

DATE

23 Apr 04

EXHIBIT

55

CID FORM 94  
1 FEB 77

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000217

RIGHTS WARNING PROCEDURE/WAIVER CE FIPATE  
For use of this form, see AR 150-30; the proponent agency is DCSOPS

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

b6-3, b7c-3

1. LOCATION LSA Anaconda, Balad, Iraq	2. DATE 09/16/04	3. TIME 1336	4. FILE NO. 0051-04-C10919
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS A Co, 1-8 Inf., Attack FOB Ft. Carson, CA 80913		
7. SSN [REDACTED]	8. GRADE/STATUS E4/RA		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

b6-3, 9c-3

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.  
Anything I say or do can be used as evidence against me in a criminal trial.  
(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

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

6. 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.

1a. NAME (Type or Print)	3. SIGNATURE OF INTERVIEWEE
2. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR
2b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR

b6-1, b7c-1

b6-1, b7c-1

SA [REDACTED]  
75th MP Det. CID  
LSA Anaconda, Balad, Iraq  
APO AE 09391

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. [REDACTED] b6-3, b7c-3      [REDACTED] b6-3, b7c-3

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (IN A FORM 302) ...

Encl. 2

015428A 000218

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EXHIBIT

**BATES PAGES 15428B-15428R ARE PHOTOS  
REVIEWED IN ACCORDANCE WITH CRITERIA  
PROVIDED IN PRIOR IN CAMERA SESSIONS AND  
HAVE BEEN DETERMINED TO BE  
NONRESPONSIVE**

# Page(s)

236-237

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## Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

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154283

**BATES PAGES 15428T-15428Y ARE PHOTOS  
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HAVE BEEN DETERMINED TO BE  
NONRESPONSIVE**

**Page(s)**

244-245

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Foreign Language

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Photos depicting foreign nationals

Civilian Agency Records

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15428Z

**BATES PAGES 15428AA-15428AC ARE PHOTOS  
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PROVIDED IN PRIOR IN CAMERA SESSIONS AND  
HAVE BEEN DETERMINED TO BE  
NONRESPONSIVE**

**Page(s)**

249

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translation provided at page 185

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**Withheld due to:**

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

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15428AD

# Page(s)

250-275

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translation of page 250 provided  
at page 185

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Foreign Language

Photos depicting Americans

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15428AE

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0011-04-CID469-79630

PAGE 1 OF 1 PAGES

**DETAILS**

7C-3, b6-3  
7C-3, b6-3  
7C-1, b6-1  
7C-4, b6-4  
7C-3, b6-3

About 1800, 27 Sep 04, SA [redacted] coordinated with Mr. [redacted] attorney for Mr. [redacted] who provided this agent with Arabic letters from himself, Mr. [redacted] (Mr. FADHIL's [redacted], and Mrs. [redacted] (Mr. FADHIL's [redacted]. Mr. [redacted] stated the Arabic letters describe how they identified Mr. FADHIL remains after his body was discovered on 15 Jan 04. Mr. [redacted] also provided an Arabic letter from Mr. [redacted], an Engineer in Samarra, Iraq, who stated he assisted Mr. FADHIL's family in searching for his remains by closing the dam in the river where Mr. FADHIL was forced into the water. Further, Mr. [redacted] provided SA [redacted] with a ring and an identification card, which were allegedly removed from Mr. FADHIL's remains after his body was discovered on 15 Jan 04. Mr. [redacted] also provided SA [redacted] with a photograph depicting Mr. FADHIL with his fiancé and other family members.

7C-1, b6-1  
7C-3, b6-3  
7C-1, b6-1  
7C-1, b6-1

About 1813, 27 Sep 04, SA [redacted] collected the ring, the identification card, and the photograph as evidence from Mr. [redacted], on a DA Form 4137, Evidence/Property Custody Document, voucher (VO) 770-04.

7C-3, b6-3  
7C-3, b6-3

On 29 Sep 04, Mrs. [redacted], 619-82-4711, Translator, Titan Corporation, Baghdad, Iraq, translated the Arabic letters obtained from Mr. [redacted] and the Arabic information on the identification card collected as evidence. (See English Translation for details) ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

ORGANIZATION

38<sup>th</sup> MP Det (CID), 22<sup>nd</sup> MP BN (CID)  
Baghdad, Iraq, APO AE 09342

SIGNATURE

DATE

29 Sep 04

EXHIBIT

71

**Page(s)**

277

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translation provided at page 278

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**Withheld due to:**

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

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015430

In the name of God  
Ministry of Agriculture  
Department of, the Dam and reservoir  
Department of Samera'a Site.  
Number : 6-2-1-26  
Date : Jan-17-2004

To :  
Subject : Search for a body

on the Dates of the Third, fourth, fifth of  
January-2004, the Dam of the ditch was closed  
for the reason of finding the body of Zidoon  
Ma'amon fadel, we closed the Dam in different  
periods of time, in wich was the drainage of  
the ditch about 100 meter, opening the Dam  
about 85 centimeter, the Level of the water  
was 5 meter Deep,  
the Dam was closed on the 15<sup>th</sup>-Jan-2004 as well  
for six hours, on that Day we find the body

with all of my appreciation

The Engineer

[Redacted signature]

66-3,67-3

The Site Director

[Redacted]  
SS# [Redacted]

b7c-3, b6-3

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EXHIBIT 73

**Page(s)**

279

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translation provided at page 280

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015432

In the name of God  
To the United States of America Army

after thirteen days of emadated searching and chasing of the water Moument and the strong current that is rushing towards the ditch, we did find the body of <sup>b7C-3, b6-3</sup> [redacted] Zidoon, his body was about one kilo meter far from the dam, he was picked up from there and moved to his parents house for the family to see him for the last time we buried him in Samerera Cemetery, for that I would like to assure you with no doubt that the body we find and snatch away from the ditch in Jan-15-2004 it was <sup>b7C-3, b6-3</sup> [redacted] Zidoon body and that is after searching for his body since the day he was pushed into the lake from the part of the American soldiers in Jan-30-4-2004. he was the one who was buried in the same day, I am his <sup>b7C-3, b6-3</sup> [redacted] and I know him as of knowing my own self.

Thank you.

[redacted] of Zidoon <sup>b7C-3, b6-3</sup>

[redacted] <sup>b7C-3, b6-3</sup>

SEP - 13 - 2004

[redacted] - <sup>b7C-3, b6-3</sup>

SS# [redacted] ✓

015433

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EXHIBIT 75

# Page(s)

281

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translation provided at page 282

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## Withheld due to:

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Photos depicting foreign nationals

Civilian Agency Records

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015434

In the name of God

To / United States Army

Subject / Confirming.

I am assuring with no doubt, that on the 15<sup>th</sup> of January 2004, I was one of the people who saw the body of the deceased Zidoon Maamon Fadel Al Samaraiy, when he was brought home, after he was picked up from the ditch, I did identify him as well as his family members and his friends for that I am signing this statement,

lawyer

[Redacted signature]

b6-3, b7C-3

Baghdad on SEP-13-2004

[Redacted signature]

- b7C-3, b6-3

SSF [Redacted]

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015435

EXHIBIT 77

000282

**Page(s)**

283

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translation provided at page 284

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Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

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015436

In the name of God  
To the United States Army

b7c-3  
b6-3

On January -15-2004, we find the deceased  
body of [REDACTED] Zidon Makmon Fadel  
At Samerdai, after he was pushed into the  
ditch by some of the American Soldiers.

b7c-3  
b6-3

on January-3-2004, after we saw him for  
the last time we had the funeral and he was  
buried in Samerdai Cemetery.

neither me or [REDACTED], his sibling, his relative  
nor his friends have any doubt that it was  
Zidoon body,

who would not know her own son.  
according to your request I wrote this  
statement.

hope you understand my emotion as  
another who lost her son.

Thank you

b7c-3, b6-3

[REDACTED] Zidoon  
[REDACTED]

b7c-3, b6-3

SEP-13-2004

[REDACTED]  
SS# [REDACTED]

b7c-3, b6-3

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EXHIBIT 79

# Page(s)

285-286

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translations provided at pages 287 and 288.

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Foreign Language

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Photos depicting foreign nationals

Civilian Agency Records

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015438

(1)

834665

Iraq republic  
Ministry of interior

Division : Samera'a

File number: 302

Page number: 37

Identification number

[REDACTED]

b7C-4, b6-4

Department of Citizens  
and Civilian

Identification.

ISSUED under the Law of Civilians Rights number 65

name: Zid oon

Father name:

[REDACTED]

-b7C-3, b6-3

last name: AL Samera'a'y

Mother name:

[REDACTED]

Sex : Male

ISSUED Date JAN-18-2003

Signature of employee :

full name :

[REDACTED]

b7C-3, b6-3

\* [REDACTED]

- b7C-3, b6-3

SS # [REDACTED]

015439

000287

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EXHIBIT 81



OFFICIAL USE ONLY

DATE: 03 FEB 2004

FROM: SAC, 43RD MILITARY POLICE DET (CID)(FWD)

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA  
CDR, USACIDC //CIOP-ZA//  
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//  
CDR, 3D MP GROUP (CID)(FWD) //OPS//  
PROVOST MARSHAL //PM// //4ID//  
CHIEF OF STAFF //4ID//

SUBJECT: CID REPORT - 5TH STATUS/SSI - 0011-04-CID469-79630-5H1/5H7/5H3L/5P2/5X1/5X5/9G1

DRAFTER: [REDACTED] b6-1, b7c-1  
RELEASER: [REDACTED] b6-1, b7c-1

UNCLASSIFIED - FOR OFFICIAL USE ONLY

- 1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
  - 1. 03 JAN 2004/2245 - 03 JAN 2004/2330; VIC GRID COORDINATE 38S LC 9386 8451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ
  - 2. 16 JAN 2004/1300 - 16 JAN 2004/1500; 1/66 ARMOR BATTALION AREA, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ
  - 3. 1 DEC 2003/0800 - 15 DEC 03/1600; UNKNOWN LOCATION AND RIVER IN OR AROUND BALAD, IRAQ (NFI)
  - 4. 0900/29 JAN 04 - 1100/29 JAN 04; BUILDING 4010, CID OFFICE, LSA ANACONDA, APO AE 09391

2. DATE/TIME REPORTED: 13 JAN 2004, 1011 b6-1, b7c-1, b2-1

3. INVESTIGATED BY: SA [REDACTED] SA [REDACTED] SA [REDACTED] b6-1, b7c-1, b2-1

4. SUBJECT: 1. [REDACTED] ILT [REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY][OBSTRUCTION OF JUSTICE] b6-5, b7c-5

2. [REDACTED] SGT; [REDACTED] M; OTHER; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY]

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3. [REDACTED] SPC; [REDACTED] 7 MAY 83;  
PLEASANT HILL, MO; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE  
OFFICIAL STATEMENT][CONSPIRACY]

4. [REDACTED] SPC; [REDACTED] 27 JUL 79; LIMA, OH;  
M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL  
STATEMENT][CONSPIRACY]

5. [REDACTED] CPT; [REDACTED] 22  
MAY 74; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. [REDACTED] SFC; [REDACTED] JUN 71;  
SULLIVAN, MO; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE]  
[CONSPIRACY]

7. [REDACTED] MAJ; [REDACTED] 11 MAY 67;  
PHOENIX, AZ; M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391; CT;  
[OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

8. (CORRECTED) [REDACTED] LTC; [REDACTED]  
28 APR 63; PORTLAND, OR; M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4 ID, APO AE  
09391; CT; [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE  
FACT][CONSPIRACY]

9. [REDACTED] SGT; [REDACTED] 10 NOV 76;  
CARACAS, VENEZUELA; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391;  
CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY]

10. (ADD) [REDACTED] SGT; [REDACTED] 1 AUG  
76; BADGER, CA; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[AGGRAVATED ASSAULT][CONSPIRACY][FALSE OFFICIAL STATEMENT]

5. VICTIM: 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 1984;  
IRAQ; M; OTHER; IZ; (NFI) [INVOLUNTARY MANSLAUGHTER][CONSPIRACY]

2. [REDACTED] CIV; 19 MAR 1981;  
SAMARRA, IRAQ; M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI)  
[AGGRAVATED ASSAULT][CONSPIRACY]

3. U.S. GOVERNMENT [FALSE OFFICIAL  
STATEMENT][OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY  
AFTER THE FACT]

b7C-5,  
b6-5

b7C-4, b6-4

015443

000291

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

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION".

5<sup>TH</sup> STATUS:

THE PURPOSE OF THIS STATUS REPORT IS TO ADD SGT [REDACTED] AS A SUBJECT OF AGGRAVATED ASSAULT/FALSE OFFICIAL STATEMENT/CONSPIRACY AND ADD AN UNKNOWN IRAQI MALE AS A VICTIM OF AGGRAVATED ASSAULT IN WHICH HE WAS FORCED INTO A BODY OF WATER DURING AN EARLIER INCIDENT. b7C-5, b6-5

INVESTIGATION FURTHER DISCLOSED SGT [REDACTED] PROMPTED BY SFC [REDACTED] SELECTED AN AS YET UNIDENTIFIED IRAQI MALE IN BALAD FOR DETENTION SOLEY TO PUT THE IRAQI MALE INTO A BODY OF WATER IN THE VICINITY OF BALAD. THE DETAINEE WAS THEN TRANSPORTED TO AN UNIDENTIFIED BODY OF WATER AT AN ARMY FLOAT BRIDGE IN THE VICINITY OF BALAD AND FORCED OFF THE BRIDGE INTO THE WATER. b7C-5, b6-5

ON 29 JAN 04, WHEN INITIALLY INTERVIEWED AS A POTENTIAL WITNESS IN THIS INVESTIGATION, SGT [REDACTED] LIED AND DENIED ANY KNOWLEDGE OF A PREVIOUS INCIDENT OF FORCING AN IRAQI INTO A BODY OF WATER. b7C-5, b6-5

INVESTIGATION CONTINUES BY THE USACIDC.

\*\* REQUEST A USACRC NAMECHECK BE CONDUCTED ON [REDACTED]\*\* b7C-5, b6-5

4<sup>TH</sup> STATUS:

THE PURPOSE OF THIS STATUS REPORT IS TO ADD SGT [REDACTED] AS A SUBJECT OF CONSPIRACY AND FALSE OFFICIAL STATEMENT AND TO CORRECT THE SPELLING OF LTC [REDACTED]'S NAME. b7C-5, b6-5

ON 27 JAN 04, SGT [REDACTED] WAS INTERVIEWED AND ADMITTED HE WAS AT THE RIVERS EDGE WHEN MR [REDACTED] AND MR. FADHIL WERE FORCED INTO THE RIVER. HE FURTHER STATED HE WAS ONE OF THE LAST SOLDIERS TO WITNESS BOTH MR [REDACTED] AND MR. FADHIL IN THE RIVER. HE STATED MR [REDACTED] WAS SWIMMING TOWARD THE SHORE AND MR. FADHIL WAS b7C-5, b6-5

b7C-4  
b6-4

015444

000292

TREADING WATER WHEN SGT [REDACTED] DEPARTED THE AREA. SGT [REDACTED] DID NOT WANT TO BE QUESTIONED ABOUT THE INCIDENT AND HE SUBSEQUENTLY INVOKED HIS RIGHTS. b7C-5, b6-5

DURING AN ADMINISTRATIVE REVIEW OF THE CASEFILE IN WAS NOTED LTC [REDACTED]'S NAME WAS SPELLED INCORRECTLY. b7C-5  
b6-5

\*\*\*REQUEST USACRC NAME CHECK BE CONDUCTED ON SGT [REDACTED] LTC [REDACTED], MAJ [REDACTED], SFC [REDACTED] AND CPT [REDACTED]\*\*\* b7C-5  
b6-5

INVESTIGATION CONTINUES BY THE USACIDC.

3D STATUS:

THE PURPOSE OF THIS STATUS REPORT IS TO ADD THE OFFENSE OF OBSTRUCTION OF JUSTICE FOR 1LT [REDACTED], ADD LTC [REDACTED] AS A SUBJECT OF OBSTRUCTION OF JUSTICE, ACCESSORY AFTER THE FACT, AND CONSPIRACY; AND FULLY IDENTIFY MAJ [REDACTED] } b7C-5  
b6-5

ON 27 JAN 04, LTC [REDACTED] WAS INTERVIEWED AND ADMITTED HE WAS BRIEFED BY CPT [REDACTED] AND 1LT [REDACTED] REGARDING THIS INCIDENT, SPECIFICALLY REGARDING THE FACT THAT MR [REDACTED] AND MR FADHIL WERE PUSHED INTO THE RIVER AFTER THEY WERE DETAINED. HOWEVER, HE RELATED THE SOLDIERS AND OFFICERS REPORTED SEEING THE TWO VICTIMS ALONGSIDE THE ROAD AFTER THEY CLIMBED BACK OUT OF THE WATER AND BEFORE THE PATROL DEPARTED THE AREA. LTC [REDACTED] RELATED HE BELIEVED THIS AND FURTHER ADMITTED HE DIRECTED THE OFFICERS AND SOLDIERS TO LEAVE THE PART OUT OF ANY STATEMENTS THEY MADE ABOUT PUSHING THE VICTIMS IN THE RIVER IN ORDER TO PREVENT THE CIRCUMSTANCES FROM BEING 'TAKEN OUT OF CONTEXT' AS HE DIDN'T BELIEVE ONE OF THE VICTIMS DROWNED, BUT INSTEAD BELIEVED THE STORY WAS BEING PROPOGATED BY THE VICTIM'S FAMILY TO CREATE NEGATIVE PROPAGANDA AGAINST COALITION FORCES. LTC [REDACTED] FURTHER RELATED BY THE TIME HE DECIDED HE DIDN'T BELIEVE THE SOLDIER'S AND OFFICER'S STORY OF SEEING THE VICTIMS ALIVE AND WELL ON THE SIDE OF THE ROAD UPON THEIR DEPARTURE FROM THE AREA, THE INVESTIGATION WAS WELL UNDERWAY AND OUT OF HIS HANDS. b7C-5  
b6-5 b7C-5, b6-5  
b7C-4, b6-4

FURTHER, ON 27 JAN 04, PFC [REDACTED], SGT [REDACTED], AND SPC [REDACTED], ALL OF CO A, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391, WERE INTERVIEWED. ALL RELATED 1LT [REDACTED] SPOKE TO THEM REGARDING THIS INVESTIGATION AND PERSONALLY TOOK THEM TO THE TRIAL DEFENSE SERVICE OFFICE (TDS) TO SEE ATTORNEYS, INDICATING HE WANTED THEM TO KNOW WHAT THEIR RIGHTS WERE PRIOR TO THEIR BEING INTERVIEWED BY THIS } b7C-5  
b6-5

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000293

OFFICE. 1LT [REDACTED] <sup>b6-5, b7C-5</sup> DID THIS IN SPITE OF A VERBAL ORDER GIVEN TO HIM BY THE 3D BCT COMMANDER ON 22 JAN 04 AND IN THE PRESENCE OF THE 4ID SJA NOT TO DISCUSS THIS INVESTIGATION WITH ANYONE IN THE CHAIN OF COMMAND AT ANY LEVEL.

INVESTIGATION CONTINUES BY THE USACIDC.

2D STATUS:

FURTHER INVESTIGATION DISCLOSED SGT [REDACTED] <sup>b7C-5, b6-5</sup> AND SPC [REDACTED] <sup>b7C-5, b6-5</sup> ON THE INSTRUCTIONS OF 1LT [REDACTED], PUSHED MR FADHIL AND PROMPTED MR [REDACTED] <sup>b7C-4, b6-4</sup> TO JUMP INTO A BODY OF WATER ADJACENT THE BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY AFTER BEING TAKEN INTO CUSTODY FOR CURFEW VIOLATION. LOGAN REFUSED TO PARTICIPATE, BUT PROVIDED FALSE INFORMATION TO INVESTIGATORS IN COLLUSION WITH THE OTHERS. NO EVIDENCE WAS UNCOVERED THERE WAS EVER ANY INTENTION ON THEIR PART TO MURDER MR [REDACTED] <sup>b7C-4, b6-4</sup> OR MR FADHIL

ON 21 JAN 04, SPC [REDACTED] <sup>b7C-5, b6-5</sup> WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. FURTHER, HE IDENTIFIED SGT [REDACTED] <sup>b7C-5, b6-5</sup> AND SPC [REDACTED] <sup>b7C-5, b6-5</sup> AS BEING RESPONSIBLE FOR PUTTING MR FADHIL AND MR [REDACTED] <sup>b7C-4, b6-4</sup> INTO THE WATER AS INITIALLY ALLEGED. HE DENIED DIRECT PARTICIPATION AND CHOSE TO REMAIN WITH THE VEHICLES, BUT RELATED HEARING A SPLASH AFTER 1LT [REDACTED] SPOKE WITH SGT [REDACTED] AND SPC [REDACTED] ABOUT THE DETAINEES. SPC [REDACTED] FURTHER RELATED THE PLATOON AS A WHOLE DISCUSSED THROWING DETAINEES CAUGHT OUT AFTER CURFEW IN THE RIVER ON A FEW OCCASIONS, BUT THE EVENING OF THIS INCIDENT, THE PLATOON SERGEANT, SFC [REDACTED] <sup>b7C-5, b6-5</sup>, REMARKED THAT "SOMEBODY'S GOING TO GET WET TONIGHT!" OVER THE PLATOON FREQUENCY. <sup>b7C-4, b6-4</sup>

SPC [REDACTED] FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT [REDACTED] SPC [REDACTED] 1LT [REDACTED] SFC [REDACTED] AND CPT [REDACTED] WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC [REDACTED] RELATED HE AND THE OTHER SOLDIERS WERE COACHED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. THESE INSTRUCTIONS CAME FROM CPT [REDACTED] 1LT [REDACTED] AND SFC [REDACTED] ACCORDING TO SPC [REDACTED]. <sup>b7C-5, b6-5</sup>

ON 22 JAN 04, 1LT [REDACTED] <sup>b7C-5, b6-5</sup> WAS INTERVIEWED, BUT DECLINED TO ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND DENIED ANY WRONGDOING.

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ON 22 JAN 04, SPC [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SPC [REDACTED] ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AFTER INSTRUCTIONS FROM 1LT [REDACTED] AND SEEING SGT [REDACTED] PROMPT THE OTHER DETAINEE TO GO INTO THE WATER. SPC [REDACTED] FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC [REDACTED] AND INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SPC [REDACTED] IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM CPT [REDACTED], SFC [REDACTED] AND 1LT [REDACTED].

ON 23 JAN 04, SGT [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT [REDACTED] ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT TO MAKE HIM JUMP. SGT [REDACTED] IMPLICATED SPC [REDACTED] IN THE SAME ACTS REGARDING THE OTHER DETAINEE AND FURTHER ADMITTED OBSERVING THE TWO DETAINEES IN THE WATER. ONE SWAM BACK TO SHORE AND THE OTHER WAS TRYING TO KEEP HIS HEAD ABOVE WATER AND SCREAMING. SGT [REDACTED] RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED.

b7c-5  
b6-5  
FURTHER, SGT [REDACTED] FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC [REDACTED] AND SPC [REDACTED] AND THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT [REDACTED] IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM MAJ [REDACTED] (BATTALION EXECUTIVE OFFICER), CPT [REDACTED], SFC [REDACTED] AND 1LT [REDACTED].

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

THIS OFFICE WAS NOTIFIED BY CPT [REDACTED]<sup>b7c-3, b6-3</sup>, HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

PRELIMINARY INVESTIGATION DISCLOSED MR. [REDACTED]<sup>b7c-4, b6-4</sup> REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN SAMARRA THAT HE AND MR. FADHIL, HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS

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UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR. ██████████ REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. FADHIL OFF THE BRIDGE AND INTO THE RIVER WHERE MR. FADHIL DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

ON 16 JAN 04, MR. ██████████ WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR. ██████████ STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A 2001 KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE LC 975 857, WITH FIVE OTHER US SOLDIERS. MR. ██████████ CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN SAMARRA, WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. FADHIL INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. ██████████ STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. FADHIL, BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED THEY DID SEARCH MR. ██████████ AND MR. FADHIL WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PRCEEDED ONWARD, MR. ██████████ WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. ██████████ WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

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67C-5, 66-5  
ON 16 JAN 04, SGT [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> INFANTRY BN, 3<sup>RD</sup> BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN SAMARRA AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. [REDACTED] AND MR. FADHIL FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. [REDACTED] STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT [REDACTED] PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED SPC [REDACTED] AND SPC [REDACTED] REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF A BRIDGE. HE STATED MR. [REDACTED] WAS MAKING THE STORY UP.

b7C-4, 66-4  
b7C-5, 66-5  
b7C-5, 66-5  
b7C-5, 66-5; b7C-5, 66-5

67C-4, 66-4  
ON 16 JAN 04, LT [REDACTED] PLATOON LEADER, 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. [REDACTED], MR. FADHIL AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND 2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

b7C-4, 66-4

67C-4, 66-4  
ON 16 JAN 04, SPC [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC [REDACTED] CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. [REDACTED] AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. [REDACTED] OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF THE BRIDGE.

b7C-4, 66-4

67C-4, 66-4  
ON 16 JAN 04, SPC [REDACTED], 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] AND MR. [REDACTED] FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN SAMARRA. HE STATED NO ONE HARMED MR. [REDACTED] OR MR. FADHIL.

b7C-4, 66-4  
b7C-4, 66-4  
b7C-4, 66-4

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ONLY

DATE: 03 FEB 2004

FROM: SAC, 43RD MILITARY POLICE DET (CID)(FWD)

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA  
CDR, USACIDC //CIOP-ZA//  
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//  
CDR, 3D MP GROUP (CID)(FWD) //OPS//  
PROVOST MARSHAL //PM// //4ID//  
CHIEF OF STAFF //4ID//

SUBJECT: CID REPORT - 4TH STATUS/SSI - 0011-04-CID469-79630-  
5H1/5H7/5H3L/5P2/5X1/5X5/9G1

DRAFTER: [REDACTED]

*b6-1, b7c-1*

RELEASER: [REDACTED]

*b6-1, b7c-1*

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004/2245 - 03 JAN 2004/2330; VIC GRID COORDINATE  
38S LC 9386 8451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ

2. 16 JAN 2004/1300 - 16 JAN 2004/1500; 1/66 ARMOR BATTALION AREA,  
FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ

2. DATE/TIME REPORTED: 13 JAN 2004, 1011

3. INVESTIGATED BY: SA [REDACTED]

*b6-1, b7c-1*

SA [REDACTED]

*b6-1, b7c-1*

; SA [REDACTED]

*b6-1, b7c-1*

*b6-5, b7c-5*

4. SUBJECT: 1. [REDACTED]

1LT; [REDACTED]

[REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE  
OFFICIAL STATEMENT][CONSPIRACY][OBSTRUCTION OF JUSTICE]

*b6-5, b7c-5*

2. [REDACTED]

SGT; [REDACTED]

[REDACTED] M; OTHER; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE  
OFFICIAL STATEMENT][CONSPIRACY]

*b6-5, b7c-5*

3. [REDACTED]

SPC; [REDACTED]

[REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE  
OFFICIAL STATEMENT][CONSPIRACY]

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66-5, b7c-5

4. [REDACTED] SPC; [REDACTED]  
M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY]

66-5, b7c-5

5. [REDACTED] CPT; [REDACTED]  
M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

66-5, b7c-5

6. [REDACTED] SFC; [REDACTED]  
M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE]  
[CONSPIRACY]

66-5, b7c-5

7. [REDACTED] MAJ; [REDACTED]  
M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391; CT;  
[OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

66-5, b7c-5

8. (CORRECTED) [REDACTED] LTC; [REDACTED]  
M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4 ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

66-5, b7c-5

9. (ADD) [REDACTED] SGT; [REDACTED]  
CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[FALSE OFFICIAL STATEMENT][CONSPIRACY]

5. VICTIM: 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 1984; IRAQ; M; OTHER; IZ; (NFI) [INVOLUNTARY MANSLAUGHTER][CONSPIRACY]

66-4, b7c-4

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

3. U.S. GOVERNMENT [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION".

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4<sup>TH</sup> STATUS:

THE PURPOSE OF THIS STATUS REPORT IS TO ADD SGT [REDACTED] AS A SUBJECT OF CONSPIRACY AND FALSE OFFICIAL STATEMENT AND TO CORRECT THE SPELLING OF LTC [REDACTED] NAME.

b7c-5, bb-5

ON 27 JAN 04, SGT [REDACTED] WAS INTERVIEWED AND ADMITTED HE WAS AT THE RIVERS EDGE WHEN MR [REDACTED] AND MR. FADHIL WERE FORCED INTO THE RIVER. HE FURTHER STATED HE WAS ONE OF THE LAST SOLDIERS TO WITNESS BOTH MR. [REDACTED] AND MR. FADHIL IN THE RIVER. HE STATED MR [REDACTED] WAS SWIMMING TOWARD THE SHORE AND MR. FADHIL WAS TREADING WATER WHEN SGT [REDACTED] DEPARTED THE AREA. SGT [REDACTED] DID NOT WANT TO BE QUESTIONED ABOUT THE INCIDENT AND HE SUBSEQUENTLY INVOKED HIS RIGHTS.

b7c-4, bb-4  
b7c-4, bb-4  
b7c-5, bb-5

b7c-4, bb-4

b7c-4, bb-4

b7c-5, bb-5

DURING AN ADMINISTRATIVE REVIEW OF THE CASEFILE IN WAS NOTED LTC [REDACTED] NAME WAS SPELLED INCORRECTLY.

b7c-5

bb-5

\*\*\*REQUEST USACRC NAME CHECK BE CONDUCTED ON SGT [REDACTED] LTC [REDACTED] MAJ [REDACTED], SFC [REDACTED] AND CPT [REDACTED]\*\*

INVESTIGATION CONTINUES BY THE USACIDC.

3D STATUS:

THE PURPOSE OF THIS STATUS REPORT IS TO ADD THE OFFENSE OF OBSTRUCTION OF JUSTICE FOR 1LT [REDACTED] ADD LTC [REDACTED] AS A SUBJECT OF OBSTRUCTION OF JUSTICE, ACCESSORY AFTER THE FACT, AND CONSPIRACY; AND FULLY IDENTIFY MAJ [REDACTED]

b7c-5

bb-5

ON 27 JAN 04, LTC [REDACTED] WAS INTERVIEWED AND ADMITTED HE WAS BRIEFED BY CPT [REDACTED] AND 1LT [REDACTED] REGARDING THIS INCIDENT, SPECIFICALLY REGARDING THE FACT THAT MR [REDACTED] AND MR FADHIL WERE PUSHED INTO THE RIVER AFTER THEY WERE DETAINED. HOWEVER, HE RELATED THE SOLDIERS AND OFFICERS REPORTED SEEING THE TWO VICTIMS ALONGSIDE THE ROAD AFTER THEY CLIMBED BACK OUT OF THE WATER AND BEFORE THE PATROL DEPARTED THE AREA. LTC [REDACTED] RELATED HE BELIEVED THIS AND FURTHER ADMITTED HE DIRECTED THE OFFICERS AND SOLDIERS TO LEAVE THE PART OUT OF ANY STATEMENTS THEY MADE ABOUT PUSHING THE VICTIMS IN THE RIVER IN ORDER TO PREVENT THE CIRCUMSTANCES FROM BEING 'TAKEN OUT OF CONTEXT' AS HE DIDN'T BELIEVE ONE OF THE VICTIMS DROWNED, BUT INSTEAD BELIEVED THE STORY WAS BEING PROPOGATED BY THE VICTIM'S FAMILY TO CREATE NEGATIVE PROPAGANDA AGAINST COALITION FORCES. LTC [REDACTED] FURTHER RELATED BY THE TIME HE DECIDED HE DIDN'T BELIEVE THE SOLDIER'S AND OFFICER'S STORY OF

b7c-4, bb-4

b7c-5  
bb-5

b7c-5  
bb-5

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SEEING THE VICTIMS ALIVE AND WELL ON THE SIDE OF THE ROAD UPON THEIR DEPARTURE FROM THE AREA, THE INVESTIGATION WAS WELL UNDERWAY AND OUT OF HIS HANDS.

*b7C-3, b6-3*  
FURTHER, ON 27 JAN 04, PFC [REDACTED] SGT [REDACTED] AND SPC [REDACTED] ALL OF CO A, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391, WERE INTERVIEWED. ALL RELATED 1LT [REDACTED] SPOKE TO THEM REGARDING THIS INVESTIGATION AND PERSONALLY TOOK THEM TO THE TRIAL DEFENSE SERVICE OFFICE (TDS) TO SEE ATTORNEYS, INDICATING HE WANTED THEM TO KNOW WHAT THEIR RIGHTS WERE PRIOR TO THEIR BEING INTERVIEWED BY THIS OFFICE. 1LT [REDACTED] DID THIS IN SPITE OF A VERBAL ORDER GIVEN TO HIM BY THE 3D BCT COMMANDER ON 22 JAN 04 AND IN THE PRESENCE OF THE 4ID SJA NOT TO DISCUSS THIS INVESTIGATION WITH ANYONE IN THE CHAIN OF COMMAND AT ANY LEVEL.

INVESTIGATION CONTINUES BY THE USACIDC.

2D STATUS:

*b7C-5, b6-5*  
FURTHER INVESTIGATION DISCLOSED SGT [REDACTED] AND SPC [REDACTED] ON THE INSTRUCTIONS OF 1LT [REDACTED], PUSHED MR FADHIL AND PROMPTED MR [REDACTED] TO JUMP INTO A BODY OF WATER ADJACENT THE BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY AFTER BEING TAKEN INTO CUSTODY FOR CURFEW VIOLATION. LOGAN REFUSED TO PARTICIPATE, BUT PROVIDED FALSE INFORMATION TO INVESTIGATORS IN COLLUSION WITH THE OTHERS. NO EVIDENCE WAS UNCOVERED THERE WAS EVER ANY INTENTION ON THEIR PART TO MURDER MR [REDACTED] OR MR FADHIL

*b7C-4, b6-4*  
ON 21 JAN 04, SPC [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. FURTHER, HE IDENTIFIED SGT [REDACTED] AND SPC [REDACTED] AS BEING RESPONSIBLE FOR PUTTING MR FADHIL AND MR [REDACTED] INTO THE WATER AS INITIALLY ALLEGED. HE DENIED DIRECT PARTICIPATION AND CHOSE TO REMAIN WITH THE VEHICLES, BUT RELATED HEARING A SPLASH AFTER 1LT [REDACTED] SPOKE WITH SGT [REDACTED] AND SPC [REDACTED] ABOUT THE DETAINEES. SPC [REDACTED] FURTHER RELATED THE PLATOON AS A WHOLE DISCUSSED THROWING DETAINEES CAUGHT OUT AFTER CURFEW IN THE RIVER ON A FEW OCCASIONS, BUT THE EVENING OF THIS INCIDENT, THE PLATOON SERGEANT, SFC [REDACTED], REMARKED THAT "SOMEBODY'S GOING TO GET WET TONIGHT!" OVER THE PLATOON FREQUENCY.

*b7C-4, b6-4*  
SPC [REDACTED] FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT [REDACTED], SPC [REDACTED], 1LT [REDACTED], SFC [REDACTED]

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*b6-5, b7c-5*  
AND CPT ██████████ WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC ██████████ *b6-5, b7c-5* RELATED HE AND THE OTHER SOLDIERS WERE COACHED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. THESE INSTRUCTIONS CAME FROM CPT ██████████ *b6-5, b7c-5* ILT ██████████ AND SFC ██████████ ACCORDING TO SPC ██████████ *b6-5, b7c-5*.

*b6-5, b7c-5* ON 22 JAN 04, ILT ██████████ WAS INTERVIEWED, BUT DECLINED TO ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND DENIED ANY WRONGDOING.

*b6-5, b7c-5* ON 22 JAN 04, SPC ██████████ WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SPC ██████████ *b6-5, b7c-5* ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AFTER INSTRUCTIONS FROM ILT ██████████ AND SEEING SGT ██████████ *b6-5, b7c-5* PROMPT THE OTHER DETAINEE TO GO INTO THE WATER. SPC ██████████ *b6-5, b7c-5* FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC ██████████ *b6-5, b7c-5* AND INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SPC ██████████ *b6-5, b7c-5* IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM CPT ██████████ *b6-5, b7c-5* SFC ██████████ AND ILT ██████████ *b6-5, b7c-5*

*b6-5, b7c-5* ON 23 JAN 04, SGT ██████████ WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT ██████████ *b6-5, b7c-5* ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT TO MAKE HIM JUMP. SGT ██████████ *b6-5, b7c-5* IMPLICATED SPC ██████████ IN THE SAME ACTS REGARDING THE OTHER DETAINEE AND FURTHER ADMITTED OBSERVING THE TWO DETAINEES IN THE WATER. ONE SWAM BACK TO SHORE AND THE OTHER WAS TRYING TO KEEP HIS HEAD ABOVE WATER AND SCREAMING. SGT ██████████ *b6-5, b7c-5* RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED.

*b6-5, b7c-5* FURTHER, SGT ██████████ FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC ██████████ AND SPC ██████████ AND *b6-5, b7c-5* THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT ██████████ *b6-5, b7c-5* IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM MAJ ██████████ *b6-5, b7c-5* (BATTALION EXECUTIVE OFFICER), CPT ██████████ SFC ██████████ AND ILT ██████████ *b6-5, b7c-5*

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

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THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

THIS OFFICE WAS NOTIFIED BY CPT [REDACTED] <sup>b7C-3, b6-5</sup> HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

PRELIMINARY INVESTIGATION DISCLOSED MR. [REDACTED] <sup>b7C-4, b6-4</sup> REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN SAMARRA THAT HE AND MR. FADHIL, HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR. [REDACTED] <sup>b7C-4, b6-4</sup> REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. FADHIL OFF THE BRIDGE AND INTO THE RIVER WHERE MR. FADHIL DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

ON 16 JAN 04, MR. [REDACTED] <sup>b7C-4, b6-4</sup> WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR. [REDACTED] <sup>b7C-4, b6-4</sup> STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A 2001 KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE LC 975 857, WITH FIVE OTHER US SOLDIERS. MR. [REDACTED] <sup>b7C-4, b6-4</sup> CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN SAMARRA, WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. FADHIL INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. [REDACTED] <sup>b7C-4, b6-4</sup> STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. FADHIL, BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

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b7C-4, b6-4

ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED THEY DID SEARCH MR. [REDACTED] AND MR. FADHIL WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PROCEEDED ONWARD, MR. [REDACTED] WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. [REDACTED] WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

b7C-4  
b6-4  
b7C-4  
b6-4

b7C-5, b6-5

ON 16 JAN 04, SGT [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> INFANTRY BN, 3<sup>RD</sup> BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN SAMARRA AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. [REDACTED] AND MR. FADHIL FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. [REDACTED] STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT [REDACTED] (NFI) PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED SPC [REDACTED] AND SPC [REDACTED] REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF A BRIDGE. HE STATED MR. [REDACTED] WAS MAKING THE STORY UP.

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

b7C-4, b6-4

b7C-5, b6-5

ON 16 JAN 04, LT [REDACTED] PLATOON LEADER, 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. [REDACTED] MR. FADHIL AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND 2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

b7C-4  
b6-4

b7C-4, b6-4

b7C-5, b6-5

ON 16 JAN 04, SPC [REDACTED], 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS

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b7C-4, b6-4  
PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC [REDACTED] CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. [REDACTED] AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. [REDACTED] OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF THE BRIDGE. b7C-4, b6-4

b7C-5, b6-5  
ON 16 JAN 04, SPC [REDACTED], 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] AND MR. FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN SAMARRA. HE STATED NO ONE HARMED MR. [REDACTED] OR MR. FADHIL. HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE FURTHER STATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON THEIR BFV WHILE DEPARTING THE AREA. b7C-4, b6-4

BETWEEN 1130-1200, 15 JAN 04, MR. FADHIL'S REMAINS WERE ALLEGEDLY DISCOVERED BY LOCAL NATIONALS IN THE VICINITY OF SAMARRA AT GRID COORDINATES 38S LC 940 788. ON 16 JAN 04, MR. [REDACTED] REPORTED THE DISCOVERY OF THE REMAINS TO CID. HE FURTHER STATED THE REMAINS WERE BURIED IN A CEMETERY (NFI) ON THE SOUTH END OF SAMARRA ON 15 JAN 04. HE STATED HIS FAMILY PHOTOGRAPHED AND VIDEO TAPED THE REMAINS TO DOCUMENT HIS INJURIES AND IDENTIFICATION; HOWEVER, THE PHOTOGRAPHS AND VIDEO TAPES WERE NOT PROVIDED TO CID. NO CONFIRMATION HAS BEEN MADE OF THE IDENTIFICATION OF MR. FADHIL'S REMAINS AT THE TIME OF THIS REPORT. b7C-4, b6-4

EFFORTS ARE ONGOING TO POSITIVELY IDENTIFY THE REMAINS OF MR. FADHIL.

INVESTIGATION CONTINUES BY THE USACIDC.

\*\*\*REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] AND LT [REDACTED]\*\*\* b7C-5 b6-5

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

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8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF  
PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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DATE: <sup>27</sup>23 JAN 2004

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FROM: SAC, 43RD MILITARY POLICE DET (CID)(FWD)

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA  
CDR, USACIDC //CIOP-ZA//  
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//  
CDR, 3D MP GROUP (CID)(FWD) //OPS//  
PROVOST MARSHAL //PM// //4ID//  
CHIEF OF STAFF //4ID//

*3rd Stat*

SUBJECT: CID REPORT - INITIAL/SSI - 0011-04-CID469-79630-  
SH1/SH7/SH3L/5P2/5X1/5X5/9G1

DRAFTER: [REDACTED] *b6-1, b7c-1*  
RELEASER: [REDACTED] *b6-1, b7c-1*

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1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004/2245 - 03 JAN 2004/2330; VIC GRID COORDINATE  
38S LC 9386 8451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ

2. DATE/TIME REPORTED: 13 JAN 2004, 1011

3. INVESTIGATED BY: SA [REDACTED] SA [REDACTED]  
SA [REDACTED] *b6-1, b7c-1, b2-1* *b6-1, b7c-1, b2-1*  
*b6-5, b7c-5*

4. SUBJECT: 1. [REDACTED] 1LT; [REDACTED]  
[REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE  
OFFICIAL STATEMENT][CONSPIRACY][OBSTRUCTION OF JUSTICE]  
*b6-5, b7c-5*

2. [REDACTED] SGT; [REDACTED]  
[REDACTED] M; OTHER; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE  
OFFICIAL STATEMENT][CONSPIRACY]  
*b6-5, b7c-5*

3. [REDACTED] SPC; [REDACTED]  
[REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE  
OFFICIAL STATEMENT][CONSPIRACY]  
*b6-5, b7c-5*

4. [REDACTED] SPC; [REDACTED]  
M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL  
STATEMENT][CONSPIRACY]

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5. [REDACTED] CPT; [REDACTED]; 22 MAY 74; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. [REDACTED] SFC; [REDACTED] 28 JUN 71; SULLIVAN, MO; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE] [CONSPIRACY]

7. [REDACTED] MAJ; [REDACTED] 11 MAY 67; PHOENIX, AZ; M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

8. (ADD) [REDACTED] LTC; [REDACTED] 28 APR 63; PORTLAND, OR; M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4 ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

5. VICTIM: 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 1984; IRAQ; M; OTHER; IZ; (NFI) [INVOLUNTARY MANSLAUGHTER][CONSPIRACY]

2. [REDACTED] CIV; 19 MAR 1981; SAMARRA, IRAQ; M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI) [AGGRAVATED ASSAULT][CONSPIRACY]

3. U.S. GOVERNMENT [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION"

3D STATUS:

THE PURPOSE OF THIS STATUS REPORT IS TO ADD THE OFFENSE OF OBSTRUCTION OF JUSTICE FOR 1LT [REDACTED]; ADD LTC [REDACTED] AS A SUBJECT OF OBSTRUCTION OF JUSTICE, ACCESSORY AFTER THE FACT, AND CONSPIRACY; AND FULLY IDENTIFY MAJ [REDACTED]

ON 27 JAN 04, LTC [REDACTED] WAS INTERVIEWED AND ADMITTED HE WAS BRIEFED BY CPT [REDACTED] AND 1LT [REDACTED] REGARDING THIS INCIDENT, SPECIFICALLY REGARDING THE FACT THAT MR [REDACTED] AND MR [REDACTED]

b7c-5, b6-5

b7c-4, b6-4

b7c-5, b6-5

b7c-5, b6-5

b7c-5, b6-5

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FADHIL WERE PUSHED INTO THE RIVER AFTER THEY WERE DETAINED. HOWEVER, HE RELATED THE SOLDIERS AND OFFICERS REPORTED SEEING THE TWO VICTIMS ALONGSIDE THE ROAD AFTER THEY CLIMBED BACK OUT OF THE WATER AND BEFORE THE PATROL DEPARTED THE AREA. LTC

[REDACTED] RELATED HE BELIEVED THIS AND FURTHER ADMITTED HE DIRECTED THE OFFICERS AND SOLDIERS TO LEAVE THE PART OUT OF ANY STATEMENTS THEY MADE ABOUT PUSHING THE VICTIMS IN THE RIVER IN ORDER TO PREVENT THE CIRCUMSTANCES FROM BEING 'TAKEN OUT OF CONTEXT' AS HE DIDN'T BELIEVE ONE OF THE VICTIMS DROWNED, BUT INSTEAD BELIEVED THE STORY WAS BEING PROPOGATED BY THE VICTIM'S FAMILY TO CREATE NEGATIVE PROPAGANDA AGAINST COALITION FORCES. LTC [REDACTED] FURTHER RELATED BY THE TIME HE DECIDED HE DIDN'T BELIEVE THE SOLDIER'S AND OFFICER'S STORY OF SEEING THE VICTIMS ALIVE AND WELL ON THE SIDE OF THE ROAD UPON THEIR DEPARTURE FROM THE AREA, THE INVESTIGATION WAS WELL UNDERWAY AND OUT OF HIS HANDS.

FURTHER, ON 27 JAN 04, PFC [REDACTED] SGT [REDACTED] AND SPC [REDACTED] ALL OF CO A, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391, WERE INTERVIEWED. ALL RELATED 1LT [REDACTED] SPOKE TO THEM REGARDING THIS INVESTIGATION AND PERSONALLY TOOK THEM TO THE TRIAL DEFENSE SERVICE OFFICE (TDS) TO SEE ATTORNEYS, INDICATING HE WANTED THEM TO KNOW WHAT THEIR RIGHTS WERE PRIOR TO THEIR BEING INTERVIEWED BY THIS OFFICE. 1LT [REDACTED] DID THIS IN SPITE OF A VERBAL ORDER GIVEN TO HIM BY THE 3D BCT COMMANDER ON 22 JAN 04 AND IN THE PRESENCE OF THE 4ID SJA NOT TO DISCUSS THIS INVESTIGATION WITH ANYONE IN THE CHAIN OF COMMAND AT ANY LEVEL.

INVESTIGATION CONTINUES BY THE USACIDC.

2D STATUS:

FURTHER INVESTIGATION DISCLOSED SGT [REDACTED] AND SPC [REDACTED] ON THE INSTRUCTIONS OF 1LT [REDACTED] PUSHED MR FADHIL AND PROMPTED MR [REDACTED] TO JUMP INTO A BODY OF WATER ADJACENT THE BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY AFTER BEING TAKEN INTO CUSTODY FOR CURFEW VIOLATION. LOGAN REFUSED TO PARTICIPATE, BUT PROVIDED FALSE INFORMATION TO INVESTIGATORS IN COLLUSION WITH THE OTHERS. NO EVIDENCE WAS UNCOVERED THERE WAS EVER ANY INTENTION ON THEIR PART TO MURDER MR [REDACTED] OR MR FADHIL

ON 21 JAN 04, SPC [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. FURTHER, HE IDENTIFIED SGT [REDACTED] AND SPC [REDACTED] AS BEING

015462

000310

b7c-4, b6-4

RESPONSIBLE FOR PUTTING MR FADHIL AND MR [REDACTED] INTO THE WATER AS INITIALLY ALLEGED. HE DENIED DIRECT PARTICIPATION AND CHOSE TO REMAIN WITH THE VEHICLES, BUT RELATED HEARING A SPLASH AFTER 1LT [REDACTED] SPOKE WITH SGT [REDACTED] AND SPC [REDACTED] ABOUT THE DETAINEES. SPC [REDACTED] FURTHER RELATED THE PLATOON AS A WHOLE DISCUSSED THROWING DETAINEES CAUGHT OUT AFTER CURFEW IN THE RIVER ON A FEW OCCASIONS, BUT THE EVENING OF THIS INCIDENT, THE PLATOON SERGEANT, SFC [REDACTED] REMARKED THAT "SOMEBODY'S GOING TO GET WET TONIGHT!" OVER THE PLATOON FREQUENCY.

SPC [REDACTED] FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT [REDACTED] SPC [REDACTED], 1LT [REDACTED], SFC [REDACTED] AND CPT [REDACTED] WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC [REDACTED] RELATED HE AND THE OTHER SOLDIERS WERE COACHED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. THESE INSTRUCTIONS CAME FROM CPT [REDACTED] 1LT [REDACTED] AND SFC [REDACTED] ACCORDING TO SPC [REDACTED]

ON 22 JAN 04, 1LT [REDACTED] WAS INTERVIEWED, BUT DECLINED TO ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND DENIED ANY WRONGDOING.

ON 22 JAN 04, SPC [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SPC [REDACTED] ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AFTER INSTRUCTIONS FROM 1LT [REDACTED] AND SEEING SGT [REDACTED] PROMPT THE OTHER DETAINEE TO GO INTO THE WATER. SPC [REDACTED] FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC [REDACTED] AND INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SPC [REDACTED] IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM CPT [REDACTED] SFC [REDACTED] AND 1LT [REDACTED]

ON 23 JAN 04, SGT [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT [REDACTED] ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT TO MAKE HIM JUMP. SGT [REDACTED] IMPLICATED SPC [REDACTED] IN THE SAME ACTS REGARDING THE OTHER DETAINEE AND FURTHER ADMITTED OBSERVING THE TWO DETAINEES IN THE WATER. ONE SWAM BACK TO SHORE AND THE OTHER WAS TRYING TO KEEP HIS HEAD ABOVE WATER AND SCREAMING. SGT [REDACTED] RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED.

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000311

b7c-5  
b6-5

FURTHER, SGT [REDACTED] FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC [REDACTED] AND SPC [REDACTED] AND THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT [REDACTED] IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM MAJ [REDACTED] (BATTALION EXECUTIVE OFFICER), CPT [REDACTED] SFC [REDACTED] AND 1LT [REDACTED]

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

b7c-3, b6-3

THIS OFFICE WAS NOTIFIED BY CPT [REDACTED] HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

b7c-4  
b6-4

PRELIMINARY INVESTIGATION DISCLOSED MR [REDACTED] REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN SAMARRA THAT HE AND MR. FADHIL, HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR [REDACTED] REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. FADHIL OFF THE BRIDGE AND INTO THE RIVER WHERE MR. FADHIL DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

b7c-4  
b6-4

ON 16 JAN 04, MR [REDACTED] WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR. FADEL STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A 2001 KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE LC 975 857, WITH FIVE OTHER US

b7c-4,  
b6-4

SOLDIERS. MR [REDACTED] CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN SAMARRA, WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD

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THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. FADHIL INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. ██████ STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. FADHIL, BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED THEY DID SEARCH MR. ██████ AND MR. FADHIL WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PRCEEDED ONWARD, MR. ██████ WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. ██████ WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

b7c-4,  
b6-4

b7c-5, b6-5

ON 16 JAN 04, SGT ██████ 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> INFANTRY BN, 3<sup>RD</sup> BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN SAMARRA AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. ██████ AND MR. FADHIL FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. ██████ STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT ██████ PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED SPC ██████ AND SPC ██████ REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. ██████ AND MR. FADHIL OFF A BRIDGE. HE STATED MR. ██████ WAS MAKING THE STORY UP.

b7c-4, b6-4

b7c-5, b6-5

b7c-5, b6-5

b7c-5, b6-5

b7c-5, b6-5

b7c-4, b6-4

b7c-4, b6-4

b7c-5, b6-5

b7c-4, b6-4

ON 16 JAN 04, LT ██████ PLATOON LEADER, 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. ██████ MR. FADHIL AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND

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2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

b7c-4, b6-4

ON 16 JAN 04, SPC [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC [REDACTED] CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. [REDACTED] AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. [REDACTED] OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF THE BRIDGE.

b7c-5, b6-5

b7c-4, b6-4

b7c-5, b6-5

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

b7c-5, b6-5

ON 16 JAN 04, SPC [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] AND MR. FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN SAMARRA. HE STATED NO ONE HARMED MR. [REDACTED] OR MR. FADHIL. HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE FURTHER STATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON THEIR BFV WHILE DEPARTING THE AREA.

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

BETWEEN 1130-1200, 15 JAN 04, MR. FADHIL'S REMAINS WERE ALLEGEDLY DISCOVERED BY LOCAL NATIONALS IN THE VICINITY OF SAMARRA AT GRID COORDINATES 38S LC 940 788. ON 16 JAN 04, MR. [REDACTED] REPORTED THE DISCOVERY OF THE REMAINS TO CID. HE FURTHER STATED THE REMAINS WERE BURIED IN A CEMETERY (NFI) ON THE SOUTH END OF SAMARRA ON 15 JAN 04. HE STATED HIS FAMILY PHOTOGRAPHED AND VIDEO TAPED THE REMAINS TO DOCUMENT HIS INJURIES AND IDENTIFICATION; HOWEVER, THE PHOTOGRAPHS AND VIDEO TAPES WERE NOT PROVIDED TO CID. NO CONFIRMATION HAS BEEN MADE OF THE IDENTIFICATION OF MR. FADHIL'S REMAINS AT THE TIME OF THIS REPORT.

b7c-4, b6-4

EFFORTS ARE ONGOING TO POSITIVELY IDENTIFY THE REMAINS OF MR. FADHIL.

INVESTIGATION CONTINUES BY THE USACIDC.

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\*\*\*REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT [REDACTED] b6-5, b7c-5  
SPC [REDACTED] SPC [REDACTED] AND LT [REDACTED]  
b6-5, b7c-5 b6-5, b7c-5 b6-5, b7c-5

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2  
PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND  
AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS  
UNDER INVESTIGATION.

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF  
PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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DATE: 23 JAN 2004

FROM: SAC, 43RD MILITARY POLICE DET (CID)(FWD)

OFFICIAL USE ONLY

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA  
CDR, USACIDC //CIOP-ZA//  
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//  
CDR, 3D MP GROUP (CID)(FWD) //OPS//  
PROVOST MARSHAL //PM// //4ID//  
CDR, 1/8<sup>TH</sup> INF BN //4ID//  
CDR, 3<sup>RD</sup> BDE//4ID//  
CHIEF OF STAFF //4ID//

*zd STAT*

SUBJECT: CID REPORT - INITIAL/SSI - 0011-04-CID469-79630-  
5H1/5H7/5H3L/5P2/5X1/5X5

DRAFTER: [REDACTED] *b6-1, b7c-1*  
RELEASER: [REDACTED] *b6-1, b7c-1*

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
  1. 03 JAN 2004/2245 - 03 JAN 2004/2330; VIC GRID COORDINATE 38S LC 9386 8451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ
2. DATE/TIME REPORTED: 13 JAN 2004, 1011
3. INVESTIGATED BY: SA [REDACTED] SA [REDACTED] SA [REDACTED] SA [REDACTED]
 

*b6-1, b7c-1, b2-1*      *b6-1, b7c-1, b2-1*

*b6-5, b7c-5*      *b6-1, b7c-1, b2-1*
- SUBJECT: 1. [REDACTED] 1LT; [REDACTED] N  
[REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY]
2. [REDACTED] SGT; [REDACTED] *cla*  
[REDACTED] M; OTHER; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY]
3. [REDACTED] *SPC*      *b7c-5*  
[REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;  
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY] *n*

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4. [REDACTED] SPC; [REDACTED] 27 JUL 79; LIMA, OH; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY]

5. [REDACTED] CPT; [REDACTED] 22 MAY 74; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. [REDACTED] SFC; [REDACTED] 28 JUN 71; SULLIVAN, MO; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE][CONSPIRACY]

7. [REDACTED] MAJ; M; HHC, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391; CT; (NFI); [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

5. VICTIM: 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 1984; IRAQ; M; OTHER; IZ; (NFI) [INVOLUNTARY MANSLAUGHTER][FALSE OFFICIAL STATEMENT][CONSPIRACY][OBSTRUCTION OF JUSTICE]

[REDACTED]; CIV; 19 MAR 1981; SAMARRA, IRAQ; M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI) [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT] [CONSPIRACY]

U.S. GOVERNMENT [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION".

2D STATUS:

FURTHER INVESTIGATION DISCLOSED SGT [REDACTED] AND SPC [REDACTED] ON THE INSTRUCTIONS OF 1LT [REDACTED] PUSHED MR FADHIL AND PROMPTED MR [REDACTED] TO JUMP INTO A BODY OF WATER ADJACENT THE BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY AFTER BEING TAKEN INTO CUSTODY FOR CURFEW VIOLATION. [REDACTED] REFUSED TO PARTICIPATE, BUT PROVIDED FALSE INFORMATION TO INVESTIGATORS IN COLLUSION WITH THE OTHERS. NO EVIDENCE WAS UNCOVERED THERE WAS EVER ANY INTENTION ON THEIR PART TO MURDER MR [REDACTED] OR MR FADHIL

Handwritten bracket on the right side of the page, spanning from the first three numbered items down to the victim information. Next to the bracket are the handwritten notations "b7C-5" and "b6-5".

Handwritten notation "b7C-4, b6-4" next to the victim information.

Handwritten notations "b7C-5, b6-5" and "b7C-4, b6-4" on the left side of the page.

Handwritten notation "b7C-5, b6-5" above the first part of the summary.

Handwritten notation "b7C-5, b6-5" above the second part of the summary.

Handwritten notation "b7C-5, b6-5" above the third part of the summary.

Handwritten notation "b7C-5, b6-5" above the fourth part of the summary.

Handwritten notation "b7C-4, b6-4" below the summary.

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b7C-5, b6-5

ON 21 JAN 04, SPC [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. FURTHER, HE IDENTIFIED SGT [REDACTED] AND SPC [REDACTED] AS BEING RESPONSIBLE FOR PUTTING MR FADHIL AND MR [REDACTED] INTO THE WATER AS INITIALLY ALLEGED. HE DENIED DIRECT PARTICIPATION AND CHOSE TO REMAIN WITH THE VEHICLES, BUT RELATED HEARING A SPLASH AFTER 1LT [REDACTED] SPOKE WITH SGT [REDACTED] AND SPC [REDACTED] ABOUT THE DETAINEES. SPC [REDACTED] FURTHER RELATED THE PLATOON AS A WHOLE DISCUSSED THROWING DETAINEES CAUGHT OUT AFTER CURFEW IN THE RIVER ON A FEW OCCASIONS, BUT THE EVENING OF THIS INCIDENT, THE PLATOON SERGEANT, SFC [REDACTED], REMARKED THAT "SOMEBODY'S GOING TO GET WET TONIGHT!" OVER THE PLATOON FREQUENCY.

b7C-5, b6-5

b7C-5, b6-5

b7C-4, b6-4

b7C-5, b6-5

SPC [REDACTED] FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT [REDACTED], SPC [REDACTED], 1LT [REDACTED], SFC [REDACTED] AND CPT [REDACTED] WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC [REDACTED] RELATED HE AND THE OTHER SOLDIERS WERE COACHED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. THESE INSTRUCTIONS CAME FROM CPT [REDACTED], 1LT [REDACTED] AND SFC [REDACTED] ACCORDING TO SPC [REDACTED]

ON 22 JAN 04, 1LT [REDACTED] WAS INTERVIEWED, BUT DECLINED TO ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND DENIED ANY WRONGDOING.

ON 22 JAN 04, SPC [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SPC [REDACTED] ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AFTER INSTRUCTIONS FROM 1LT [REDACTED] AND SEEING SGT [REDACTED] PROMPT THE OTHER DETAINEE TO GO INTO THE WATER. SPC [REDACTED] FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC [REDACTED] AND INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SPC [REDACTED] IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM CPT [REDACTED], SFC [REDACTED] AND 1LT [REDACTED]

b7C-5  
b6-5

ON 23 JAN 04, SGT [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT [REDACTED] ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT TO MAKE HIM JUMP. SGT [REDACTED] IMPLICATED SPC [REDACTED] IN THE SAME ACTS REGARDING THE OTHER DETAINEE AND FURTHER ADMITTED OBSERVING THE TWO DETAINEES IN THE WATER. ONE SWAM BACK TO SHORE AND THE OTHER WAS TRYING TO KEEP HIS HEAD ABOVE WATER

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AND SCREAMING. SGT [REDACTED] RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED.

FURTHER, SGT [REDACTED] FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC [REDACTED] AND SPC [REDACTED] AND THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT [REDACTED] IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM MAJ [REDACTED] (BATTALION EXECUTIVE OFFICER), CPT [REDACTED] SFC [REDACTED] AND 1LT [REDACTED]

b7c-5  
b6-5

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

THIS OFFICE WAS NOTIFIED BY CPT [REDACTED] HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

b7c-3, b6-3

PRELIMINARY INVESTIGATION DISCLOSED MR [REDACTED] REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN SAMARRA THAT HE AND MR. FADHIL, HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR [REDACTED] REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. FADHIL OFF THE BRIDGE AND INTO THE RIVER WHERE MR. FADHIL DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

b7c-4, b6-4

b7c-4, b6-4

ON 16 JAN 04, MR [REDACTED] WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR [REDACTED] STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A 2001 KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE LC 975 857, WITH FIVE OTHER US

b7c-4, b6-4

b7c-4, b6-4

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SOLDIERS. MR. [REDACTED] CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN SAMARRA, WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. FADHIL INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. [REDACTED] STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. FADHIL, BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

b7c-4  
b6-4

ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED THEY DID SEARCH MR. [REDACTED] AND MR. FADHIL WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PRCEEDED ONWARD, MR. [REDACTED] WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. [REDACTED] WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

b7c-5, b6-5

ON 16 JAN 04, SGT [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> INFANTRY BN, 3<sup>RD</sup> BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN SAMARRA AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. [REDACTED] AND MR. FADHIL FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. [REDACTED] STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT [REDACTED] PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED SPC [REDACTED] AND SPC [REDACTED] REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF A BRIDGE. HE STATED MR. [REDACTED] WAS MAKING THE STORY UP.

b7c-4, b6-4

b7c-5, b6-5

b7c-5, b6-5

b7c-5, b6-5

b7c-4, b6-4

b7c-4, b6-4

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b7C-5, b6-5

ON 16 JAN 04, LT [REDACTED] PLATOON LEADER, 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. [REDACTED] MR. FADHIL AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND 2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

b7C-4, b6-4

b7C-5, b6-5 ON 16 JAN 04, SPC [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC [REDACTED] CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. [REDACTED] AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. [REDACTED] OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF THE BRIDGE.

b7C-4, b6-4

b7C-5, b6-5

b7C-4, b6-4

b7C-4, b6-4

b7C-4, b6-4

b7C-5, b6-5

ON 16 JAN 04, SPC [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] AND MR. FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN SAMARRA. HE STATED NO ONE HARMED MR. [REDACTED] OR MR. FADHIL. HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE FURTHER STATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON THEIR BFV WHILE DEPARTING THE AREA.

b7C-4, b6-4

b7C-4, b6-4

b7C-4, b6-4

b7C-4, b6-4

BETWEEN 1130-1200, 15 JAN 04, MR. FADHIL'S REMAINS WERE ALLEGEDLY DISCOVERED BY LOCAL NATIONALS IN THE VICINITY OF SAMARRA AT GRID COORDINATES 38S LC 940 788. ON 16 JAN 04, MR. [REDACTED] REPORTED THE DISCOVERY OF THE REMAINS TO CID. HE FURTHER STATED THE REMAINS WERE BURIED IN A CEMETERY (NFI) ON THE SOUTH END OF SAMARRA ON 15 JAN 04. HE STATED HIS FAMILY PHOTOGRAPHED AND VIDEO TAPED THE REMAINS TO DOCUMENT HIS INJURIES AND IDENTIFICATION; HOWEVER, THE PHOTOGRAPHS AND VIDEO TAPES WERE NOT PROVIDED TO CID. NO CONFIRMATION HAS BEEN MADE OF THE IDENTIFICATION OF MR. FADHIL'S REMAINS AT THE TIME OF THIS REPORT.

b7C-4, b6-4

EFFORTS ARE ONGOING TO POSITIVELY IDENTIFY THE REMAINS OF MR. FADHIL.

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INVESTIGATION CONTINUES BY THE USACIDC.

\*\*\*REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT [REDACTED]  
SPC [REDACTED] SPC [REDACTED] AND LT [REDACTED]

b6-5, b7c-5

b6-5, b7c-5

b6-5, b7c-5

b6-5, b7c-5

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2  
PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND  
AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS  
UNDER INVESTIGATION.

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF  
PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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015474

000322

DATE: 17 JAN 2004

FROM: SAC, 43RD MILITARY POLICE DET (CID)(FWD)

OFFICIAL USE  
ONLY

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA  
CDR, USACIDC //CIOP-ZA//  
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//  
CDR, 3D MP GROUP (CID)(FWD) //OPS//  
PROVOST MARSHAL //PM// //4ID//  
CDR, 1/8<sup>TH</sup> INF BN //4ID//  
CDR, 3<sup>RD</sup> BDE//4ID//  
CHIEF OF STAFF //4ID//

SUBJECT: CID REPORT - INITIAL/SSI - 0011-04-CID469-79630- 5H1/5H7

DRAFTER: [REDACTED] b7C-1, b6-1  
RELEASER: [REDACTED] b7C-1, b6-1

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004/2245 - 03 JAN 2004/2330; VIC GRID COORDINATE  
38S LC 9386 8451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ

2. DATE/TIME REPORTED: 13 JAN 2004, 1011

3. INVESTIGATED BY: SA [REDACTED] SA [REDACTED]  
[REDACTED]; SA [REDACTED]

b7C-1, b6-1,  
b2-1

4. SUBJECT: 1. UNKNOWN; [MURDER] [ATTEMPTED MURDER]

5. VICTIM: 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 1984;  
IRAQ; M; OTHER; IZ; (NFI) [MURDER]

2. [REDACTED] b7C-4, b6-4 CIV; 19 MAR 1981;  
SAMARRA, IRAQ; M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI)  
[ATTEMPTED MURDER]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT  
IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND  
MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION".

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THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

THIS OFFICE WAS NOTIFIED BY CPT <sup>b7C-3, b6-3</sup> [REDACTED] HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

PRELIMINARY INVESTIGATION DISCLOSED MR. <sup>b7C-4, b6-4</sup> [REDACTED] REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN SAMARRA THAT HE AND MR. FADHIL, HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR. <sup>b7C-4, b6-4</sup> [REDACTED] REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. FADHIL OFF THE BRIDGE AND INTO THE RIVER WHERE MR. FADHIL DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

ON 16 JAN 04, MR. <sup>b7C-4, b6-4</sup> [REDACTED] WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR. <sup>b7C-4, b6-4</sup> [REDACTED] STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A 2001 KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE LC 975 857, WITH FIVE OTHER US <sup>b7C-4, b6-4</sup> SOLDIERS. MR. <sup>b7C-4, b6-4</sup> [REDACTED] CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN SAMARRA, WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. FADHIL INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. <sup>b7C-4, b6-4</sup> [REDACTED] STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. FADHIL, BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

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ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED THEY DID SEARCH MR. [REDACTED] AND MR. FADHIL WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PRCEEDED ONWARD, MR. [REDACTED] WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. [REDACTED] WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

b7C-4,  
b6-4

ON 16 JAN 04, SGT [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> INFANTRY BN, 3<sup>RD</sup> BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN SAMARRA AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. [REDACTED] AND MR. FADHIL FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. [REDACTED] STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT [REDACTED] PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED SPC [REDACTED] AND SPC [REDACTED] REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF A BRIDGE. HE STATED MR. [REDACTED] WAS MAKING THE STORY UP.

b7C-5, b6-5

b7C-4, b6-4

b7C-5, b6-5

b7C-4, b6-4

b7C-4, b6-4

ON 16 JAN 04, LT [REDACTED] PLATOON LEADER, 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. [REDACTED] MR. FADHIL AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND 2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

b7C-5, b6-5

b7C-4, b6-4

b7C-4, b6-4

ON 16 JAN 04, SPC [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS

b7C-5, b6-5

015477

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b7c-4, b6-4

PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC [REDACTED] CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. [REDACTED] AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. [REDACTED] OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF THE BRIDGE.

b7c-5, b6-5

b7c-4, b6-4  
b7c-4, b6-4

b7c-5, b6-5

ON 16 JAN 04, SPC [REDACTED] 1<sup>ST</sup> PLATOON, A COMPANY, 1/8<sup>TH</sup> IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] AND MR. FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN SAMARRA. HE STATED NO ONE HARMED MR. [REDACTED] OR MR. FADHIL. HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE FURTHER STATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON THEIR BFV WHILE DEPARTING THE AREA.

b7c-4, b6-4

BETWEEN 1130-1200, 15 JAN 04, MR. FADHIL'S REMAINS WERE ALLEGEDLY DISCOVERED BY LOCAL NATIONALS IN THE VICINITY OF SAMARRA AT GRID COORDINATES 38S LC 940 788. ON 16 JAN 04, MR. [REDACTED] REPORTED THE DISCOVERY OF THE REMAINS TO CID. HE FURTHER STATED THE REMAINS WERE BURIED IN A CEMETERY (NFI) ON THE SOUTH END OF SAMARRA ON 15 JAN 04. HE STATED HIS FAMILY PHOTOGRAPHED AND VIDEO TAPED THE REMAINS TO DOCUMENT HIS INJURIES AND IDENTIFICATION; HOWEVER, THE PHOTOGRAPHS AND VIDEO TAPES WERE NOT PROVIDED TO CID. NO CONFIRMATION HAS BEEN MADE OF THE IDENTIFICATION OF MR. FADHIL'S REMAINS AT THE TIME OF THIS REPORT.

b7c-4, b6-4

EFFORTS ARE ONGOING TO POSITIVELY IDENTIFY THE REMAINS OF MR. FADHIL.

INVESTIGATION CONTINUES BY THE USACIDC.

\*\*\*REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] AND LT [REDACTED]\*\*\*

b7c-5, b6-5

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

015478

000326

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF  
PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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015479

000327

1235  
8 Feb 04

b6-3, b7c-3

Dr. [redacted] - Tikrit Hospital -

→ Knows about will happen to body/Remains  
-

8 Feb  
Got letter  
from  
Family

b6-3, b7c-3

DR

[redacted]

b6-3, b7c-3

DR

[redacted]

b6-3,  
b7c-3

[redacted] of local religious com- in Salah eldein provi-

Imam and speaker of the Riy mosque

ALI AL HADI

b6-3, b7c-3

1325- 8 Feb 04 - Briefed BN OPS, CW9 [redacted]

015480

000001

Pictures were taken of vehicle next day after incident. Family members took pictures <sup>b6-3,</sup><sub>b7c-3</sub>  
Alive victims brother: [REDACTED]

Deceased has no medical records, no x-rays, never been fingerprinted

Where is vehicle?? Vehicle is in ASEINAIEH: SAMARRA

015481

000002

DNVT b6-3, b7c-3  
COL [redacted]

b6-3, b7c-3  
XO - [redacted] LTC b6-3  
b7c-3  
CPT [redacted]

LTC b6-5, b7c-5  
[redacted]  
SJA

4ID  
3BCT

DNVT b6-3, b7c-3  
[redacted]

1550, 26 Jan 04  
1640

BT  
CPT  
rd BCT

1230  
CPT [redacted] [redacted] [redacted]  
b6-3, b7c-3  
1530  
[redacted]

BN  
CDR  
SJA

PLT get  
PLT  
CDR  
CO, BN, XO

Next day  
[redacted]  
b6-1, b7c-1

b7c-3  
b6-3  
JCS

b6-5, b7c-5  
[redacted]

Making  
arrangements  
level

CG

- 3 soldiers  
- Equipment!

Any Statements b6-5, b7c-5  
- MAJ [redacted] JCS

of a serious ~~incident~~ <sup>incident</sup>  
Fingerprints → Photos

015482

000003

1200 →

411D 1BCT  
466 Armor  
S-3

0830 - Coord w/ CPT [redacted]

b6-3, b7c-3 → [redacted]

b6-5, b7c-5  
SPC [redacted]  
SGT [redacted]  
SPC [redacted]

-HHC, 466 Armor  
Samarra

PVT: [redacted]  
b6-3, b7c-3

APOAE 09323

1/8 S&TS - Coord  
[redacted]

(LTC [redacted])

↓ b6-3, b7c-3

466 Armor Commander

b6-3, b7c-3  
[redacted]

(CPT [redacted])

0850 - Coord w/ CPT [redacted]

b6-3, b7c-3

where they were dropped

A Co, 1/8th Inf

→ walk approximately 2 kilometers

2000 - 0400 1st Platoon

4 here

38560 9300 8451

400, 15 Jan  
LC 940788  
- CPT [redacted]

location where body was found. b6-3, b7c-3

HA LTC [redacted]

b6-3, b7c-3 NO American

→ b6-5, b7c-5 1/8 Inf

[redacted] SSN [redacted]  
[redacted] TITAN b6-3, b7c-3  
[redacted]

3308 - Photos  
3329  
3330  
3342

e. mail: [redacted]

@yahoo.com  
015483

000004

b6-3, b7c-3

1130-1140

29 JAN 04 SPC

ACs, 118

28 Jan 04

probably there but don't know what happens, didn't hear what happened

- heard this a.m., 0700, was told coming to CID.
- didn't hear anything, don't know about, didn't know heard rumors, some Nazis I don't, didn't hear how
- no one confided they were involved
- didn't hear of anyone who was going to lie about what happened
- Mar 03, in unit, 04 Apr 03 came to base, never heard about post incidents involving Nazis
- no one in chain told to lie about Nazi incident
- don't know who was involved
- mainly rumors about what happened;

b6-3, b7c-3

1140-1150

PFC

ACs, 118

28 Jan

driver, in unit Jan 03, July 03 in Iraq

- stopped campus violator (2), put in a Bradley, drove out of city stopped by a bridge 1-2 min, drove off.
- a couple days later, unit said someone got them off bridge, didn't hear names, heard "someone" but could have been more than 1.
- no one came up to say they were involved
- no one came up to say they knew what happened or who was involved.

b6, b7c-1

SA

- heard about this before PFC SGT admitted
- never told to lie

NU  
from previous incidents

015484

000005

1110, 29 JAN 04  
1120

SGT [redacted]  
A Co 1/8, Dalat, FABLE FOB.

- not present
- first heard when investigation started
- haven't heard, 1st heard when CIA
- no one said they were involved, or saw what happened
- didn't hear about making up story
- nothing
- heard investigator was about troops (2) dying in

The river

- didn't hear specific names of persons involved
- no one told by chain to not say anything
- [redacted] sq leader, told squad there was an investigation

b6-3, b7c-3

patrols + OP's, guard, 3 days on 3 days off.

b6-3, b7c-3

1120-1130

[redacted] A Co, 1/8.

- back of track, didn't see, didn't hear anything
- couple days later, heard a few troops, 1 ended up in water
- didn't hear about what happened after incident
- no names
- didn't hear about anyone cover up.
- arrived, 5 weeks to unit, didn't hear about anything from the past.
- heard in passing about what happened.
- were told by unit that everyone was coming to CIA to talk about happened.
- never told by chain of command to not talk or lie about what happened.
- nothing to add.

015485

000006

11.12

b6-3, b7c-3  
SSG [redacted] A 1/8<sup>th</sup> Inf [redacted] <sup>room, [redacted]</sup>  
1) in the back of truck. [redacted] [redacted] (A14) - [redacted] side of city  
[redacted] days later in [redacted] [redacted] [redacted] near [redacted]  
[redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]

1120

b6-3, b7c-3  
PSPC [redacted] A 1/8<sup>th</sup> Inf [redacted]  
Dewey (A13), TDS [redacted], From (?)

1131

b6-3, b7c-3  
SPC [redacted] A Co 1/8<sup>th</sup> Inf [redacted]  
(Capt A14 [redacted]) - not knowledge of incident?

1128

b6-3, b7c-3  
SSG [redacted] A Co 1/8<sup>th</sup> Inf [redacted] [redacted] 1st  
was leave - [redacted] [redacted] 15 Dec - 31 Dec; (?)

1140

b6-3, b7c-3  
SPC [redacted] A Co 1/8<sup>th</sup> Inf [redacted]  
leave - 22 Dec 03 - 8 Jan 04 [redacted] [redacted] A13,

015486

000007

b6-3, b7c-3

0945

0110 Saw an american convoy and stopped on bridge  
10 minutes after convoy stopped they saw a person  
coming towards the checkpoint about 500 meters.  
vehicles were there for 5 minutes  
they heard a lot of screaming in english. Temp was cold no fog

b6-3, b7c-3

1030

0110 saw some three american tanks going towards  
Tikrit. stopped by on bridge for 5 minutes. About 10  
min later he saw a person walking towards ICAC

where the vehicles were stopped on the bridge there  
was an embankment the person could climb up.

they could not see any soldiers get out. heard screaming in  
english but can't tell due to water flowing loudly.

b6-3, b7c-3

1100

When person arrived at checkpoint he stated an American  
soldier threw my cousin into the water. He did not  
appear angry. The person was very wet & dirty. Never  
asked for help. The ICAC took him to the guy in  
charge [redacted]. He is on leave now. Within 5 minutes  
ICAC sent some people (5) to search the bridge. Guy  
appeared to be in shock. 15 min elapsed when the guy showed  
up to a search was conducted. Guy told him he was  
with his cousin and they were coming from Baghdad with  
construction equipment. He verified the purchase. Guy was walked  
and seemed very cold

015487

000008 09 4

16 Jan 04

0011-04-CT0469-79630

2200 ~~2200~~ the two guys came through town in their truck  
which was inspected by 2000. They departed towards  
Gardowor. He does not know if any US forces were notified.  
Have heard talk a few days later about Americans throwing  
Engin's in the river.

0011-04-CT0469-79630

VP162

015438

000009 192

- How old is picture on e-mail
- Photos of him before death
- where is cemetery - How far from USA Anaconda
- Plot grid where body was pushed + grid where body was found
- Did parents ID Body after death - their full ID + location photos
- Set time for Monday - exume body
- Ask victim any additional questions
- Any previous medical records - X-RAYS
- Did he know - Clarify who found body
- Ask for log
- Re-Ask ICDC Personnel - Could they ID Son
- Where's vehicle

- Cemetery - LC 9856282510 - New Cemetery  
From USA Anaconda 48.2 Kilometers - straight line

→ CFI 1120 - obtained MAP to reflect  
Both where body was pushed  
& found

- Picture 2-3 months old from e-mail

Victims uncle id'd body - **[REDACTED]** b6-3, b7c-3  
- 15 Jan 04, Thursday 1130 - He was not the  
one to pull body out of water -  
Body was floating when found in River by locals  
Body was also brought to Father on same day  
and he ID'd body - yes it was his SON  
- Who took the ~~body~~ video (deceased brother took video of victim)  
- Victim took pictures of vehicle **[REDACTED]**

b6-3, b7c-3

015439

000010

Copy

- 1- ring
- 2- Idea Card
- 3- pictures

American forces  
nearest post.

- Dam -

Other people to ID Body

about Engineer

ID on body

Engineer - Statement

SFC [redacted] & LT [redacted]

Received

015490

000011

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Foreign  
Language  
English  
Translation  
Below

Baghdad - Al Adel  
[REDACTED]  
[REDACTED]

015491

000012

3 near

1-1/2

Shan.

MR 118  
2:45

b7c-4, b6-4

SA  
b6-1, b7c-1

[Redacted]

Does she know his address

b6-3, b7c-3

Dam

b6-3, b7c-3

Cell phone #

[Redacted]

Payment

Conway

FDC saw them

(6pm)

Black Average

Shows This had  
Masked.

ICDC

canvo

60-80

classes  
overweight  
Time

# white hairs  
hard than  
meeters.

- 1 blue jeans
- 2 short skorts
- 3 black jacket

Federal vehicle - 18,000  
Load - 2500  
Flowers

(circled)

walking slow  
Soft  
Hiding  
scared

hand left side of face  
tip of his nose  
up upon lip

te together  
ICDC

look  
with  
eyes

0/18

left side of face

Nabie  
disturbance

015492

000013

2000  
2001  
2002

close the dam  
level

(m)

015493

000014

**Page(s)**

15 - 17

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**Withheld due to:**

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

---

015494

~~SECRET~~  
**DEPARTMENT OF THE ARMY**  
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND  
3<sup>rd</sup> MILITARY POLICE GROUP (CID)  
78<sup>th</sup> MILITARY POLICE DETACHMENT (CID) (FWD)  
Detainee Abuse Task Force  
BAGHDAD, IZ  
APO AE 09342

CIMPR-FR

27 October 2004

(U) MEMORANDUM FOR SEE DISTRIBUTION

(U) SUBJECT: CID REPORT OF INVESTIGATION - CORRECTED FINAL (C)/SSI - 0232-04-CID259-80267-15C2B/5Y2E

(U) DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 8 JUN 2004/ 0600 - 11 JUN 2004/ 2359; UNKNOWN LOCATION NEAR MUDIA, IRAQ.

(U) DATE/TIME REPORTED: 27 JUL 2004, 0900

(U) INVESTIGATED BY: SA <sup>b6-1, b7c-1, b2-1</sup> [REDACTED] SA <sup>b6-1, b7c-1, b2-1</sup> [REDACTED] SA [REDACTED] SA [REDACTED]

<sup>b2-1</sup>  
<sup>b6-1, b7c-1;</sup>  
<sup>b-1, b7c-1, b2-</sup> (U) SUBJECT: 1. (UNKNOWN); (NFI); [ASSAULT] [CRUELTY AND MALTREATMENT] <sup>b6-1, b7c-1, b2-</sup>

(U) VICTIM: 1: <sup>b6-4, b7c-4</sup> [REDACTED] <sup>b6-4, b7c-4</sup> CIV: IRAQI;

INTERNMENT SERIAL NUMBER (ISN) [REDACTED] <sup>M: b6-4, b7c-4</sup>

WHITE, XZ; DATE OF CAPTURE: 8 JUN 04; AKA: <sup>b6-4, b7c-4</sup> [REDACTED] <sup>b6-4, b7c-4</sup>

<sup>b6-4, b7c-1</sup> [REDACTED] [ASSAULT] [CRUELTY AND MALTREATMENT]

(U) INVESTIGATIVE SUMMARY:

(U) On 27 Jul 04, this office received Memorandum of Transmittal (MOT) 0090-04-CID789, from the Prisoner Interview/Interrogation Team (PIT), 75<sup>th</sup> Military Police Detachment (CID), Baghdad Central Confinement Facility (BCCF), Abu Ghraib, IZ, APO AE 09342, regarding allegations Mr. <sup>b6-4, b7c-4</sup> [REDACTED] was abused by U.S. Coalition Forces.

(U) Investigation established insufficient evidence to prove or disprove the offenses of Aggravated Assault and Cruelty and Maltreatment occurred as alleged by Mr. <sup>b6-4, b7c-4</sup> [REDACTED] Mr. <sup>b6-4, b7c-4</sup> [REDACTED] alleged during his capture, he was hooded, kicked several times in the body, and thrown into a barbwire fence. Mr. <sup>b6-4, b7c-4</sup> [REDACTED] alleged when he was transported to an unknown location, he was forced

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REGRADED UNCLASSIFIED WHEN SEPARATED

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FROM CLASSIFIED ENCLOSURES

<sup>b2, b7c-2</sup> [REDACTED]

Security Manager

to walk bare-foot across hot pavement, which caused burns to the sole of his left foot. Mr. [REDACTED] alleged during his interrogation at this location, he was punched several times in the head, chest, abdomen, legs, and lower back. Mr. [REDACTED] alleged he believed he suffered a fracture to his ribs.

(U) On 26 Jun 04, Mr. [REDACTED] underwent a medical screening, which disclosed signs he suffered blisters on the sole of his left foot. X-rays were exposed of Mr. [REDACTED] ribcage, which disclosed no indications of fractures. No other injuries were noted during the examination. This investigation did not diminish the integrity or credibility of Mr. [REDACTED] allegation.

(U) STATUTES:

((U) Article 93, UCMJ: Cruelty and Maltreatment

(U) EXHIBITS/SUBSTANTIATION:

(U) Attached:

(U) 1. Agent's Investigation Report (AIR) of SA [REDACTED] 27 Jul 04, detailing the Basis for Investigation.

(U) 2. AIR of SA [REDACTED] 14 Jul 04, detailing the receipt of Request For Assistance (RFA); the interview of Mr. [REDACTED] photographs of Mr. [REDACTED] review of detainee file; coordination with the Detainee Aid Station, Abu Ghraib, IZ; and re-interview of Mr. [REDACTED]

(U) 3. Photographs of Mr. [REDACTED] (3 each).

(U) 4. Detainee File pertaining to Mr. [REDACTED] (30 pages).

(U) 5. Chest x-rays (2 each) of Mr. [REDACTED] 2 Jul 04.

(U) 6. Chronological Record of Medical Care, Standard Form 600, 26 Jun 04, pertaining to Mr. [REDACTED] (2 each).

(U) 7. AIR of SA [REDACTED] 19 Aug 04, detailing coordination with [REDACTED]

(U) 8. AIR of SA [REDACTED] 22 Sep 04, detailing receipt of RFA and interview of LT [REDACTED]

(U) 9. AIR SA [REDACTED] 6 Oct 04, detailing receipt of RFA; the coordination with the [REDACTED] Executive Officer (XO) and the coordination with the [REDACTED] Intelligence Officer. (USACRC and File Copies only)

(U) 10. Medical report and photograph of Mr. [REDACTED] provided by [REDACTED] XO, not dated.

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(S/NOFORN) 11. Memorandum for Record, 5 Oct 04, detailing the use of pseudonyms by [REDACTED] b6, b7c  
[REDACTED] for transfer documents. (USACRC and File Copies only)

b6, b7c (S/NOFORN) 12. Memorandum for Record, 5 Oct 04, detailing the loss of computer data by the [REDACTED] (USACRC and File Copies only)

(S/NOFORN) 13. Compact Disc 040232.259, containing originals of Exhibit 3, scanned copies of Exhibit 4, and scanned copies of Exhibit 15. (USACRC and File Copies only)

b6-1, b7c-1 (U) 14. AIR of SA [REDACTED] 21 Oct 04, detailing final coordination with the Office of the Staff Judge Advocate (SJA).

(U) Not Attached:

(U) Maintained in original case file.

b6-4, b7c-4 (U) 15. Personal Data Report and Interrogation Reports of Mr. [REDACTED] (Documents classified as "Secret.")

(U) The originals of Exhibits 1 through 3, 5, 7, and 14, are forwarded with USACRC copy of this report. The originals of Exhibits 4 and 6 are maintained in the files of the BCCF. The original of Exhibits 9, 11, 12 and 13 are maintained in the files of the US Army [REDACTED] b6, b7c  
[REDACTED] The original of Exhibit 10 is maintained by the [REDACTED] Iraq

b6, b7c (U) STATUS: This is a Final (C) Report. This investigation was terminated in accordance with CIDR 195-1, Chapter 4-17 (a)(6), as the Special Agent in Charge and Battalion Operations Officer determined that furtherance of the investigation would be of little or no value and leads remaining to be developed would not impact on the investigative findings of this investigation.

(U) Leads Remaining:

(U) a. Locate, fully identify, and interview the individuals responsible for the capture of Mr. [REDACTED] b6-4, b7c-4

(U) b. Locate, fully identify, and interview the individuals responsible for the interrogation of Mr. [REDACTED] b6-4, b7c-4

b6-4, b7c-4 (U) c. Locate, fully identify, and interview the individuals responsible for Mr. [REDACTED] medical care, while detained by [REDACTED] b6, b7c

(U) Report Prepared By:

Report Approved By:

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b6-1, b7c-1, b2-1

b6-1, b7c-1 0232-04-CID259-80267

[Redacted]

[Redacted]

Special Agent

Special Agent in Charge

(U) Distribution:

1 - DIR, USACRC, 6010, 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506 (original)

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1 - US Army [Redacted] ATTN: SA [Redacted]

b6-1, b7c-1

b-6, b7c

1 - Office of the Staff Judge Advocate, III Corps, (email only)

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