REPORT OF PROCEEDINGS BY	INVESTIGATING OFFICER/BOA ee AR 15-6; the proponent agency is OTJAG			
IF MORE SPACE IS REQUIRED IN FILLING O				
SEC SEC	TION I - APPOINTMENT			
Appointed by COL CDR 18th Military Po	olice Brigade, Baghdad, Iraq APO A	AE 09302	<del></del>	
on	intment or summary of oral appointment dat	a.) (See para 3-15, AR 15-0	5.)	
SE	ECTION II - SESSIONS			
Carra Canana Bagh	ded Irea		0930	
The (investigation) (board) commenced at Camp Cropper, Bagh	(Place)	at	(Time)	
ended, the place, persons present and absent, and explanation of absent present: (After each name, indicate capacity, e.g., President, Recorder,		n inclosure the time each se irs, respondents, counsel) v	ession began a wete	and
The following persons (members, respondents, counsel) were absent:	(Include brief explanation of each absence.)	(See paras 5-2 and 5-8a, A	R 15-6.)	
The (investigating officer) (board) finished gathering/hearing evidence	at 2005	on20	030621	
	(Time)		(Date)	
and completed findings and recommendations at		2003062 (Date)	2	
SECTION III .	CHECKLIST FOR PROCEEDINGS	(Date)		
A. COMPLETE IN ALL CASES	ONLONDO TON PRODEEDINGS		YESIN	IO <sup>V</sup> NA <sup>2</sup>
Inclosures (para 3-15, AR 15-6)		····	1.20	,
Are the following inclosed and numbered consecutively with Roman a				
a. The letter of appointment or a summary of oral appointment data?			X	_
b. Copy of notice to respondent, if any? (See item 9, below)		·		×
c. Other correspondence with respondent or counsel, if any?			X_	
d. All other written communications to or from the appointing author		<del></del>		$\perp$ ×
e. Privacy Act Statements (Certificate, if statement provided orally):  f. Explanation by the investigating officer or board of any unusual di-		-LI	$\rightarrow$	<del></del>
)	elays, difficulties, irregularities, or other pr	oblems		l ×
encountered (e.g., absence of material witnesses)?  g. Information as to sessions of a formal board not included on page	1 of this report?			
h. Any other significant papers (other than evidence) relating to adr		nerd?		X
OOTNOTES: V Explain all negative answers on an attached sheet.  2 Use of the NIA column constitutes a positive representation that or board.				<u> X</u>
	OF NDV 77 IS OBSOLETE.	Page 1 of 4 pages		SAPA V1.20

EDITION OF NOV 77 IS OBSOLETE.

AHNEX 4

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2	Exhibits (para 3-16, AR 15-6)	YES	NO.	V NA2
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	×		
!	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X	<del> </del>	+
	c. Has the testimpny/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	×		<del>;</del>
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	×	!	
	e. Are descriptions or diagrams included of locations visited by the investigating officer of board (para 3-6b, AR 15-6)?	1	<del></del>	İΧ
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an	<del> </del>		
ı	exhibit or recorded in a verbatim record?	<u> </u>	<u> </u>	×
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			×
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	1		X
B.				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C.				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?	1		
	c. Does each letter of notification indicate—			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?	1		
	(3) the respondent's rights with regard to counsel?	1-1		
	(4) the name and address of each witness expected to be called by the recorder?	1		
	(5) the respondent's rights to be present, present evidence, and call witnesses?	11		
	d. Was the respondent provided a copy of all unclassified documents in the case file?	+-+		
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	1		
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (pure 5-4c, AR 15-6)?	1		
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:	4		
	(TOTAL STATE DESCRIPTION OF WELLOW).			
	(If counsel is a lawyer, check here  )			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	-		-
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the	+		<del> </del>
_	action taken on it included in the report (para 5-6b, AR 15-6)?		'	
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?	+-+	,	<b></b>
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	1		
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	+		
	d. Call witnesses and otherwise introduce evidence?	1		
	e. Testify as a witness?	1		
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	+		
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in	1		
	arranging for the presence of witnesses (para 5-8b, AR 15-6)?		'	
15	inclosure or exhibit to it (para 5-11, AR 15-6)?			
FO	NOTIONES: If Explain all negative arrivers on an attached sheet.  Use of the NIA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation.			

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SECTION IV - FINDINGS (para 3-10, AR 15-6)	
The (investigating officer) (board), having carefully considered the evidence, finds:	
re attached Memorandum.	
Nothing else follows	
	•
	•
}	
<u> </u>	
	i
1	
SECTION V - RECCMMENDATIONS (para 3-11, AR 15-6)	<del></del>
In view of the above findings, the (investigating officer) (board) recommends:	
See attached memorandum.	,
Nothing else follows	
·	
1	
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$\cdot$	

SECTION VI - AUTHENTIC	ATION (para 3-17, AR 15-6)
THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. ( low, indicate the reason in the space where his signature should appear.)	(If any voting member or the recorder fails to sign here or in Section VII
(Recorder)	(Investigating Officer) (President)
(Member)	(Member)
(Member)	(Member)
SECTION VII - MINORITY R	EPORT (para 3-13, AR 15-6)
To the extent indicated in Inclosure , the undersigned do(es) to (In the inclosure, identify by number each finding and/or recommendation in reasons for disagreement. Additional/substitute findings and/or recommendation	ot concur in the findings and recommendations of the board. which the dissenting member(s) do(es) not concur. State the tions may be included in the inclosure.)
• •	
	·
(Member)	(Member)
0000001101110101010101010101010101010101	THE ALTERIOR AND AD AD AS A
SECTION VIII - ACTION BY APPOINT The findings and recommendations of the (investigating officer) (board) are	
substitutions). (If the appointing authority returns the proceedings to the inve	stigating officer or board for further proceedings or
corrective action, uttach that correspondence (or a summary, if oral) as a nu	mberea wectoswee.)
	!
	B. dier General 1854
	Bigadier General, USA

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#### DEPARTMENT OF THE ARMY 115th MILITARY POLICE BATTALION BAGHDAD INTERNATIONAL AIRPORT BAGHDAD, IRAQ

REFLY TO ATTENTION OF

23 June 2003

MEMORANDUM FOR: COMMANDER, 18TH MILITARY POLICE BRIGADE

SUBJECT: Army Regulation 15-6 Investigation

- 1. The undersigned was appointed as an AR 15-6 Investigating Officer by you on 12 June 2003 to look in to the circumstances involving the escape of two Civilian Internees (CI) from the Camp Cropper Corps Holding Area (CHA) and subsequent shooting and death of one of those CI on 12 June 2003 at approximately 0300 hours.
- 2. Background: Two CI's successfully exited the CHA and made it outside the berm. SPC 186<sup>th</sup> Military Police Company, who was on exterior guard duty, observed the escape and fired his weapon at the two CI's, striking one, who died shortly thereafter of his wounds. This detainee, registered under the name Sequence #7166, was transported to the 581<sup>st</sup> ASMC for initial treatment. Was then air medevaced to the 28<sup>th</sup> CSH, were he was pronounced dead on arrival. The other detainee, Sequence #8399, was recaptured within several hours and was returned to the CHA.
- 3. <u>Scope:</u> The scope of this investigation was twofold. First, to investigate the circumstances surrounding the escape and second, to investigate the circumstances surrounding the shooting and subsequent death of the CI.
- 4. Conduct of the Investigation: The undersigned spoke with medical personnel involved in treating the deceased CI first; to ensure any perishable physical evidence was collected. The undersigned then spoke to security personnel and other witnesses and obtained statements (most of which had already been taken in the form of sworn statements by 186<sup>th</sup> MP CO staff prior to my assignment as a AR 15-6 Investigating Officer).
- 5. Summary of Interviews:

(MD), 581<sup>st</sup> Area Medical Support Company, BIAP, Baghdad, Iraq. On 12 Jun 03 at approximately 1149 hours, the undersigned spoke to on 12 June 03 at approximately 0320 hours. who was the doctor who treated was bleeding profusely from wounds in his chest, back stated that stated that the wound in the back was and both legs when he arrived. consistent with an entrance wound from a 5.56 mm projectile, the wound in the chest was consistent with a exit wound from the same type of projectile, and the leg wounds were consistent with one 5.56 mm projectile passing completely thru one leg and entering the opined that had lost at least one half of his vital fluids by other leg. was given two liters of saline the time saw him. stated

and one liter of hespan volume expander. Also stated that he noticed that while giving an IV, which blood was extremely watery, indicating that very little blood was present, relative to the amount of intravenous fluids. The felt, however, that was stable when was placed on the helicopter for transport to the 28<sup>th</sup> Combat Support Hospital (CSH). Based on his observations also felt that the cause of death was hypovolemic shock, or bleeding out. The latest also felt that everything medically possible was done in an attempt to save

- b) MAJ B. (MD) 28th CSH, LSA Dogwood, Iraq. On 12 Jun 03 at approximately 1545 hours, the undersigned spoke with a doctor with the 28th CSH. was not the doctor who pronounced dead, but was present when another doctor, MAJ (MD), pronounced stated that he was very confident in determining cause of death to be hypovolemic shock from one or both of the gunshot wounds. had an entrance wound in the back consistent with a 5.56 mm projectile, an exit wound in the chest, consistent with that same projectile and wounds in both legs consistent with a 5.56 mm projectile. completed a DA Form 2669-R (Certificate of Death) and made sure the undersigned received a copy of the Hospital Report of Death signed by
- 186th Military Police Company, BIAP, Baghdad, Iraq. On 12 Jun 03 at approximately 2000 hours, the undersigned spoke to who is Platoon Sergeant. had no direct knowledge of the incident, but had spoken to and other soldiers with direct knowledge. did provide the undersigned with an overview of what occurred. advised the undersigned that he personally briefed and the rest of his platoon on the Rules Of Engagement (ROE) at least twice since assignment to Camp Cropper, BIAP. checked magazine and discovered 28 issued rounds in the magazine. also had the remainder of his issued basic load. also provided the undersigned with four M-16A2 shell casings on 14 Jun 2003 at approximately 1710 hours. Stated that he obtained the casings from 186th Military Police Company, on 12 Jun 03 in the afternoon. SSG that the casings were recovered from the berm, near where was standing when he fired. also showed the undersigned where an additional point and light set had been added to eliminate the shadow behind the latrines.
- d) SPC 186th Military Police Company, BIAP, Baghdad, Iraq.
- (1) On 14 Jun 03 at approximately 1629 hours, the undersigned spoke to who has been assigned as a Military Police soldier since October 2000. On 12 Jun 03 at approximately 0259 hours (just prior to the 0300 hour radio check), was manning guard point #4 at the CHA. Guard point #4 is located at the Northeast corner of the CHA. In noticed movement out of the corner of his eye. To looked towards the latrine area, which is located near the center of the east side of the CHA, and noticed a detainee manipulating the wire on the outer perimeter of the camp.

latrines created two large shadows across the east wire and onto the berm and this is where the detainees were manipulating the wire.

	called for a spotlight to illuminate the latrine area.  then attempted to send a radio message stating there was an escape in progress.  also stated he yelled that there was an escape in progress and yelled for the detainee to stop.  also noticed that a second detainee had exited the outer wire perimeter and was also running up the berm and a third detainee was at the wire. The third detainee saw the pump down from his static HMWWV guard point, and turned around and went back into the main compound.
	(3) The same basic track as the two detainees who had escaped. When the reached the top of the berm, he stated he yelled "stop" again. It is saw the detainee who was the first one out of the wire from the top of the berm.  If it is a second round and saw the detainee was still running. If it is a second round and saw the detainee drop. The detainee was approximately 150' to 200' from the berm when the same general area as the first detainee, which was east of the camp, towards the main road. If it is a second detainee, but stated the detainee was still running when the second detainee, but stated the detainee was still running when the lost sight of him. The believed he had fired four rounds total.
	(4) After firing at the second detainee, went back to the bottom of the berm, made contact with another guard to get a flashlight. then proceeded to the injured detainee, who was laying in the roadway, and called for a medic. stated that medics from Task Force 20 arrived before CHA medics. The detainee was treated by medics then transferred to the 581 <sup>st</sup> ASMC.  attempted to locate the other detainee and told other soldiers what had transpired. was told by a supervisor to return to his post.
	(5) stated that he knew the ROE, acted within the ROE and accomplished his mission of preventing escape. The reviewed the written sworn statement he had completed on 12 Jun 03 for the sworn statement was accurate with no additions, deletions or corrections needed. The sworn statement was accurate with no additions, deletions or corrections needed. The sworn statement was accurate with no additions, deletions or corrections needed.
6.	Additional Interviews: The undersigned spoke with the following individuals and had them review their sworn statements that they prepared on 12 June 2003 for the 186 <sup>th</sup> Military Police Company. A summary of the pertinent parts of the sworn statement and subsequent statement to the undersigned is included.
	a) 186 <sup>th</sup> Military Police Company. On 21 Jun 03 at approximately 1900 hours, the undersigned spoke to who was on guard point #6 (South side of CHA, behind warehouse) during the time in question.

that on 12 Jun 03 at approximately 0300 hours, she noticed berm, near the middle of the east side of the CHA. In the noticed stop at the top of the berm and fire at least 5 shots from his rifle. In then heard someone yell for a medic. It was unsure as to whether she would have heard yell "halt" or anything similar, sighting distance as a factor preventing her from hearing. Stated that the Quick Reaction Force (QRF) went inside the camp to assist with the headcount. The read and confirmed that her sworn statement dated 12 June 2003 was accurate with no additions, deletions or corrections needed.

- b) SGT. 186<sup>th</sup> Military Police Company. On 21 Jun 03 at approximately 1905 hours, the undersigned spoke to who was on guard point #5 (Southeast corner of CHA) at the time of the incident. Stated that he heard yell that there was a detainee outside the wire. read and confirmed that his sworn statement dated 12 June 2003 was accurate with no additions, deletions or corrections needed.
- c) <u>SPC</u> 186<sup>th</sup> Military Police Company. On 21 Jun 03 at approximately 1910 hours, the undersigned spoke to who was on guard point #2 (Northwest corner of CHA) at the time of the incident. Stated that he heard say over the radio that "They're going over the berm." They are additions, deletions or corrections needed.
- , 186th Military Police Company. On 21 Jun 03 at approximately 1920 hours, the undersigned spoke to who was on guard point #3 stated that he heard (middle of North side of CHA) at the time of the incident. say over the radio that he needed a spotlight to shine on the wire between points #4 and #5. then reported a prisoner going over the observed going up the berm, heard yell from the top of the berm towards the other side, then heard twice, pause and fire twice again. stated that he could not hear specifically what velled from the berm because of distance and ambient noise from the also stated that he briefed the SRT/QRF on the events that transpired generators. and the direction of travel. read and confirmed that his sworn statement dated 12 June 2003 was accurate with no additions, deletions or corrections needed.
- 186th Military Police Company. On 21 Jun 03 at approximately 2005 hours, the undersigned spoke to who was the guard shift NCOIC/Rover, at the time of the incident. He was co-located with guard point #6. stated that he heard a radio message that he couldn't make out, but immediately assumed it was reporting a prisoner escaping. going up the berm and heard observed neard yell "Halt" numerous times. lire two to three rounds. pause and fire two or three more rounds. account of the actions after the shots being fired is consistent with stated that responding soldiers were directed to begin an organized search. also said

4

that a piece of cloth had been used to tie the wire apart to permit a person to squeeze through the wire. The present the present that his sworn statement dated 12 June 2003 was accurate with no additions or deletions needed. The present did state that near the end of his sworn statement, he referred to a subject as the present of the sure now whether the individual was in fact the present of the statement. This change would not materially affect the statement. The present that lack of adequate lighting contributed to the escape. The present did not believe any other factors contributed to the escape.

- 7. Camp Rule Considerations: 13<sup>th</sup> PSYOPS Detachment has been playing camp rules in Arabic several times a day since early May 2003. Included in the camp rules is the statement that "If you climb over the barbwire, and attempt to escape, you will be shot." Also played is an announcement that states "Any attempt to escape or uprising will result in the use of deadly force by the coalition soldiers." PSYOPS also plays a message that states that detainees must stay one meter from the fence line and not to touch or place any objects on the barbwire fence. One last message of significance states that "The English words 'Stop' and 'Halt' mean 'Kiff' in Arabic. You must immediately halt when a coalition soldier uses the English or Arabic command. Failure to do so may result in disciplinary action up to and including the use of force. 'Stop' and 'Halt' mean 'Kiff'". These messages are also played for new detainees upon in processing. The had been in the CHA since on or about 14 May 2003. The had been in the CHA since 28 May 2003. Both detainees had ample opportunity to hear the PSYOPS messages.
- 8. Rules of Engagement: legal advisor to Camp Cropper, provided the undersigned with written and verbal guidance from Annex D, 115th Military Police Battalion Tactical Standard Operating Procedure (TACSOP) concerning ROE that has been given to soldiers. Included in this guidance is rule #1 "Necessary Force, including deadly force, is authorized to prevent escapes." Sub-paragraph (a) states "If a detainee attempts to escape, guards must use graduated force, first, if possible. (b) Guards should shout 'halt' in Arabic three times ('kiff', pronounce 'cough') before using deadly force. (c) Deadly force is authorized to prevent escape only where the detainee is crossing the last wire and there is no other lesser means to prevent escape. (e) Do not continue firing, once the subject has stopped. The purpose of shooting a detainee is to stop him or her from escaping." Also pertinent to this investigation is rule #5 "Prevent all escapes by all detainees, by order of the Brigade Commander."

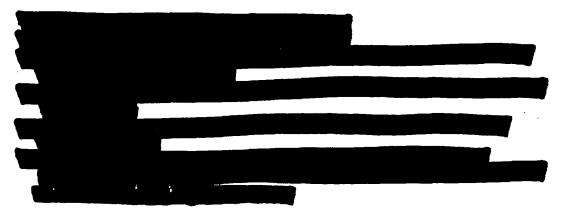
#### 9. Discussion:

- a) The purpose of this investigation is to answer two main questions, how did the escapes occur and did the Military Police respond appropriately. These two questions are closely intertwined because the personnel with the most knowledge on how these escapes occurred are also the same personnel who had to make the decision on how to respond. Additionally, several specific questions were addressed to the undersigned. These are answered in the narrative.
- b) The lack of adequate lighting at the CHA was a major factor that permitted the escapes. In any detention facility, perimeter lighting must be designed to reduce shadows as

much as possible. The worst-case scenario is what occurred at CHA Cropper, which is that a shadow went from inside the wire, across the wire and onto the ground outside the wire. This made it relatively easy for detainees to begin escape operations from inside the compound and operate relatively concealed until they were outside the wire.

- c) The undersigned, as the battalion S2, received indications from inside the wire in the days leading up to 12 Jun 03 that due to the presence of hardened criminals, relative overcrowding in the facility, frustration over lack of resolution of the detainees cases and primitive conditions inside the camp, some detainees were planning to escape, no matter what the consequences were. These indications were passed to appropriate staff sections, commanders and guard force personnel. Additionally, some detainees, despite our PSYOPS messages and the shootings that occurred on 9 Jun 03, believed that the Coalition Forces would not use deadly force to prevent escapes. Some of these detainees actively tried to convince other detainees of this.
- d) These factors contributed to three detainees attempting escape by proceeding to the latrine area, stripping off their shirts to prevent snagging on concertina wire, tying cloth to the wire to give additional room and crawling under and through the wire.
- e) The undersigned also learned that the second detainee,
  Sequence #8399, was recaptured at approximately 0545 hours, near were leading to the search team.
- f) The second question is, "Did the Military Police act appropriately, once the detainees were outside the wire?" They did. Fulfilled, almost to the letter, the requirements to use deadly force according to the ROE spelled out in the 115th Military Police Battalion TACSOP. The only possible technical exception is that he yelled, "halt" or "stop" in English, not Arabic, at least twice. Stated yelled "halt" "numerous times." PSYOPS messages make it clear to the detainees that they must know what the English words "halt" or "stop" mean. In the heat of the moment, KLOSTERMAN fulfilled the spirit of the ROE. The detainees knew what they were doing when they went to the latrine area, stripped off their shirts, tied the wire apart, crawled under the wire and ran up the berm. They were committed to escaping and were not going to stop unless they were physically stopped.
- f) observation and quick reaction prevented one detainee from even getting through the wire, stopped another one, using appropriate deadly force and probably assisted in the recapture of the third detainee; who was so scared he hid and passed out near where had last seen him rather then continue to run away. The actions of the other soldiers of the 115th Military Police Battalion were also appropriate. They ensured medical aid was rendered, searched for and found the second detainee, completed a headcount and took corrective action.
- 6. Recommendations: No disciplinary action should be taken against any soldiers of the 115th Military Police Battalion. There is no evidence that they acted in appropriately. To the contrary, SPO should be commended for taking appropriate action during

difficult circumstances. Additionally, the other soldiers present also took appropriate actions, given the circumstances. Areas that should be addressed, however, include:



The 115th Military Police Battalion, except for providing handheld spotlights and posting a hard copy of the camp rules in Arabic, has addressed these areas satisfactorily. Additionally, a guard post has been added directly behind the latrines, giving security and visibility to this vulnerable area.



# Timeline for AR 15-6 Investigation, dated 12 June 2003 Appointing Officer: COLUMN Investigating Officer: CPT

Approx DTG	Who	What
120930JUN03	LTC	Informally assigned Cmdr's Inquiry
120935JUN03	CPT	Informal interview on medical circumstances
120945JUN03	CPT	Discussed Scope
121000JUN03	MAJ	Discussed Time Frame
121005UN03	1LT	Arranged to interview witnesses
121019JUN03 121030JUN03	581 <sup>st</sup> ASMC	Attempted Contact with CPT (DR)
121050JUN03	CPT	Was informed that it was a AR 15-6
121100JUN03	CPT	Learned of two sworn statements
121149JUN03	CPT	Discussed medical treatment
121606ЛUN03	MAJ	Discussed medical treatment
122000JUN03	SFC	Background information
141629JUN03	SPC	Witness Statement
211900JUN03	SGT	Witness Statement
211905JUN03	SGT	Witness Statement
211910ЛUN03	SPC	Witness Statement
211920JUN03	SGT	Witness Statement
212005JUN03	SSG	Witness Statement
221645JUN03	CPT	Draft review
231230JUN03	CPT	Final Submission

## Index of Exhibits for AR 15-6 Investigation, dated 12 June 2003 Appointing Officer: COL Investigating Officer: CPT

- 1. Original appointment memorandum signed by COL dated 12 June 03.
- 2. Copy of DA Form 2669-R (Certificate of Death) for Detainee #7166, Akel Abebal Hussein Jabar, dated 12 Jun 03.
- 3. Copy of Hospital Report of Death for Jabar, dated 12 Jun 03.
- 4. Copy of Standard Form 600 (Chronological Record of Medical Care) for Jabar, signed by CPT (DR) Leifeste, dated 12 Jun 03.
- 5. Original DA Form 2823 (Sworn Statement) of SPC

dated 12 Jun 03.

- 6. Hand drawn map of CHA by SPC
- 7. Original DA Form 2823 (Sworn Statement) of SGT
- 8. Original DA Form 2823 (Sworn Statement) of SPC dated 12 Jun 03.
- 9. Original DA Form 2823 (Sworn Statement) of SPC
- dated 12 Jun 03. 10. Original DA Form 2823 (Sworn Statement) of SGT dated 12 Jun 03.
- 11. Original DA Form 2823 (Sworn Statement) of SSG
- dated 12 Jun 03.

dated 12 Jun 03.

12. Copy of PSYOPS message scripts.



## DEPARTMENT OF THE ARMY 18TH MILITARY POLICE BRIGADE Baghdad, Iraq APO AE 08302

AETV-MP-JA

12 June 2003

#### MEMORANDUM FOR CPT

, S-2, 115th MP BN.

SUBJECT: Appointment as an AR 15-6 Investigating Officer

- 1. Reference: AR 15-6, Procedure for Investigating Officers and Boards of Officers, 11 May 88, with Change 1, 30 Oct 96.
- 2. You are hereby appointed to conduct an investigation concerning the escapes and shootings at Camp Cropper on 12 Jun 03. You may incorporate the results of any Commanders Inquiry that has been begun on these escapes.
- 3. You are to investigate all details concerning these escapes, attempted escapes, and the responses by the Military Police that were on duty at those times. You are directed to specifically address the following questions:
  - a. How did the prisoners escape?
  - b. What steps could have been taken to prevent these escapes?
  - c. What was the response of the Military Police on duty?
  - d. Was the response of the Military Police on duty reasonable, or was excessive force used?
  - e. Is there an SOP in place to deal with this situation, and if so, was it followed?
  - f. Is there additional training that needs to be implemented to cover these situations?
  - g. What actions, if any, were taken by the QRF?
- 4. During the course of your investigation, you will record all interviews on DA Form 2823 (Sworn Statement). If, during any interview, you suspect a violation of the UCMJ by the person you are interviewing, you are required to stop the interview, and advise the interviewee of their Article 31(b) rights, using a DA Form 3881 (Right Warning Waiver Certificate). You may continue to interview that person if they agree to make further statements. If they do not, terminate the interview and contact your legal advisor. If you have any questions about whether or not the person made a knowing and valid waiver, terminate the interview and contact your legal advisor. You will advise all persons being interviewed that their statements can be discovered

AETV-MP-JA

SUBJECT: Appointment as an AR 15-6 Investigating Officer

under the Freedom of Information Act, and you will further advise them that any actions taken in reprisal against them for making a statement should be reported immediately to their Commander, the Office of the Inspector General, or to the Office of the Staff Judge Advocate. Per Article 136.b.(4) and 136.b.(6) of the UCMJ, you are authorized, as an Investigating Officer, to swear people in.

- 5. You are authorized to investigate any issue(s) that arise during your investigation that are related to the primary purpose of your investigation. CPT HVD/CHA Judge Advocate, will serve as your legal advisor for this investigation. The completed investigation will be turned in to CPT for legal review.
- 6. This is your primary duty until you complete it, and you will submit a chronology of your actions along with your completed report. The report of investigation will be submitted to the appointing authority NLT 23 Jun 03. Requests for extension must be made in writing to the undersigned.

7. The POC for this memorandum is CPT 559-5110, SIPR:

18th MP BDE Judge Advocate, DNVT NIPR:

COL, MP

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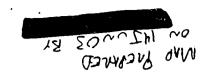
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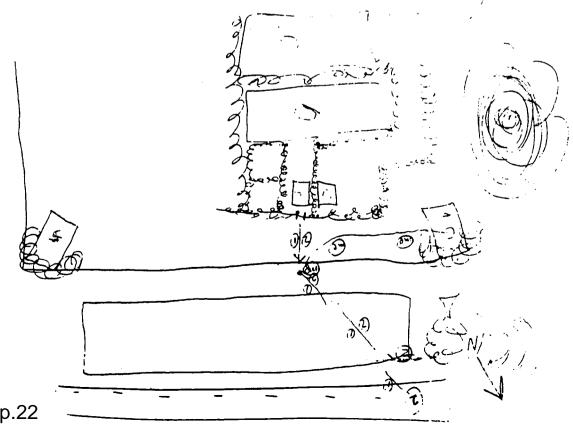
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EALTH RECORD	CHRONOLOGICAL RECORD OF MEDICAL CARE	
DATE	SYMPTOMS, DIAGNOSIS, TREATMENT TREATING ORGANIZATION (Sign each e	nery)
June 03	EPW SHOT	
515	Annived At 58157 ASAC ~ 0320, when partit anniver the was in s	LI / HR-11
	BP 85/10's polis mes dyspin and we were mable to obtain police	Ox 2° to resisting
	Parent was bleeding Heavily Amon 2 650, Chest wound w/ Enter	- coto
	of Back w/ Grit wound in Left upper anderin chest with about = 2	5 mch cinc
. <del></del>	Endward The other GSWARS though (B) This both about 21	<u>ــز(۵، ز. برک</u> ر ــ
	ABC'S were performed, I'v access was very differ the 3 medics we	esc. Hey har)
set your	to place on IV I Seems I was pland - ( Ann. Portich was cont	entrue & cyclisis
seek "John >	in del not want to die "per translation. A chart The wars placed by	
	\$ 2 Ascherms were planed over the clast wounds. Intellet did	
	much blood. Patit continued to detain to ad IN secus was po	
	placed a @ Ferrand 14 g Antal Catheten so fland could be administ	D. Parkts
	Responding & & contrationers of 5. gr. Ly - 1 Blood loss & 7 she. L.	
<del></del>	was Interest, Intial Attent was unsuccessful 20 to lange some of of	15 Lord 5 5:00
	in Airway. This was reasonal and an 8.5 ETT was successful pl	Leed & water
:	by 6 BS. The was a brunchil sin last as The Aschermond A-	
	give Breat. Printo It befor a publice Carriers shot. This is	
<u> </u>	the court Tabo was Kinkel Thus it was replaced often Indubition.	
	The CT (32F) a large mont of Blood was Reduced ~ Booce in/	- 5 miles
	Two pold had being then Renex, Palid began to Revive After ET	79CT -d
: + 1	became none combating. This BP improved to 107/60's -/ KIN Low	100's AT The
	point he had 3 achie IU'S All sunder pressure Infusion. His High	consisted of
	oven	
NT'S IDENTIFICATI	ON (Use this space for Mechanical RECORDS MAINTAINED	
7 -01	PATIENT'S NAME (Last, First, Middle Initial)	SEX
57 EPW S	RELATIONSHIP TO SPANSOR ISTATUS	RANK/GRADE
12 J	SPONSOR'S NAME TORGANIZ.	ATION
	DEPARY./SERVICE SSN/IDENTIFICATION NO.	POATE OF BIRT
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.UATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (Sign each entry)
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	the 28th CASH where he died. Prior to Transport presum during
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For use of this	SWORN STATEMENT form, see AR 190-45; the proponent	agency is ODCSOI	PS
DOCATION WORPEN BIAF TING	DATE 7/03 SOCIAL SECUR	TIME RUK 0453	FILE NUMBER
ORGANIZATION OR ADDRESS			£4/58C
136 me 10			NG STATEMENT UNDER OATH
AT APROX. 0259 on 12 junt 03, moving out of the corner of my left city four 5 that I needed a spothalf on the Four and codiced an Equi huming of the while As I out of I nitived a thereof Equi still inside the wave can the berm. I can townst the top of Stop a I noticed a shadow and then I know one unt he kept running. I for five one unt he kept running towned the berm and church to the count of the berm and con to the count who chest, we could to in medic. I soled out of the building of the other field one to the count with owned their way down to told me to yo back and position.	if eye. I robate and noticed at the force at the fortepottics et op the bern. It ractional libert second to back found the portopothies the bern, yelling escape, escape. Some an tow crucking up the robat. I fired the rounds, the challenged the obour. I fired the rounds, the challenged the court is uchicle cras waiting. It is the same the other court, but of the same the other court, but of the vanual. One soldier said	churky and Dethey Base of an E I looked back  I yelled stop  I got to the to  other side of the  in the road. I  that then I li  from an Inte  e tour uns s  he saw an Epu  and to tour er  mis trom of the  """  ""  ""  ""  ""  ""  ""  ""  ""	Compounds. I boked again scape. And much my way over toward the second the seminary yelled as the second the seminary yelled to been toward the road. As the first the dropped I set sight of him. I yelled not in the leg and in the road in the leg and in their way running down the road. I another soldiers made their way to soldiers the shot the two soldiers the shot the purity. I radiopal into history.  I radiopal into history.
2471			PAGE 1 OF 2 PAGES
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For use of this		TATEMENT 45; the proponent ag	ency is ODCSOF	<b>PS</b>
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At approximately 0300 on 12 Jun	1 1 1 1	JANTY W.	na noncea	a distribution.
was at point to of the CHA,	located to y	he south of	the comp	counds. Sitting atop
a water truck I had a ga	od view-of	almost the	cutive'	perimeter. While
speaking briefly with the R	over T unti	ed a marieu	unt out	if the corner of
Mul violit aug T 1		u		d AC
My right eye. I turned my	head to t	ne East b	surm as 4	he guard from
position 4 went scaling i	up the mid	idle of it.	He stopped	at the top and
fired off at least 5 shots	from his	rifle. Tu	ما ما ما	d Ma interior
quards who most of years	had been	sitting in	on nonce	a fac interior
fired off at least 5 shots guards, who most of them		c smig in	a group	in trout of my
position talking, jump up as	nd run in	the direct	tion it if	he shots tired.
The position 4 guard yell	led for a	medic while	e still a	too the burn Mon
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nterior guards were run.	ning avour	e, many	aoning V.	ests and Keular.
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Q. Are you positive you!	heard five	shots;		
A. NO, it is possible that	I heard	an echo.		
A 70		. 4	الماء	
Q Do you have anything	ng else you	K WISH TO	aso	
A. NO				
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		2 m		PAGE 1 OF 7 PAGES

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE I WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM

DA. JOH 2823

SUPERCEDES DA FORM 2889, 1 JAH 68, WHICH WILL BE USED

## **SWORN STATEMENT** For use of this form, see AR 190-45; the proponent agency is QDCSQPS 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 Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. ROUTINE USES: DISCLOSURE: Disclosure of your social security number is voluntary. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER International Airport 20030611 7. GRADE/STATUS FIRST NAME, MIDDLE NAME ORGANIZATION OR ADDRESS 186th MPCO WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: was working the night of the eleventh at the chair when the escape happen. I was on point five, at the very back of the chaw. At around two in the moring took over for me so I could go to the bath room and grab a sala. I returned around two-thirty in the moring. I had been at my point for about forty-five mintues to an hour running towards my point a yelling "There's one out" I then ran up the burm, but did not see at that time fired rounds, I could not see Where he was firing. I didn't see where the escape was made from. I also could not here the call over the radio for the use of the flash light that was at my point. After the fing was done I went back to my point. About five minues later the exterior of the Chaw was being maned by more of our Company. We stayed about out at the chaw until four in the moring

**DA FORM 2823, DEC 1998** 

MUST BE BE INDICATED.

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT

OA FORM 2823, JUL 72, IS OBSOLETE

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

11. INITIALS OF PERSON MAKING STATEMENT

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PAGE 1 OF \_2

10. EXHIBIT

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4 03(X) 01 (L /, 77)? APTEL	
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WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED A	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MAD
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PAGE 3, DA FORM 2823, DEC 1988

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ACLU-RDI 215 p.29

### **SWORN STATEMENT**

	For use of this form, see AR 180-45; the proponent agency is ODCSOPS					
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ACLU-RDI 215 p.31

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FOR NEW ALLMOSS

You are now entering a United Stated enemy prisoner of war/ civilian internee camp. No harm will come to you as long as you follow instructions and obey the camp rules. You are about to be scarched. You will receive further instructions after you are searched.

#### 2. WAITING AREA

Attention detainees: To ensure your safe and timely in processing it is essential for you to follow all instructions.

- Remain seated with your feet crossed, head lowered, and your hands on your head.
- · Remain calm.
- · Be patient.
- You are going to be searched, some personal information will be collected, and your personal property will be inventoried and secured.
- · You will be issued an identification bracelet.
- You must not remove or alter it in any manner.
- This is a temporary holding area.
- · You stay will be brief.
- You will be moved to a more established facility soon for further review and possible/ eventual release.

#### √3. CAMP RULES

- All orders from the guards must be followed immediately.
- Do not touch any of the guards at any time.
- Do not touch the barbwire.
- If you climb over the barbwire, and attempt to escape, you will be shot.
- No yelling.
- No fighting.
- No hand signals or other non-verbal communication allowed.
- Nothing may be passed between cages.
- Save your empty water bottles so you can exchange them for more water.
- All trash will be placed in the bag provided with the meal.
- · You must only use the trench as a latrine

## 14. ALERT/ ALARM INSTRUCTIONS

Attention detainees:

When you hear the following alarm... (Whistle) you must immediately lie down on your stomach and remain still. Any one who fails to follow these instructions will be considered a threat towards the safety of others and will be dealt with accordingly. You must remain on your stomach and still, until a soldier gives you permission to rise.

UNCLASSIFIED Modified June 17, 2003

### √5. FAILURE TO COMPLY

Attention detainees: Failure to follow all holding area rules or disobeying orders from coalition forces may result in the following:

- Your placement in an isolation holding area.
- A notation in your records of non-compliance and an upgrading of your risk status, which may result in a longer period of detention.
- The use of the amount of force and the application of restraints is deemed necessary by coalition forces to maintain the security, safety and the good order of this holding area.
- Any attempt to escape or uprising will result in the use of deadly force by coalition soldiers
- Physical contact with any coalition soldier is prohibited at all times.
- Fullow all holding area rules and obey all orders from coalition forces and you will not be harmed.

#### PROTECTIVE CUSTODY

Anvone who fears that their life is in danger or that they might be harmed by other detainees will report that fact to any of the U.S. Army personnel. From that time on, the camp command will take measures to insure the detainee's safety by segregation, transfer, or other means. Detainees who harm or attempt to harm other detainees will be punished.

DI FI HOLL AHAMI

Attention Detainees: For your continued good health, it is important for you to drink lots of water. High temperatures make you susceptible to dehydration and heat related injuries.

#### 8. MEALS (a) 9

Attention Detainees: Meals are served at 9:00 am every day. To receive your meal, all trash from the previous meal must be collected for disposal. At 9:00 am after all trash has been disposed of, you will be given your meal.

#### 9. NO HAND SIGNALS

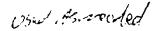
Attention detainees: Hand signals and other non-verbal communications are prohibited.

#### 10. ESCORT

Attention detainees:

When being escorted within the holding area, it is essential that you follow all instructions given to you by the coalition soldiers. Coalition forces will not hesitate to defend themselves and each other. For your own safety, follow all instructions and directions given by the coalition soldiers in the holding area.

> UNCLASSIFIED Modified June 17, 2003



#### 11. NO FIRES

Attention detainees:

Fires within the holding area are prohibited. Failure to follow this guideline will result in being restrained by coalition forces.

#### /12. FENCE LINE

Attention detainces: You must stay at least one meter away from the fence line at all times. Do not touch or place anything on the barbwire fence. Failure to follow these instructions will result in disciplinary action.

#### 13. HALT

Attention detainees:

The English words "Stop" and "Halt" mean "Kiff" in Arabic. You must immediately halt when a coalition soldier uses the English or Arabic command. Failure to do so may result in disciplinary action up to and including the use of force. "Stop" and "Halt" mean "Kiff."

#### 14. TWO METERS

Attention detainees: Only one person at a time may approach the gate. All others must stay at least two meters away.

#### 15. LATRINE USE

Attention detainees: In order to maintain sanitary conditions within the holding area you must use the trenches in each containment area as a latrine site. After use, cover your waste material with a small amount of lime. Then put a layer of dirt over the line to help minimize odor and the presence of insects.

#### 16. PREPERATION FOR TRANSPORT

Attention detainees: You are being moved from this holding area to a more established facility The facility you are being moved to should be better prepared to deal with your individual needs. It is important for you to follow all instructions to ensure that your transport proceeds quickly and safely.

- Be patient.
- Be calm.
- Follow all instructions.

#### 17. RELEASE

Attention detainees: You are being released. Thank you for your patience and cooperation. Please follow all instructions given by Coalition Forces.

#### 18. \* LATRINE

Attention Detainees. Please do not use the old latrines in your enclosures. You will go to new latrines in groups of ten people. Notify your guard when you need to use the latrine.

UNCLASSIFIED
Modified June 17, 2003

## √19. WRISTBANDS

All detainees must keep tags and wristband on. The guards can't identify who you are without these items and it will be harder to release you.

#### 20. SPOON MESSAGE

You will be issued a spoon with your meal. Your spoon will be accounted for so please turn in your spoon with your trash when asked by the guard.

## YOU are required.

You are required to drink 4 - 1.5 liters of water and eat one humanitarian meal each day to avoid becoming a heat casualty. You will be here a short time relative to your life; you must stay strong to help rebuild Iraq. Do not endanger your life by not eating properly.

#### 22. HEAD COUNT

Attention: The Guards are going to conduct a count of all prisoners. Move to your tents and sit in rows until told to move. No water or trash runs will be done until count is completed. DO not disobey this order or force will be used against you. Thank you for your cooperation.

UNCLASSIFIED
Modified June 17, 2003

AETV-MP-JA 24 June 2003

MEMORANDUM THRU Staff Judge Advocate, 800th Military Police Brigade

MEMORANDUM FOR Commander, 800th Military Police Brigade, BG Paul Hill.

SUBJECT: Legal Review of AR 15-6 Investigation – Escape and Shooting 12 June 2003

- 1. On 12 June 2003, COL Commander, 18th Military Police Brigade, appointed CPT to conduct an informal investigation into the escape and subsequent shooting and death of a civilian internee held at the Camp Cropper Corps Holding Area.
- 2. On June 20, 2003, the 115th Military Police Battalion was OPCONed to the 800th Military Police Brigade. LTC 800th Military Police Brigade Staff Judge Advocate advises that BG Paul Hill, Commander 800th Military Police Brigade, is the appropriate appointing authority. A courtesy copy of the DA 1574 and attachments was furnished to COL but but the original was directed to be turned over to BG Hill and the undersigned was directed by LTC to complete the legal review of the AR 15-6 investigation. The DA 1574 and supporting documentation was timely submitted on 23 JUNE 03 by the IO.
- 3. Under AR 15-6, paragraph 2-3b, I reviewed the investigation and make the following determinations:
- a. The investigation complies with legal requirements for an AR 15-6 investigation.
- b. There are no procedural errors or irregularities that invalidate the investigation.
- c. Sufficient evidence supports the investigating officer's findings.
- d. The investigating officer's recommendations are consistent with her findings. The original scope of work did not specifically ask whether or not the ROE was followed, but it is the advice of the undersigned that ROE was followed. Lethal force was not used until the escapee(s) had crossed the last wire. The shot used was a "well-aimed shot to center of mass" that did not endanger innocent bystanders. The guard shouted "halt" or "stop" numerous times prior to the shooting. The Camp Commander, Ronald G. Chew, had fulfilled his legal obligation under AR 190-8, par. 3-6.f(2) to ensure that the detainees understood what the words "halt" and "stop" meant.
- 4. I am the POC at DNVT 550-1451 or

AETV-MP-JA

SUBJECT: Legal Review of AR 15-6 Investigation - Escape and Shooting 12 June

2003



CASE NOTE:

12th MP BDE

Escape, Sheotites
Camp Cropper
12 June

LTC, JA
Staff Judge Advocate