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5s, court-martial orders, reprimends, orm 4833 for all USACIDC investigati	ions.				•		• * * * * * * * * * * * * * * * * * * *
ompany, troop, and battery level com vestigated by MPI, civilian detectives guired to meet installation, command	manders are res employed by th	ponsible and accou e Department of the	intable for comple e Army, and the	eting DA Form 4 PMO. Accurate	833 with supplete	orting documentat DA 4833 dispositi	ion in all cases on reports are
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NCIPAL PURPOSE: To provide	C Section 30	PRIVACY			ost Marsha	1 Tab - 1 11		
CLOSURE: Disclosure	commanders security num	1; Title 5 USC Sec	ction 29 ent off addition	951; E.O cials wit al/altern	VT . 9397 date b means by	ed Novembe which infe of identifica	r 22, 1943 <i>(SSN).</i> mation may be accuratel tion to facilitate filing and	y retrieval.
THRU	. 2	TO rime Records C 010 6th St ort Belvoir, VA	enter:	ATTN:	CICR-FP	3. FROM Comman 38th MP APO AE	ider Det (CID) 11th MP Br	ı (CID)
USACRC CONTROL NUMBER 0011-04-CID469-79630		MP REPORT NU	`	£			NSTALLATION IDENTIFIE	
ne first Lieutenant Colonel in the chain is, court-martial orders, reprimands, eight 4833 for all USACIDC linvestigated mpany, troop, and battery level company, troop, and battery level company in the remark law to the court-martial cases, a conviction of a provicted at court-martial in the remark lock 5. Provost Marshals must enter the lock 6. This block is used to enter regency (e. d. circland per enter and control of the court for the	nanders are resp employed by the DOD, and feders and to ensure to n offense at cou s section.	consible and account: Department of the / al statutory reporting that resources are ma ort-martial may be for	able for Army, ar requiren de availa a differ	completing the PM lents. The ble to su ent, or les	g DA Form 41 O. Accurate e data is use port comma ser included o	333 with supp and complete if to identify conders who mu offense. List to irs,	orting documentation in all ci DA 4833 disposition reports time trends, establish comme st address issues of soldier a the offense for which the indi- on on the civillan law enforce	ases are required nd programs nd family vidual was ment
NAME JESSE ALLESS FIRS	t, IVII)	SGT						b(6)-5,
11a. OFFENSE(s)		OF OFFENSE(s) YMMDD)			TAKEN		F NO ACTION TAKEN, E	AFLAIN,
voluntary Manslaughter		040103	YES YES		10 X	Not cha	rged in FG Article 15	· · · · ·
ggravated Assault	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	040103	-	1 2	% □ 		· · · · · · · · · · · · · · · · · · ·	-,
alse Official Statement 2. ACTION TAKEN <i>(check all the</i>	1	040103	YES	<u> </u>				
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L = LEGAL OFFICE M = MENTAL HEALTH	- <u> </u>							
R = RELIEF AGENCY			<u> </u>		.·		<u>.</u> .	<u> </u>
b. ADVERSE PERSONNEL A	AL _	٠ ـــــــا	CALLY	, <u>:</u>] омрғ			
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d. JUDICIAL (If subject we summary COURT N	IARTIAL	urt-martial attach a	copy (of the co MARTIA	ourt-martial (\L		findings and sentences.)	•
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6. DETENTION	b. ADMONITION d. FORFEITURE X SGT TO SPC USTODY FOR	OR ADMINISTRATI (1) ORAL [2] (2 e. FINED \$907 X g. EXTRA DAYS [VE ACTION) IN WRITING ' / two \ DUTY FOR 45], CONFINED	MONTHS	n. RESTRICTED FORMONTHS	
K. SEPARATION:	PUNITIVE DISCH/ Chapter:		Characterization:		Effective Date:	
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COMMANDER'S REPORT For use of this form, see AR 190-	OF DISCIPLINARY OR A 45; the proponent agency is C	ADMINISTRATIVE AC Office of the Provost Marsha	I ON I General
JTHORITY: Title 10 US INCIPAL PURPOSE: To provide DUTINE USES: Your social	PRIVACY C Section 301; Title 5 USC Secommenders and law enforcer	ACT STATEMENT action 2951; E.O. 9397 dat nent officials with means by additional/alternate means	ed November 22, 1943 <i>(SSN)</i> , y which information may be accurately of identification to facilitate filing and retrieval.
THRU	2 TO .	center: ATTN: CICR-FP	3. FROM Commander 38th MP Det (CID) 11th MP Bn (CID) APO AE 09342
USACRC CONTROL NUMBER 0011-04-CID469-79630	5, MP REPORT N		6, SUB-INSTALLATION IDENTIFIER
5s, court-martial orders, reprimands, etcorn 4833 for all USACIDC Investigation Company, troop, and battery level comming the state of	c) for all USACIDE investigations: anders are responsible and account inployed by the Department of the DOD, and federal statutory reporting and to ensure that resources are in offense at court-martial may be for section. The Military Police Report number for	table for completing DA Form 41 Army, and the PMO. Accurate y requirements. The data is used ade available to support comman or a different, or lesser included of all cases referred to commande	n 4833 with support documentation (copies of Article of their equivalent will also receive a copy of the DA 333 with supporting documentation in all cases and complete DA 4833 disposition reports are required to identify crime trends, establish command programs iders who must address issues of soldier and family offense. List the offense for which the individual was the information on the civilian law enforcement
Block 6: This block is used to enter repringency (e.g. civilian law enforcement ag	ency address) may be entered in the	9. SSN 200	10. DATE OF BIRTH TYTYMINDON
11a. OFFENSE(s)	11b, DATE OF OFFENSE(s)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
voluntary Manslaughter	20040103	YES NO X	32 hearing recommend Article 15
ggravated Assault	20040103	YES NO	
alse Official Statement	20040103	YES NO	
a. NON-ADVERSE PERSONNI REFERRED TO (Chec F = FAMILY ADVOCAC D = DRUG/ALBOHOL A S = SPECIAL REFERRA E = EQUAL OPPORTUN L = LEGAL OFFICE M = MENTAL HEALTH R = RELIEF AGENCY	ugh no action was taken, the ry be submitted IAW AR 190-4 EL ACTION REFERRAL: k appropriate blocks) EY BUSE L ITY	eport would be retained in A 5 (MP Reports) or AR 195 DATE REFERRED (YYY)	
DISCHARGE PURSUANT Regulation c. NONJUDICIAL PUNISHME SUMMARIZED COMPANY GRADE d. JUDICIAL (If subject was	WRITTEN FILED: LO DUNSELING DIMMENT NCOER CLEARANCE OR OTHER ADVE TO AR 635-200 (ENLISTED)/A Chapter ENT (Article 15, UCMJ) (ATTA FIELD-GRA C tried by court-martial attach is	Characterization Characterization ACH COPY OF ARTICLE 15) DE DEFICER IMPOSED a copy of the court-martial of	Discharge Date
SUMMARY COURT MA		COURT-MARTIAL OR MAGISTRATE CRIMINAL	

JUDICIAL FINDINGS GUILTY	DISMISSED				
NOT GUILTY	OTHER (For exa	mple, guilty of a les	sser included offense	. Explain in Remark	s.)
RESULTANT SENTENCES, PUNISHMENTS,	OR ADMINISTRATIVE	N WRITING			•
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6d. AKS @us.army.mil 46-5	35				•

INCIPAL PURPOSE: To provide o	Section 301; Title 5 USC Section 301; Title 5 USC Sectionmanders and law enforcementity number is used as an information social security number is	ent officials with means by additional/alternate means o	I November 22, 1943 (SSN), which information may be accurately f Identification to facilitate filing and retrieval. 3. FROM
THRU	2. 70	enter: ATTN; CICR-FP	Commander 38th MP Det (CID) 11th MP Bn (CID) APO AE 09342
USACRC CONTROL NUMBER 0011-04-CID469-79630	5, MP REPORT NU		6. SUB-INSTALLATION IDENTIFIER
orm 4833 for all Cancer of the company, troop, and battery level commissivestigated by MPI, civillan detectives and meet installation, command, HQDA, Din law enforcement and other activities, a neourt-martial cases, a conviction of an convicted at court-martial in the remarks. Block 6. Provost Marshals must enter the slock 6. This block is used to enter the agency (e.e. civiliant law enforces in the regency (e.e. civiliant law enforces in the second commission of the company of the company of the commission of	anders are responsible and account oployed by the Department of th	able for completing DA Form 48 Army, and the PMO. Accurate a requirements. The data is used the available to support comman a different, or lesser included o all cases referred to commander the commander and cases referred to commander the commander are accurately as a remarks are an expensive and the commander are accurately as a remarks are an expensive and the commander are accurately as a remarks are an expensive and the commander are accurately as a commander and the commander are accurately as a commander and the commander are accurately as a commander and the commander and the commander are accurately as a commander and the com	4833 with support documentation (copies of Article or their equivalent will also receive a copy of the DA 33 with supporting documentation in all cases and complete DA 4833 disposition reports are required to identify crime trends, establish command programs ders who must address issues of soldier and family fense. List the offense for which the individual was a list that the civilian law entainment.
NAME OF SUBJECT ALAST, First,	8. GRADE SPC 11b. DATE OF OFFENSE(s)	9. SSN	11d. IF NO ACTION TAKEN, EXPLAIN:
11a. OFFENSE(s)	(YYYYMMDD)	YES NO X	First to report the incident, and not
lse Official Statement	20040103	YES NO X	an active participant
nspiracy	20040103	YES NO	
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, THRU	2. TO Crime Records 6010 6th St Fort Belvoir, V	Center: ATTN: CICR-FP A 22060-5506	3. FROM Commander 38th MP Det (CID) 1 APO AE 09342	1th MP Bn (CID)
USACRE CONTROL NUMBER 0011-04-CID469-79630	5. MP REPORT I		6. SUB-INSTALLATION	
The first Lieutenant Colonel in the chain 15s, court-martial orders, reprimands, a form 4833 for all USACIDC investigation of the company, troop, and battery level common the company, troop, and battery level common to meet installation, command, HODA, in law enforcement and other activities, member indiscipline in court-martial cases, a conviction of a convicted at court-martial in the remark Block 5. Provost Marshals must enter the Block 6. This bit is use the convicted at court martial in the remark Block 6. This bit is use the convicted at court martial in the remark Block 6. This bit is use the convicted at court martial in the remark block 6. This bit is use the convicted at court martial in the remark block 6. This bit is use the convicted at court martial in the remark block 6. This bit is use the convicted at court martial in the remark agent 2.00 miles in the convicted at court martial in the remark agent 2.00 miles in the convicted at court martial in the remark agent 2.00 miles in the convicted at court martial in the remark agent 2.00 miles in the convicted at court martial in the remark agent 2.00 miles in the convicted at court martial in the remark agent 2.00 miles in the convicted at court martial in the remark agent 2.00 miles in the convicted at court martial in the remark agent 2.00 miles in the convicted at court martial in the remark agent 2.00 miles in the convicted at court martial convicted at court martial in the convicted at court martial convicted at court martial convicted at court martial at the convicted at court martial court martial convicted at court martial court martial convicted at court martial convicted at	ns. nanders are responsible and account amployed by the Department of the DOD, and federal statutory reporting and to ensure that resources are in offense at court-martial may be a section.	ntable for completing DA Form 48 a Army, and the PMO. Accurate a grequirements. The data is used nade available to support comman or a different, or lesser included our all cases referred to commander.	33 with supporting document of complete DA 4833 disports of complete DA 48	tation in all cases sition reports are required abilish command programs is of soldier and family which the individual was
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accessory after the Fact	20040103	YES NO	s ·	<u> </u>
Conspiracy	20040103	YES NO	<u> </u>	
Obstruction of Justice .	20040103	YES NO	1	
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d. JUDICIAL (If subject was SUMMARY COURT MARK) SPECIAL COURT-MARK		a copy of the court-martial or COURT-MARTIAL OR MAGISTRATE CRIMINAL		·
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ACLU-RDI 1557 p.18

4. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION a, REPRIMAND b. ADMONITION (1) ORAL (2) IN WRITING c. DETENTION d. FORFEITURE e. FINED \$ / MOO f. REDUCED FROM TO g. EXTRA DUTY FOR i. CORRECTIONAL CUSTODY FOR DAYS j. CONFINED k. SEPARATION: PUNITIVE DISCHARGE OTHER Type Chapter Characterization: l. OTHER (For example, suspension of diving provileges, Explain in Remarks.) 5. REMARKS	DAYS h. RESTRICTED FOR DAY YEARS MONTHS Effective Date: CPT Le aforemention investigation.
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6a. TYPED NAME AND GRADE OF COMMANDING OFFICER recorded by CW5, Chief, Investigative Operations	
6b. SIGNATURE 16	c. DATE OF REPORT (YYYYMMDD)
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16d. THE RESOUNT E-MAIL ADDRESS	

For use of this form, see AR 19	William Committee of the Committee of th	Office of the Provost Marsi		SUSPENSE DATE (YYYYMMDD)
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4, USACRC CONTROL NUMBER 0011-04-CID469-7963	5. MP REPORT N			TALLATION IDENTIFIER
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other activities, and to ensure that resource in court-martial cases, a conviction of an cat court-martial in the remarks section. Block 5. Provost Marshals must enter the Block 6. This flood is used to intercept (e.g. civilian la conforment or product.)	offense at court-martial may be for a	different, or lesser included offens I cases referred to commanders.	se. List the offens	e for which the individual was convicted
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R = RELIEF AGENCY				
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i. CO	RRECTIONAL	CUSTODY FOR	DAYS	J. CONFINED	YEARS	MONTHS	
k. SE	PARATION:	PUNITIVE DI	SCHARGE	OTHER			
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5. REMAR	KS					5536	75.3
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	related no a	ction was taken			ilt of the aforemention	investigation	o Te
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FORM 4	833, JUN 2004	!		······································		015261	Page 2 of 2

ACLU-RDI 1557 p.21

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

CIRF-CHD

5 Oct 2004

MEMORANDUM FOR SEE DISTRIBUTION

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

DATES/TIMES/LOCATIONS OF OCCURRENCES:

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

DATE/TIME REPORTED: 13 Jan 2004, 1011

INVESTIGATED BY: SA

SA

SA

SA

SA

16-5, T.5

SUBJECT: 1.

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

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

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

015262

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

FOR OFFICIAL ESPONLY - LAW ENFORCEMENT SENSITIVE SPC: CO, 1/8 INFANTRY, 4ID, FORT CARSON, CO 80913; [FALSE OFFICIAL STATEMENT] [CONSPIRACY] 74.5 CPT: WHITE; A CO, 1/818 INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY AFTER THE FACT ICONSPIRACY JOBSTRUCTION OF JUSTICE] M; WHITE, A CO, 1/81H INFANTRY, 41D, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER][CONSPIRACYTOBSTRUCTION OF JUSTICE] MAJ: M; WHITE, HHC, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [OBSTRUCTION OF JUSTICE CONSPIRACY (ACCESSORY AFTER THE FACT M, WHITE, HHC, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY AFTER THE FACT [CONSPIRACY] FOR STRUCTION OF JUSTICE] 9 M: OTHER: A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [FALSE OFFICIAL STATEMENT][CQNSPIRACY] A 7e · 5 M, WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [AGGRAVATED ASSAULT][CONSPIRACY] [FALSE OFFICIAL STATEMENT] VICTIM: I. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 84; IRAQ; M; OTHER; IZ; NFI; [INVOLUNTARY MANSLAUGHTER][CONSPIRACY] M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI); [CONSPIRACY] [AGGRAVATED ASSAULT] 3. US GOVERNMENT (1/8TH INFANTRY, 4ID); [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT]

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

INVESTIGATIVE SUMMARY:

[CONSPIRACY]

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

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	665, b7C-5
<u></u>	Investigation established probable cause to believe ILT
16-4	the offenses of Involuntary Manslaughter and Aggravated Assault when he gave an unlawful order to his subordinates to have Mr. FADHIL and Mr. forced into a river, which resulted in the
1C-4 6-4	death of Mr. FADHIL. Further, 1LT committed the offenses of False Official 676-5, 66-5
	Statement, Conspiracy and Obstruction of Justice when he provided a statement he knew to false
	and further conspired to hinder the investigation by manufacturing a cover up story.
,	67C-5,66-5 67C-5,66-5
	Investigation established probable cause to believe SGT and and SPC and an arrangement of the second
	committed the offenses of Involuntary Manslaughter and Aggravated Assault when they forced Mr.
16-4 5-4	and Mr. FADHIL into the river, which resulted in the death of Mr. FADHIL.
5-1	67C-5, 66-5 67C-5, 66-5 67C-5, 66-5
	Further, SGT SPC SPC SPC SPC and SGT Committed the
	offenses of False Official Statement and Conspiracy when they provided a statement they knew to
	be false and conspired to hinder the investigation by going along with the cover up story.
•	Investigation established probable cause to believe CPT committed the offenses
	of Conspiracy, Obstruction of Justice and Accessory after the Fact when he conspired to hinder the
	investigation by going along with the cover up story after having knowledge of the incident.
	67C-5, bb-5
	Investigation established probable cause to believe SFC and the platoon sergeant,
	committed the offenses of Involuntary Manslaughter and Conspiracy when he supported the
76.5	unlawful order given to his subordinates by 1L1 meaning to have Mr. FADHIL and Mr.
n-5	forced into a river, which resulted in the death of Mr. FADHIL. Further, SFC
	committed the offense of Obstruction of Justice when he failed to report the incident after having
	knowledge of what occurred. 6765, 56-5 676-5
	Investigation established probable cause to believe MA. and LTC
	committed the offenses of Conspiracy, Obstruction of Justice and Accessory after the Fact when
	they had knowledge of the incident and failed to report the incident to law enforcement.
	b7C-5, b6-5
	Accrevated Assault and Conspiracy when he conspired with SGT and and forced an $9/(2^{-7})^{100}$
	unknown Iraqi male into a body of water in Balad, which was directed by SFC
	previous incident. Further, SGT committed the offense of False Official Statement
	when he denied having any knowledge of the incident in Balad, which he knew to be false.
	Further investigation revealed from 3 Jan 04 – 15 Jan 04, several attempts were made by Mr.
67C-3	Site Director, to retrieve the remains of Mr. FADHIL by closing the
663	dam in the river. On 15 Jan 04, when the remains of Mr. FADHIL were found, he was positively
	identified by family members and by his identification card, which was found on Mr. FADHIL's
•	remains.
	STATUTES:
	Article 78, UCMJ: Accessory after the Fact

ACLU-RDI 1557 p.24

Aidde 81, Octob. Compilacy
Article 107, UCMJ: False Official Statement
Article 119, UCMJ: Involuntary Manslaughter
Article 128, UCMJ: Aggravated Assault
Article 134, UCMJ: Obstruction of Justice
EXHIBITS/SUBSTANTIATION:
ADDED ATTACHED:
67C-1.66-1
71. Agent's Investigation Report of SA 229 Sep 04, detailing coordination
with Mr. collection of evidence, and the transcription of Arabic statements.
66-3,67C-3 67C-3,66-3
72. Arabic language statement of Mr. 17 Jan 04, detailing how the dam in
Samarra, Iraq, was closed several times in order to assist Mr. FADHIL's family in searching for his
remains. (USACRC and file copy only)
67C-3, bb-3
73. English language translation of Mr. server is statement, Exhibit 72, translated by
Mrs. 676-3, 66-3
676-3
74. Arabic language statement of Mr. 13 Sep 04, in which he stated
he identified Mr. FADHIL's remains to be the remains of his son. (USACRC and file copy only)
75. English language translation of Mr. Expression of Statement, Exhibit 74,
translated by Mrs. 67C-3, bb-3 b7C-3, bb-3
b7c-3, bb-3
76. Arabic language statement of Mr. 13 Sep 04, in which he stated
he viewed and identified Mr. FADHIL's remains on 15 Jan 04. (USACRC and file copy only)
676-3,66-3
77. English language translation of Mr. Statement, Exhibit 76,
translated by Mrs. 17c-3 bb-3
676-3,66-3
78. Arabic language statement of Mrs. 13 Sep 04, in which she stated she
identified Mr. FADHIL's remains on 15 Jan 04, and that he was her son. (USACRC and file copy
only)
576-3
79. English language translation of Mrs. 2015 's statement, Exhibit 78, translated by
Mrs. 67C-3, 66-3
and the transfer of the desired by TADITI (TIGACIDA and Ele
80. Arabic language identification card pertaining to Mr. FADHIL. (USACRC and file
copy only)
Of The Pata secondaries of the FADITE to Identification and Fability on
81. English language translation of Mr. FADHIL's identification card, Exhibit 80,
translated by Mrs. 67C-3, bt-3

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

ADDED NOT ATTACHED:

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

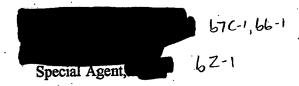
- 83. Ring (Mr. FADHIL), VO 770-04.
- 84. Photograph (Mr. FADHIL), VO 770-04.
- 85. Identification card (Mr. FADHIL), VO 770-04.

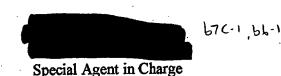
The original of Exhibit 71 is forwarded with the USACRC copy of this report. The originals of Exhibits 72 through 79 and 81 are retained in the files of this office pending adjudication. The originals of Exhibits 80 and 82 are maintained in the files of the Evidence Depository, 22nd MP BN (CID), APO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

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

Report Prepared By:

Report Approved By:





DISTRIBUTION:

- 1 DIR, USACRC (original), Fort Belvoir, VA 22060
- 1 THRU: CDR, 22nd MP BN (CID), APO AE 09342

THRU: CDR, 3rd MP GP (CID), ATTN: CIOP-COP-CO, Ft Belvoir, VA

TO: CDR, USACIDC, ATTN: CIOP-ZA (e-mail only)

- 1 CDR, 286th MP DET (CID), (ATTN: Mr. (email only)
- 1 HQ, 4th Infantry Division, Office of the Chief of Staff, Attn: COL
- 1-SJA, (ATTN: CPT Fort Hood, TX 1676-3, 66-3
- 1 PMO, Fort Carson, CO (e-mail only)
- 1 SJA, Fort Carson, CO
- 1 AFIP
- 1 File

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015266



38th MILITARY POLICE DET (CID) 22nd MILITARY POLICE BATTALION (CID) CAMP VICTORY NORTH, BAGHDAD, IRAQ APO AE 09342

CIRF-CHD

7 Jun 04

MEMORANDUM FOR SEE DISTRIBUTION

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

DATES/TIMES/LOCATIONS OF OCCURRENCES:

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

DATE/TIME REPORTED: 13 Jan 2004, 1011 176-1.6-2-1 BC-1.67C-1.62-INVESTIGATED BY: SA M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT] [CONSPIRACY][OBSTRUCTION OF JUSTICE] 66.5, 670.5 M; OTHER; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT] [CONSPIRACY] 67C.5 b76.5 M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT] **TCONSPIRACYT** 015267

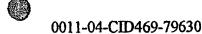
FOR OFFICIAL USE ONLY

OFFICIAL USE 000026 OFFICIAL USE 0011-04-CID469-79630 ONLY 16.5 bre-5 SPC: CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [FALSE OFFICIAL STATEMENT] [CONSPIRACY] 4.5. 676.5 blis bies WHITE; A CO, 1/8¹¹ INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY AFTER THE FACT][CONSPIRACY][OBSTRUCTION OF JUSTICE] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER][CONSPIRACY][OBSTRUCTION OF JUSTICE] M; WHITE, HHC, 1/8 TH INFANTRY, 41D, FORT CARSON, CO 80913; [OBSTRUCTION OF JUSTICE] [CONSPIRACY][ACCESSORY AFTER THE FACT] M; WHITE; HHC, 1/8^{1H} INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY] AFTER THE FACT][CONSPIRACY LOBSTRUCTION OF JUSTICE] M; OTHER, A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; IFALSE OFFICIAL STATEMENT][CONSPIRACY] 66.5.676.5 SGT: M; WHITE; A CO, 1/8^{1H} INFANTRY, 4ID, FORT CARSON, CO 80913; [AGGRAVATED ASSAULT][CONSPIRACY] [FALSE OFFICIAL STATEMENT] VICTIM: 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 84; IRAQ; M; OTHER; IZ; (NFI) [INVOLUNTARY MANSLAUGHTER][CONSPIRACY M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI); [CONSPIRACY] [AGGRAVATED ASSAULT] 3. US GOVERNMENT (1/8TH INFANTRY, 4ID); [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT] 4. UNKNOWN; CIV; M; OTHER; (NFI)[AGGRAVATED ASSAULT] [CONSPIRACY] **INVESTIGATIVE SUMMARY:** This is an "Operation Iraqi Freedom" investigation. 015268

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About 1011, 13 Jan 04, this office was notified by CP1 Battle Captain, 3rd Brigade, 4th Infantry Division (4ID), Samarra, Iraq, APO AE 09323, of an alleged drowning of a local national who was detained by 4ID soldiers.

676-5,66-5

Investigation established probable cause to believe 1LT the platoon leader, committed the offenses of Involuntary Manslaughter and Aggravated Assault when he gave an unlawful order to his subordinates to have Mr. FADHIL and Mr. forced into a river, which resulted in the death of Mr. FADHIL. Further, 1LT committed the offenses of False Official 676-5, bb-5 Statement, Conspiracy and Obstruction of Justice when he provided a statement he knew to be false and further conspired to hinder the investigation by manufacturing a cover up story.

Investigation established probable cause to believe SGT and SPO and SPO and SPO and Mr. FADHIL into the river, which resulted in the death of Mr. FADHIL.

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

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

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

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

Investigation established probable cause to believe SGT committed the offense of Aggravated Assault and Conspiracy when he conspired with SGT and forced an 67c-5,66-5 unknown Iraqi male into a body of water in Balad, which was directed by SFC during a 67c-5,66-5 previous incident. Further, SGT committed the offense of False Official Statement when he denied having any knowledge of the incident in Balad, which he knew to be false.

STATUTES:

67C-S

67C-5,66-5

Article 78, UCMJ: Accessory after the Fact

Article 81, UCMJ: Conspiracy

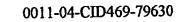
Article 107, UCMJ: False Official Statement Article 119, UCMJ: Involuntary Manslaughter

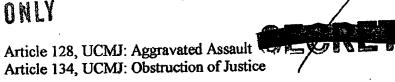
015269

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EXHIBITS/SUBSTANTIATION:

Attached:

i illiadiida.	67C-1,66-1
	Report (AIR) of SA 27 Feb 04, detailing basis for
1. Agent's Investigation	7/.011
investigation, coordination	With CI I
interviews of PFC	CCT
suspect/subject interviews	O COT
C-5 2 SPC SPC	501
PFC S	PC and COL and SGT coordination with
Staff Judge Advocate (SJA)	A); crime scene examination; and receipt of statements pertaining to the
commander's inquiry.	
	67C-3,66-3
Memorandum for F	Record, 11 Jan 04, prepared by CPT
	676-4,66-4
3. Sworn Statement of	f Mr. 16 Jan 04, detailing his knowledge of the incident.
	67C-4,66-4
4. Four photographs d	lepicting Mr. s vehicle and the damage the vehicle sustained.
	171-5.66-5
Sworn Statement or	f SPC 16 Jan 04, detailing his knowledge of the incident.
	1.71-5. ht-5
Sworn Statement o	f SSG 16 Jan 04, detailing his knowledge of the incident.
	17/-6 24-5
7. Sworn Statement o	f SGT 16 Jan 04, detailing his knowledge of the incident.
	b7c-5,66-5
8 Waiver Certificate	and Sworn Statement of SPC 16 Jan 04, denying any
involvement with forcing	Mr. FADHIL into the river.
(676-7,66-7
9 Waiver Certificate	and Sworn Statement of SPC 16 Jan 04, denying any
involvement with forcing	Mr. FADHIL into the river.
_	67C-4,66-4
10 Waiver Certificate	and Sworn Statement of SGT 16 Jan 04, denying any
involvement with forcing	Mr. FADHIL into the river.
myoryomone wan rozon-9	676-9,06-9 1-71-5,665
11. Sworn Statement	of SFC 16 Jan 04, detailing his knowledge of the incident.
11. bwom otatomen	676-5166-5
12. Sworn Statement	of 1LT 16 Jan 04, detailing his knowledge of the incident.
12. Sworn Statement	67C-1,66-1
13 Crime Scene Sket	ch, 16 Jan 04, prepared by SA
13. Clinic Scene Baci	on, to suit o i, propulou of all all all all all all all all all al
14 Photographic Dac	ket comprised of nine photographs (crime scene).
14. Photographic Fac	67C-5,66-5
15. Sworn Statement	
15. Sworn Statement	015270
	15 B 484. 1 TH

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0011-04-CID469-79630 ONLY 's damas i worke can avideo of Mr. FADHIL's remains. containing video of Mr. 17 Jan 04, detailing his knowledge of Mr. 16. Sworn Statement of 1LT Bradley Fighting Vehicle (BFV), Bumper Number A14. vehicle being moved with SFC 17 Jan 04, detailing how his Bradley moved Mr. 17. Sworn Statement of SFC 's vehicle out of the road on the night of the incident. , 20 Jan.04. 67C-5, 66-5 18. Waiver Certificate of SGT 20 Jan 04. 67C-5,66-5 19. Waiver Certificate of SPC 20. Waiver Certificate and Sworn Statement of SPC 21 Jan 04, in which he admitted b76-5,66.5 / to having knowledge of the incident. 21 Jan 04, detailing his knowledge of the incident. 21. Hand written statement of SPC 22. Photographic diagram of the incident site, 22 Jan 04, prepared by SPC 676-5,66-5 the location of the platoon during the incident. , 21 Jan 04. 67C-9, 66-5 23. Polygraph report of SPC 24. Waiver Certificate and Sworn Statement of 1LT 22 Jan 04, in which he refused to answer questions pertinent to the investigation. **22** Jan 04, in which he 676-5, 66-5 25. Waiver Certificate and Sworn Statement of SPC and Mr. FADHIL into the river. admitted involvement in forcing Mr. 22 Jan 04, detailing his knowledge of the 26. Hand written statement of SPC incident. C 67C-5, 66-5.7 27. Polygraph Report of SPC 28. Waiver Certificate and Sworn Statement of SGT 23 Jan 04, in which he and Mr. FADHIL into the river. admitted involvement in forcing Mrl 29. Handwritten statement of SGT 23 Jan 04, detailing his knowledge of the C 676-5, 66-5 J incident. 23 Jan 04. 30. Polygraph Report of SGT 24 Jan 04, wherein he 31. Waiver Certificate and Sworn Statement of SPC were involved in forcing the two Iraqis into the river. admitted SPC

25 Jan 04. 32. Non-Waiver Certificate of CPT

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33. Waiver Certificate and Sworn Statement of PFO 27 Jan 04, in which he denied causing significant damage to the truck.

- 34. Non-Waiver Certificate of SPO 27 Jan 04. 67C-5, 66-5
- 35. Non-Waiver Certificate of SGT 27 Jan 04. 67 C-5, bb-5
- 36. Waiver Certificate and Sworn Statement of COL \$\frac{1}{676-5}\$, 27 Jan 04, detailing his knowledge of the incident.
- 37. Map imagery, no date, depicting the location where the detainees were detained, the location where the incident occurred and the location where Mr. FADHIL's remains were recovered from the river (File copy only).
 - 38. Waiver Certificate of COL 30 Jan 04. 67C-5, 66-5
 - 39. Polygraph Report of COL 39. 30 Jan 04. 67C-5, 66-5
 - 40. Photographic packet comprised of six photographs (crime scene).
- 41. Arabic language statement of Dr. no date, granting permission to exhume the 676-3, 66-3 remains of Mr. FADHIL (USACRC and file copy only).
 - 42. Memorandum for Record, 9 Feb 04, reflecting the English translation of Exhibit 41.
- 43. Waiver Certificate and Sworn Statement of CPT 20 Feb 04, in which he admitted he had knowledge of the incident.
- 44. Waiver Certificate and Sworn Statement of MAJ 20 Feb 04, in which he related his knowledge of the incident.
 - 45. Waiver Certificate of LTC 20 Feb 04. 676-5, bb-5
- 46. AIR of SA 27 Jan 04, detailing receipt of the Request for Assistance (RFA), and suspect interviews of SFC MAJ and LTC 47 L7 C-5, bb 5
- 47. Waiver Certificate and Statement of SFC 25 Jan 04, in which he began to provide details of the incident; however, SFC terminated the interview requesting legal counsel.
 - 48. Hand written crime scene sketch, 25 Jan 04, prepared by SFC
- 49. Waiver Certificate and Sworn Statement of MAJ 25 Jan 04, in which he denied having prior knowledge of what really took place on the night of the incident.

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50. Waiver Certificate and Sworn Strands Line and 1LT he instructed CPT

27 Jan 04, in which he stated to lie about the two Iraqi's being

physically forced into the river during the night of incident. 676-9, bb-5

676-1,66-1

29 Jan 04, detailing the canvass interviews of 22 soldiers assigned to 1/8th Inf Bn, and interview of 1SG 676-3,66-3

29 Jan 04, in which he denied any knowledge of the 52. Sworn Statement of 1SG 67C-3, 66-3 incident.

67C-1,66-1 30 Jan 04, documenting the interview of SGT 53. AIR of SA

30 Jan 04. 67C-5,66-5 54. Non-Waiver Certificate of SGT

67C-1,66-1 23 Apr 04, detailing coordination with SJA and interview of SPC 55. AIR of SA HARDIN. 676-5, 66-5

9 Mar 04. 676-5, 66-5 56. Non-Waiver Certificate of SPC

67C-4,66-4 s vehicle and 57. Compact disc containing video clips of the damage sustained to Mr. of Mr. FADHIL's remains prior to burial (USACRC copy only).

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

Not Attached:

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

- 59. Polygraph Authorization (SPO 21 Jan 04.
- 60. Polygraph Examination Statement of Consent (SPC) 21 Jan 04.
- 61. Ten polygrams (SPC) 21 Jan 04.
- 62. Polygraph Authorization (SPC
- 63. Polygraph Examination Statement of Consent (SPC) 20 Jan 04.
- 20 Jan 04. 64. Five polygrams (SPC)
- 65. Polygraph Authorization (SGT . 19 Jan 04.
- 20 Jan 04. 66. Polygraph Examination Statement of Consent (SGT
- 67. Five polygrams (SGT), 20 Jan 04.

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29 Jan 04. 68. Polygraph Authorization (COL

676-3,66-3

69. Polygraph Examination Statement of Consent (COL

), 30 Jan 04. 67C-3,66-3

70. Four polygrams (COL

), 30 Jan 04.

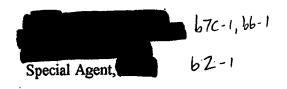
676-3,66-3

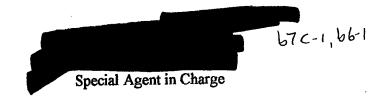
The original of Exhibits 1 through 22, 24 through 26, 28, 29, 31 through 38, 40 through 42, 46 through 55, 57 and 58 are retained in the files of this office pending adjudication. The original of Exhibits 23, 27, 30 and 39 are retained in the files of the USACRC, 6010 6th Street, Fort Belvoir, VA. The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

STATUS: This is a Final (C) Report. This investigation is being terminated in accordance with CIDR 195-1, paragraph 4-17a (6), in that the Special Agent in Charge has determined that furtherance of this investigation would be of little or no value, and the leads remaining to be developed were not significant. Leads remaining include autopsy examination of Mr. FADHIL, Commanders Report of Disciplinary and SSG and interviews of Mr. Action Taken (DA Form 4833) is pending. 676-3,66-3

Report Prepared By:

Report Approved By:





DISTRIBUTION:

1 - DIR, USACRC (original), Fort Belvoir, VA 22060

1 - THRU: CDR, 22nd MP BN (CID), APO AE 09342

THRU: CDR, 3rd MP GP (CID), ATTN: CIOP-COP-CO, Ft Belvoir, VA

TO: CDR, USACIDC, ATTN: CIOP-ZA

1 - CDR, 1/8th Infantry Bn, Fort Carson, CO 1 - CDR, 286th MP DET (CID), (ATTN: Mr. (email only)

1 - PMO, Fort Carson, CO (e-mail only)

1 - SJA, 4ID, Fort Hood, TX

1 - AFIP

1 - File

676-3,66.3

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AGENT'S INVESTIGATION REPORT	ROI NUMBER
CID Regulation 195-1	0011-04-CID469-79630
	PAGE 1 OF 13 PAGES
DETAILS	
COT CATTOR POST OF THE COST OST OF THE COST OST OF THE COST OST OF THE COST OST OF THE COST OST OF THE COST OST OF THE COST OS	13 Jan 04, this office was notified
Dy CPT Battle Captain, 3	rd Brigade, 4 th Infantry Division
(4ID), Samarra, Iraq, APO AE 09323, o	f an alleged drowning of a local
national who was detained by 4ID sold	
67C-1, bb-1	676-1,66-1
About 2200, 13 Jan 04, SA reco	eived information from SA
CID Battalion Operations Of	fficer, Baghdad, Iraq, which was
obtained from a letter written by the	alleged victim's mother to the
President of the United States. The	letter indicated two local nationals
were detained by an unknown U.S. Army	unit in Samarra, Iraq, and then
released on a bridge in Samarra. Acco	ording to the letter, the soldiers
then forced the two detainees to jump	into the river in Samarra, which
resulted in the alleged death of Mr. 2	Zaydun Ma'mun FADHIL, as he
reportedly could not swim. The second	d Iraqi survived and reported the
ncident to Iraqi Civil Defense Corp	(ICDC) personnel at a checkpoint in
Samarra after the incident occurred.	
67C-1, bb-1	676-1,66-1
about 0830, 14 Jan 04, SA and and	SA 62-7
coordinated with CPT	HHC, 1/66 Armor Bn,
amarra, Iraq, APO AE 09323, who state	ed he was initially notified about
the alleged drowning. He stated on 3	Jan 04, 1st Platoon, Alpha Company,
/8th Infantry Bn, 3rd Brigade, 4ID, Ba	lad, Iraq, were on patrol in Samarra,
raq. He stated he spoke with the com	mander, CPT
A Co, 1/8 th Inf Bn, 3 rd Bd	e, Balad, Iraq, and he confirmed that
Platoon did indeed detain two Iraq	i's that evening but he denied they
ere ever forced into a river. CPT	stated he conducted a 67c-5,66-5
reliminary inquiry into the allegation	n prior to CID's notification. CPT
provided SA a copy of h	is pr <u>elimin</u> ary report. (See
emorandum for Record (MFR) created by	CPT for details)
b7C-1,bb-1	_> 67C-1,66-3
GENT'S COMMENT: The date on CPT	s MFR is incorrect and should
eflect 11 Jan 04 instead of 11 Jan 03	
676-1,66-1	676-5, 66-5
	rviewed CPT who provided
verbal statement in which he stated	
he night of the alleged incident; how	ever, he was briefed by the platoon
eader of the events which occurred.	He stated he did not believe any of
is soldiers were involved in the alle	ged allegation. CPT
	676-5,66-5
VDED ACENT'S NAME AND SEQUENCE AND PERSONS TO	RGANIZATION
	3rd Military Police Detectment (CID) (EWD)
67C-1,66-1, 62-1	3 rd Military Police Detachment (CID) (FWD)
67c-1,66-1, 62-1	Camp Ironhorse, Tikrit, Iraq, APO AE 09323
6A 67C-1,66-1, 62-1	Camp Ironhorse, Tikrit, Iraq, APO AE 09323 ATE EXHIBIT
67c-1,66-1, 62-1	Camp Ironhorse, Tikrit, Iraq, APO AE 09323 ATE 27 Feb 04 015275

AGENT'S INVESTIGATION REPORT	ROI NUMBER
2122	0011-04-CID469-79630
CID Regulation 195-1	7107 2 07 12 -1 -1
	PAGE 2 OF 13 PAGES
DETAILS	sistim/s wather was a success
stated the letter written by the alleged v	
campaign in attempts to destroy the soldie	
Mr. FADHIL must have been lying about what	
67(-1,66-1	67C-4, b6-4
Between 0940-1321, 16 Jan 04, SA	
	ed a sworn statement detailing
the events which took place on the evening	
FADHIL's remains had been located in Samar	
in a Cemetary in Samarra on that same day.	
they were in during the night of the incid	- 177.1
returned to retrieve the vehicle on 4 Jan	04. He provided SA
photographs his family took of the vehicle	
vehicle, a white Kia truck, completely des	- · · · · · · · · · · · · · · · · · · ·
FADHIL's remains were video taped by his f	
Jan 04. (See Sworn Statement of Mr. 676-4,66-	and Photographs for details)
•	
	rview was interpreted by Mr.
	Corporation, 4ID, Forward
Operating Base (FOB) Brassfield/Mora, Sama:	
, victim's family attorned	ey, was also present during the
interview to represent Mr. FADHIL. Mr.	agreed to provide SA
a copy of the videotape, which dep	
nowever, it would be provided at a later dovideotape with him to this interview.	.
-	676-3, 66-3
About 0945, 16 Jan 04, SA and Mr.	676-3,66-3
Interpreter, Titan Corporation, 4th Militar	
Ironhorse, Tikrit, Iraq, intervièwed PFC	
Samarra, Iraq, who provided a verbal stater	
working in the guard tower near a bridge in	
	•
American military convoy pass his location meters away. PFC	convoy stopped near a bridge and
remained in this location for approximately	
away in the direction of Tikrit, Iraq. PFO	
away in the direction of likrit, iraq. Prominutes after the convoy left this location	beated 11vc
-	-
walking towards the ICDC checkpoint, which	
***	ny American Soldiers dismounting
67c-3,66-3	
TYPED AGENT'S NAME AND SEQUENCE NUMBER ORGANIZ	ATION
	litary Police Detachment (CID) (FWD)
	ronhorse, Tikrit, Iraq, APO AE 09323
	EXHIBIT
SIGNATURE DATE	
SIGNATURE DATE	7 Feb 04
SIGNATURE DATE	7 Feb 04 015276

AGENT'S INVESTIGATION REPORT	ROI NUMBER
CID Regulation 195-1	0011-04-CID469-79630
SID Negalation 1904	PAGE 3 OF 13 PAGES
DETAILS	66-3, 67C-3
heir vehicles due to it being dark. P	FC further stated he
bserved the Iraqi when he passed under	a streetlight.
66-l, b7C-1	66-3,67c3 66-3,6
about 1030, 16 Jan 04, SA	
	o provided a verbal statement in
which he stated he was working in the g	uard tower with PFC
than he charmed a American military as	uard tower with PFC
when he observed a American military co	
Jan 04, and stop approximately 500 me	
convoy stopped near a bridge and remain	ed in this location for 265,8763
pproximately five minutes and then dro	ve away in the direction of Tikrit,
raq. CPL stated there was an	embankment to the river at the 16
ocation the vehicles stopped. CPL	stated five minutes after the
onvov left this location he observed a	n Iraqi male walking towards the
CDC checkpoint, which was near the gua-	rd tower. CPL stated he
ould not observe any American Soldiers	dismounting their vehicles due to
t being dark. CPL further stat	ted he could hear people talking
out could not identify what they were sa	aving because the water from the
iver was muffling the sound.	aying bookabo the water from the
6/1 h7c-l	66-3, 676-3 66-3, 67
bout 1100, 16 Jan 04, SA and and	08-3,0/C-3
pout 1100, 10 dan 04, SA and	interviewed PFC
CDC, Samarra, Iraq wi	no provided a verbal statement in
hich he stated he was working at a trai	file control point near the guard
ower when he observed a Iraqi male wall	king towards his position. When
he Iraqi male arrived at his location t	the Iraqi stated the American 66-3.
oldiers threw his cousin into the water	
raqi's clothing was soaking wet and dir	cty and when Me arrived he did not
ppear to be angry and made no mention t	the American soldiers threw him
nto the water. PFC stated w	when the Iraqi arrived he took him,
o his boss Mr. PFC	stated within five minutes 45
f the arrival of the Iraqi, the ICDC se	ent individuals out to the location
o search for the second individual thro	own into the water. PFC
tated only fifteen minutes elapsed from	
he search party was dispatched. PFC	stated earlier in the 27
ight this same individual came through	his checkpoint with another
nidentified male with construction equi	
	tated they purchased the equipment
n Baghdad, Iraq and were enroute to the	
tated he inspected the vehicle and veri	lied the purchase of the equipment
YPED AGENT'S NAME AND SEQUENCE NUMBER ORG	ANIZATION
	Military Police Detachment (CID) (FWD)
43 rd	
43 rd Can	np Ironhorse, Tikrit, Iraq, APO AE 09323
43 rd	E EXHIBIT
43 rd Can	
43 rd Can	27 Feb 04 EXHIBIT

AGENT'S INVESTIGATION REPORT	ROINUMBER
000	0011-04-CID469-79630
CID Regulation 195-1	
	PAGE 4 OF 13 PAGES
FTAILS rom documentation provided by the Iraqi's	
f United States Forces were dispatched to	PFC did not recal
coing Tradi DEC	그들은 하는 그리고 있는 동생생님의 유명하다 하다는 사람들이 살아 있다. 그는 사람은 모든 사람들이 되었다.
onyou stonged due to the obstructed when	ted he could not see were the
onvoy stopped due to the obstructed view	ne had from his checkpoint.
gent's Comment: PFC Comment could not	provide a physical description
the alleged drowned Iraqi; however, he	stated he did see Mr.
eing interviewed today and was certain he	was the individual who 679
pproached his checkpoint on the night of	the incident
66-1, 676-1	66-3, 67<-3
oout 1202, 16 Jan 04, SA interv	1 000 06-5, 0, 0 0
A Company 1/8th Taf Ba Balad Ta	Temed 2tc
A Company, 1/8th Inf Bn, Balad, Ir	aq wno provided a sworn
atement in which he related he was the d	river of A-11, which was the
hicle the detainees were placed in. SPC	iurther stated he did
t observe any type of abuse directed toward atement for details)	ards/the detainees. (See Sworn
acement for details)	2000,012
b6-1, b7C-1, b	<u> 66-3</u>
out 1231, 16 Jan 04, SA	interviewed SSG
A.Co, 1/8th Inf Bn	, Balad, Iraq, who provided a
orn statement in which he stated he was o	out on patrol with 1st Platoon of
Jan 04, but denied having any knowledge o	of Traqi detainees being forced
jump into a river in Samarra. (See Sworn	i Statement of SSG $oldsymbol{z}$ for $oldsymbol{z}$
tails) 6-1, b7c-1	그 사람들은 사람들이 되었다. 그는 사람들은 사람들은 사람들은 사람들은 사람들이 되었다.
ang dan dag kalan ang mananan ang manan	b6-3, b7C-3
out 1303, 16 Jan 04, SA	lewed SGT
A Company, 1/8th Inf Bn, Balad, Ira	aq, who provided a sworn
atement in which he stated he did not obs	erve any type of abuse directed
ainst the detainees. SGT further sta	ted when the military convoy he-
ft the area after the detainees were rele	ased he observed the two
tainees standing on the side of the road.	(See Sworn Statement for
raile\	
66-1, 67C-1	66-5, b7c-5
out 1311, 16 Jan 04, SA	PC
Co, 1/8th Inf Bn, Balad, Iraq, of his lega	al rights, which he waived and
ovided a sworn statement denying any invo	lyement with forcing two
cainees to jump <u>into</u> a river. (See Waiver	Certificate and Sworn
	04141110000 0110 0110111
atement of SPC for details)	
for details) 66-5, 67C-5 PEDAGENTS NAME AND SEQUENCE NUMBER ORGANIZA	TION
for details) 66-5, 67C-5 PED AGENTS NAME AND SEQUENCE NUMBER ORGANIZA 43 rd Mili	
DED AGENTS NAME AND SEQUENCE NUMBER ORGANIZA 43 rd Military Camp Iro	tary Police Detachment (CID) (FWD)
PEDAGENT'S NAME AND SEQUENCE NUMBER ORGANIZA 43 rd Military Camp Iro DATE	tary Police Detachment (CID) (FWD) onhorse, Tikrit, Iraq, APO AE 09323 EXHIBIT
PEDAGENT'S NAME AND SEQUENCE NUMBER ORGANIZA 43 rd Military Camp Iro DATE	tary Police Detachment (CID) (FWD) onhorse, Tikrit, Iraq, APO AE 09323

AGENT'S INVESTIGATION REPORT	ROI NUMBER
	0011-04-CID469-79630
CID Regulation 195-1	TACE & OF 18 BACES
DETAILS: b6-1, b1c-1	PAGE 5 OF 13 PAGES b6-5 b70-5
DETAILS About 1328, 16 Jan 04, SA and advis	
A Company, 1/8 th Inf. Camp Anaconda	
ights, which he waived and provided a sv	worn statement in which he denied
pushing the detainees into the water. (See Waiver Certificate and Sworn
Statement for details)	
66-1,67c-1	66-5, 610-5
about 1359, 16 Jan 04, SA	
A Co, 1/8th Inf Bn, Balad, Iraq, of	his legal rights, which he waived
nd provided a sworn statement in which h	ne denied any involvement with
orcing the two detainees into the river	
worn Statement of SGT for detail	ils) 66-5, 676-5
661,61C-	66-5, 679-5
bout 1437, 16 Jan 04, SA	Platoon Sergeant, who provided a
worn statement in which he stated his pl	
hich were released near a river; however	
ere standing on the side of the road aft	
lenied his platoon mistreated the two det	
tatement of SFC for details) 66 -	
66-1,690-1	66-5, 67C-5
bout 1450, 16 Jan 04, SA	rviewed SGT
Medic, Headquarters and Headquar	ters Company (HHC) 1/8th Inf, Camp
naconda, Balad, Iraq, who provided a ver	bal statement in which he stated
e was in the back of the vehicle the det	ainees were in and he did not
bserve any type of abuse directed toward	
tated when the detainees were released h	e did not dismount the vehicle so
e could not see what was occurring.	b6-5, b7C-5
66-1,676-1	
bout 1513, 16 Jan 04, SA intervi	
A Co, 1/8 th Inf Bn, Balad, Iraq, Pla	atoon Leader, who provided a sworn
tatement in which he stated his platoon	detained two iraqi maies for
eing out passed curfew. He stated the drocess the two detainees after they were	detained and the detainees were
nstead released by a river in Samarra.	
nvolvement with forcing the two Iraqi ma	
worn Statement of 1LT for detail	
56-5, 67C-5	
ψου, υ · — υ	
	·
	NIZATION
	Military Police Detachment (CID) (FWD)
SIGNATURE 86-1, 62-1 Camp	Ironhorse, Tikrit, Iraq, APO AE 09323
	27 Feb 04
	Alkana
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AGENT'S INVESTIGATION REPORT	ROI NUMBER
CID Regulation 195-1	0011-04-CID469-79630
	PAGE 6 OF 13 PAGES
DETAILS BE-1, 676 (h6-3. h7c-3
about 1530, 16 Jan 04, SA coordinate was aware that the remains of Mr. FADR lowever, he stated the family buried the could positively ID the remains. Setween 1615-1630, 16 Jan 04, SA crime scene examination at Grid Coordinate ridge in Samarra, Iraq: Characteristics of the Scene: Upon arrival ridge approximately 200 meters in length elow the bridge on the north end was a construction containing a floodgate that ater identified to be the Tigris River. The paper our feet from the sidewalls of the pump hat allowed access to the river, The paper by three feet concrete blocks.	mated with CPT who stated HIL had been located in Samarra; remains before any U.S. Personnel L.
rocky area with some vegetation, which he pump house was covered with vegetation iew to the ICDC checkpoint buildings. The rossed the bridge led to an ICDC Guard Toproximately 800 meters north from the notes a traffic circle adjacent the quard to	r. Along side the pump house was met the river. The north side of n and trees, which obscured the he main access road from which ower that was located orth end of the bridge. There ower. The area to the northeast
pproximately eight feet drop to the rive rocky area with some vegetation, which he pump house was covered with vegetation iew to the ICDC checkpoint buildings. The rossed the bridge led to an ICDC Guard Topproximately 800 meters north from the near a traffic circle adjacent the guard to the river was mainly of dirt, which was	r. Along side the pump house was met the river. The north side of n and trees, which obscured the he main access road from which ower that was located orth end of the bridge. There ower. The area to the northeast
rocky area with some vegetation, which he pump house was covered with vegetation iew to the ICDC checkpoint buildings. The rossed the bridge led to an ICDC Guard Topproximately 800 meters north from the notes a traffic circle adjacent the guard to	r. Along side the pump house was met the river. The north side of n and trees, which obscured the he main access road from which ower that was located orth end of the bridge. There ower. The area to the northeast s used as a parking lot. estrians in the area surrounding d for local traffic. The
rocky area with some vegetation, which he pump house was covered with vegetation iew to the ICDC checkpoint buildings. The rossed the bridge led to an ICDC Guard Topproximately 800 meters north from the notes a traffic circle adjacent the guard to the river was mainly of dirt, which was condition of the Scene: There were no pedente pump house. The bridge was being used loodgate/dam was in the lowered position occupied. There were no visible personner invironmental Conditions: The skies were althin the past 24 hours. The temperature ahrenheit and the ground near the bridge etected.	r. Along side the pump house was met the river. The north side of n and trees, which obscured the he main access road from which ower that was located orth end of the bridge. There ower. The area to the northeast s used as a parking lot. estrians in the area surrounding d for local traffic. The and the ICDC guard tower was not l at the ICDC checkpoint.
rocky area with some vegetation, which he pump house was covered with vegetation iew to the ICDC checkpoint buildings. The rossed the bridge led to an ICDC Guard Toproximately 800 meters north from the notate a traffic circle adjacent the guard to find the river was mainly of dirt, which was condition of the Scene: There were no pedente pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. There were no visible personner wironmental Conditions: The skies were calculated and the ground near the bridge etected.	r. Along side the pump house was met the river. The north side of n and trees, which obscured the he main access road from which ower that was located orth end of the bridge. There ower. The area to the northeast s used as a parking lot. estrians in the area surrounding d for local traffic. The and the ICDC guard tower was not l at the ICDC checkpoint. clear with no precipitation was approximately 60 degrees was dry. No unusual odors were
rocky area with some vegetation, which he pump house was covered with vegetation iew to the ICDC checkpoint buildings. The rossed the bridge led to an ICDC Guard Topproximately 800 meters north from the new as a traffic circle adjacent the guard to find the river was mainly of dirt, which was condition of the Scene: There were no pede the pump house. The bridge was being used loodgate/dam was in the lowered position coupied. There were no visible personner invironmental Conditions: The skies were calculated the past 24 hours. The temperature ahrenheit and the ground near the bridge etected. (PEDAGENTS NAME AND SEQUENCE NUMBER ORGAN) A ORGANIA A METERS OF THE PROPERTY NAME AND SEQUENCE NUMBER ORGANIA A METERS OF THE	r. Along side the pump house was met the river. The north side of n and trees, which obscured the he main access road from which ower that was located orth end of the bridge. There ower. The area to the northeast s used as a parking lot. estrians in the area surrounding d for local traffic. The and the ICDC guard tower was not l at the ICDC checkpoint. clear with no precipitation was approximately 60 degrees was dry. No unusual odors were
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rocky area with some vegetation, which he pump house was covered with vegetation iew to the ICDC checkpoint buildings. The rossed the bridge led to an ICDC Guard Toproximately 800 meters north from the notate a traffic circle adjacent the guard to the river was mainly of dirt, which was condition of the Scene: There were no pede to pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The bridge was being used to be pump house. The skies were detected. The past 24 hours. The temperature abrenheit and the ground near the bridge was being used. The bridge was being used to be pump house. The skies were detected. The past 24 hours. The temperature abrenheit and the ground near the bridge was being used. The bridge was being used to be pump house. The bridge w	r. Along side the pump house was met the river. The north side of n and trees, which obscured the he main access road from which ower that was located orth end of the bridge. There ower. The area to the northeast s used as a parking lot. estrians in the area surrounding d for local traffic. The and the ICDC guard tower was not l at the ICDC checkpoint. clear with no precipitation was approximately 60 degrees was dry. No unusual odors were

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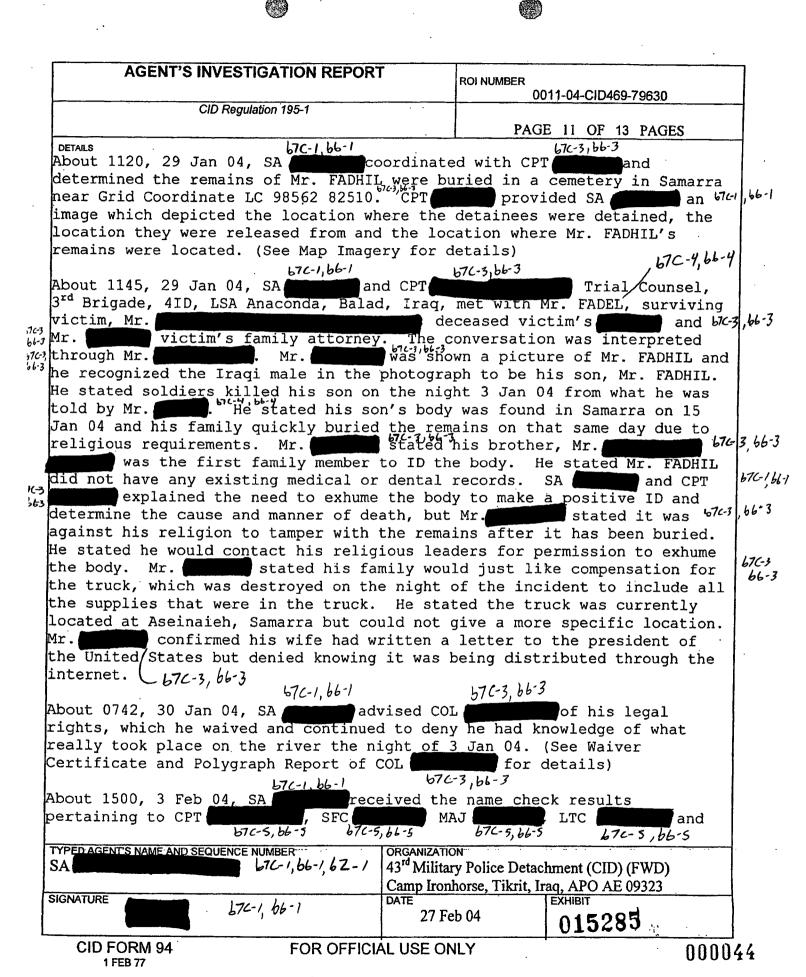
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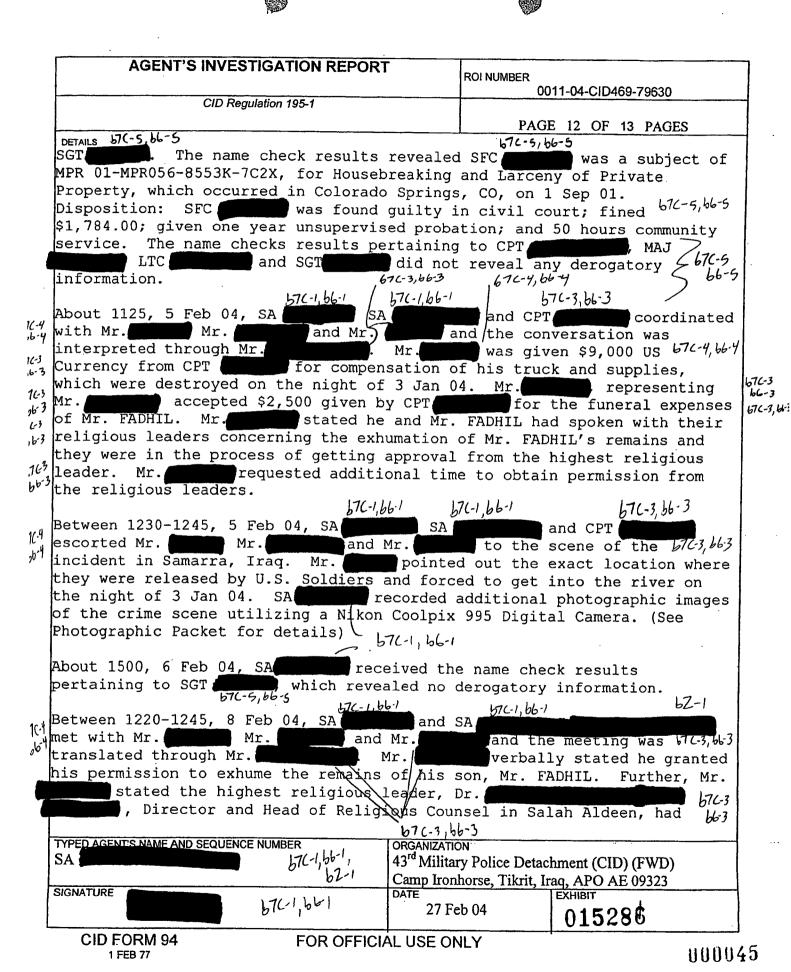
AGENT'S INVESTIGATION REPORT	ROI NUMBER		
	001	1-04-CID469-79630	
CID Regulation 195-1			
1/2/10/2	PAGE	8 OF 13 PAGES	
ETAILS 66,5, 67C-5	:		
ere, in fact, forced to jump into a riv	ver in Samarra d	on the night of 3	3
an 04. SPC stated he refused to	participate whe	n the order was	1
iven by ILT to push the two Ira	aqi's into the r	iver; however, h	ie
eard a splash when the detainees were	forced into the	river by SGT 660	560
and SPC Further, SPC	stated the	y were told to 1	lie
o the CID agents by their chain of comm	mand about what	really took place	e [
n the river that night. SPC also	o stated this wa	s not the first	165B
ime his platoon had forced an Iraqi int	o a river. He	stated he heard	ار
bout another incident where SGT	and SGT	had ford	ed 🎉
nother Iraqi man to jump into a river i	n Balad a few m	onths before thi	s
resent incident. SPC stated he w	was not present	during that 66-5	,670-
ncident and did not have first hand kno	wledge of what	took place. SPC	
hand wrote a statement in addition	to the sworn s	tatement taken.	
urther, SPC sketched his position			ŀ
ncident on a photograph obtained of the	crime scene. (See Waiver	
ertificate, Hand Written Statement, Swo	rn Statement, S	ketch, and	
olygraph Report of SPC for detail	s) 66-5,67c-5		1
The state of the s			1-0
bout 2000, 21 Jan 04, SA receiver	red the name che	ck results 665	, 6 TC-
ertaining to SGT 11.T	SPC and	SPC The	
ertaining to SGT, 1LT, ame check results revealed SGT	was a subject	in Military Poli	
eport (MPR) 99-MPR056-8227K-5Q4B, for a	n Accident Invo	lu militaly roll	124
Fatal Traffic Accident (FTA), which oc	curred in Color	ndo Springs CO	1119
Sen 99 Disposition: SCT rec	eived an oral r	ado springs, co,	111
Sep 99. Disposition: SGT reconvolvement. Further, SGT was	a subject of MD	EDITHUMBOURS OF ST	2665
C2B, for an Assault, which occurred on	Fort Carson CO	01-MPR030-6324	, door
ignosition: Not Poported The name she	rort Carson, Co	on 4 Aug 01. S	55,47
isposition: Not Reported. The name che		to ILT	SPC
or SPC revealed no derogato	· ·		.
	al 17 m	665,6765 E his legal righ	
bout 1049, 22 Jan 04, SA		nis legal righ	t'S,
nich he waived and provided a sworn sta		refused to	365,0
nswer any of the pertinent questions pe			_
See Waiver Certificate and Sworn Statem	ent of ILT	66.5,67c-5	- 1
661, b7c-1		k/:	3,67
	nated with COL		/ -
		Anaconda, Balad,	.]
raq, APO AE 09323, who stated 1LT	-	no contact order	1
66-5,6	1c-5	,	
·			
PED AGENTS NAME AND SEQUENCE NUMBER	ANIZATION	And the second s	
	Military Police Detach	ment (CID) (FWD)	
A 43 rd			
A 43 rd Can	np Ironhorse, Tikrit, Ira		
A 43 rd	ip Ironhorse, Tikrit, Ira	q, APO AE 09323	
A 43 rd Can	np Ironhorse, Tikrit, Ira		

AGENT'S INVESTIGATION REPORT	ROI NUMBER 0011-04-CID469-79630
CID Regulation 195-1	PAGE 9 OF 13 PAGES
DETAILS ith anyone pertaining to this investigati	on. 1LT was not to
iscuss any aspect of this investigation w	advised SPC of his
bout 1936, 22 Jan 04, SA and SA egal rights, which he waived and subseque then the two Iraqi males were forced to ju	ntly admitted being involved
also stated he was influenced t	o lie about what really took 66-5 was also aware of a previous
ncident, which involved forcing an Iraqi hand wrote a statement in addition	male into a river in Balad. SPC to the sworn statement obtained
rom him. (See Waiver Certificate, Hand Wr nd Polygraph Report of SPC for det	itten Statement, Sworn Statement ails) 66-5,676-5
bout 1043, 23 Jan 04, SA	advised SGT of of equently admitted being involved
then the two Iraqi males were forced to ju GT implicated SGT and SPC involved when the detainees were forced in	mp into the river in Samarra.
place by his chain of command. SGT	further admitted being 66-5,67
nvolved in a previous incident where an I	c gave the order to push
the Iraqi into the river, SGT iver. SGT hand wrote a statemen statement. (See Waiver Certificate, Hand W	ritten Statement, Sworn
tatement and Polygraph Report of SGT 56-1, 57c-1	for details) 06-3, 02-3
ights, which he waived and provided a swo	d SPC of his legal rn statement further admitting
and SGT were also letainees to jump into the river. (See Wai tatement of SPC for details) 66-5,	involved in forcing the ver Certificate and Sworn
hout 0923, 25 Jan 04, SA advised	CPT of his legal
rights, which invoked requesting to remain certificate of CPT for details)	silent. (See Non-Waiver
TYPED AGENT'S NAME AND SEQUENCE NUMBER ORGANIZATE MATERIAL A3 rd Mi	PATION litary Police Detachment (CID) (FWD)
	Ironhorse, Tikrit, Iraq, APO AE 09323
SIGNATURE 1-11-	7 Feb 04

	AGENT'S INVESTIGATION REPORT			 -
	AGENT S INVESTIGATION REPORT		ROI NUMBER	
	CID Regulation 195-1		0011-04-CID469-79630	4
•			PAGE 10 OF 12 PAGES	
	DETAILS 56-1, 576-1		PAGE 10 OF 13 PAGES	-5
,	About 0925, 27 Jan 04, SA	ised PF	FC	Ì
	A Co, 1/8th Inf Bn, Balad, Iraq,	of his	s legal rights, which he waived	a l
	land provided a guern pratoment in	- -	والمستعددات والمستعددات والأستعددات	- 1
1 2	the Bradley Fighting Vehicle (BFV), bu	mper n	number A14, during the night of	ار:
_	is said and the mas the	フレエ はしてモ	eu dy stu en en co move the to	T 1
73	two iraqi's vehicle, a white Kia pick-	up tru	uck, out from the middle of the	-
	road on the night of the incident. He	state	ed he might have caused a dent	
	to the left front side of the vehicle	when m	moving the vehicle with the	
6-3	Bradley; however, he denied causing an	y sign	nificant damage. Further, PFC	
r-3	stated he was taken to Trial Def	ense S	Service (TDS) on 26 Jan 04 by	
	before being questioned by CID. (See W	laivor (him to know his legal rights 66- Certificate and Sworn	
•	Statement of PFC for details) 56	-3. L7c	C-3	7
	66-7,672-1	0,00	66-3, b7c-3	
		sed SP	PC	,
	A Co, 1/8th Inf Bn, Balad, Irag, of his	s legal	l rights, which he invoked	
	requesting to remain silent. Further,	SPC	stated he had been taken	رفلير
	to TDS by LT on 26 Jan 04. (Se	ė Non-V	-Waiver Certificate of SPC	<u>-</u> -3
	for details) 66-5,67C-5			
	b6-1.b7C-1		66-5, 67C-5	
	About 1416, 27 Jan 04, SA	sed SGT	of his legal rights,	Kk_
	which he invoked requesting to remain	silent;	; however, before SGT	TC.
	signed the DA Form 3881, Rights Warnin	g Proce	cedure/Waiver Certificate, he	
	confirmed that he was at the rivers ed	ge wher	en the two detainees were	
	forced into the river. He stated he w	as one	e of the last soldiers to see	
l	the two detainees forced into the rive	r and r	he stated one detainee was	
6-5	swimming toward shore and the other was the area. SGT did not want to	s treac	iding water when he departed	
22-5	subsequently invoked his rights. SGT	be aske	also stated he had been taken	4
	to TDS by 1LT on 26 Jan 04 (Se	ee Non-	Haiver Cortificate for	.
ļ	to TDS by 1LT on 26 Jan 04. (Sodetails) 665,876-5	00 11011	warver certificate for	
	b6-1,67C-1	•	66-3,67c-3	
ļ	About 1534, 27 Jan 04, SA		of his legal	
1	rights, which he waived and provided a	sworn	statement in which he denied	
[]	knowing the two detainees had actually	been f	forced into the river by	
k	members of his unit until it was revea	led thr	rough this investigation. (See	
1	Waiver Certificate and Sworn Statement	of COI	L for details)	
1			06-3, b7C-3	
ļ	The state of the s	ener is because a take to be the consequence of the con-		<u>.</u>
		RGANIZATIO		1
İ			ary Police Detachment (CID) (FWD)	
ŀ	SIGNATURE 61-1, 670-1, 62-1 C	amp Ironi	nhorse, Tikrit, Iraq, APO AE 09323	-
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AGENT'S INVESTIGATION RE	EPORT	ROI NUMBER	. 70000	
CID Regulation 195-1		0011-04-CID46	9-79030	\dashv
	676-1,66-1	PAGE 13 OF	13 PAGES	
perals 67C-3,66-3 given written permission to exhere provide p	ed SA	with the original		
Letter signed by Mr. 67(-3,66-3	e Arabic lette	er for details)		
About 1330, 9 Feb 04, Mr. Detainee Central Collection Points 200323, translated the Arabic translation of Arabic letter for	nt (DCCP), FOR letter signed r details)	by Mr. 67C-3, bb-3	t, Iraq, APO See English	
about 1600, 27 Feb 04, SA and statements obtained by Brig Commander's Inquiry Officer, 41 anterviewed CPT MAJ	adier General/ D, from MAJ and I	SJA. BG BAR TC as pa	ARBERO,	
commander's inquiry pertaining provided a sworn statement as held. (See Waiver Certificates as	e reiterated h	is previous state	did not (ments to and	6
MAJ and Waiver Certificates an	1	for detail	,	"
	·		· .	
		-		
			·	
SA GC-1, bb-1, b		Police Detachment (CID orse, Tikrit, Iraq, APO AF		İ
67C-1,66-1	DATE 27 Feb	04	1	
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Page(s)

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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

676-4,66-4



SWORN STATEMENT

File Number: 0011-04-CID469

: Samarra, Iraq APO AE 09323 Location

66-4,67C-4 Time: \3:21 : 16 Jan 2004 Date 67c-4,66-4

Statement Of:

Grade/Status: Civilian : Traqi SSN

Org/Address: Next to Medicine Factory in Samarra (Alrmoushya), Samarra, Iraq

676-4,66-4

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

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SWORN STATEME OF Mr.

TAKEN AT

Samarra, IRAQ, APÓ AE 09323, 16 Jan 04. CONTINUED

the door was shut and we were in there with five other soldiers. The vehicle began to move and we did not know where we were going. My cousin and me could not see where we were going. We were moving in the vehicle about 10-15 minutes and then we stopped. I could see the lights from the ICDC check point people and I think the soldiers believed they were too close to the check point. We then keep on going farther away and then that's when they stopped again. They got us both out of the vehicle and we were on a bridge and we were facing the water and they un-handcuffed me and my cousin and were telling us to jump into the water. We refused to jump into the water and I knew my cousin could not swim and even I cannot swim very well. My cousin did not jump into the water and then one of the soldiers pushed him from behind. I did see the soldier who pushed my cousin, he looked skinny and not very tall and his skin was a little darker than white. I could see him in the water trying to swim and then one of the soldiers pushed me too. I did not see who pushed me because they were behind me. After we were pushed into the water, my cousin and me were screaming each other's name trying to find each other but then after a few minutes I did hear him anymore. I saw him in the water after I was pushed in too and I could only hear him but I never got close enough to help him. I then made it to the side on the water and I was very scared. I got out of the water and I was hiding until the American Soldiers were gone. They initially had stayed by the bridge for a few minutes and I could hear them laughing at us after we were pushed into the water and then they left. I walked back to the ICDC check point but it took me a while to walk there because I was making sure nobody saw me and I did not want the soldiers to get me again. I finally got to the same ICDC checkpoint that I was searched at earlier and I told them what happened. I told them that US Soldiers pushed my cousin and me into the water by the bridge. I was still soak and wet from the incident. The ICDC people and myself went back to the area where we were pushed and we began to search for my cousin. We searched for about 15 minutes and we did not find him. Q: SA 46-1, 676-1

166-4, 67C-4 A: Mr.

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

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

Q: What was your relationship with your cousin?

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

Q: Where was your cousin's body found?

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

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

A. Yes	41-11-10-	16 manual
EXHIBIT	INITIALS:	PAGE 2-OF 45 PAGES
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SWORN STATEME. OF Mr. TAKEN AT Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED 176-4, 56-4

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

A: Yes.

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

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

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

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

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

A: Yes, that is him.

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

A: Yes.

Q: What injuries did the body have?

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

Q: Where was the body buried?

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

Q: When was the body buried?

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

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

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

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

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

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

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

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

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

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

A: No.

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

A: Five soldiers.

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

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

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

A: No:	67C-4, k	
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000051 EXHIBIT 66-4, 67C-40011-04-CID469-79630

SWORN STATEME. OF Mr. TAKEN AT Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED

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

A: No.

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

A: No.

Q: What happened to your vehicle?

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

Q: Who is the owner of the vehicle?

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

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

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

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TAKEN AT

SWORN STATEME. OF Mr. Samarra, IRAQ, APO AE 09323, 16 Jan 047 CONTINUED

6-4, 67C-4 AFFIDAVIT

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

66-4,67c-4

(Signature of Person Making Statement)

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

b6-l) b76-l

SA 6-1, 67c-1

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS: 16-3, 17c-3

b/c-3

EXHIBIT ______ INITIALS: PAGE 50F 45 PAGES

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BATES PAGES 15294-15295 ARE PHOTOS REVIEWED IN ACCORDANCE WITH CRITERIA PROVIDED IN PRIOR IN CAMERA SESSIONS AND HAVE BEEN DETERMINED TO BE NONRESPONSIVE

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	AST NAME FIRST NAME, MIDDLE NAME & SOCIAL SECURITY NUMBER GRADE/STATUS E-41 PA
	A COMPANY 1/4 IN 66-3, 64C-3
51C-3	at 1 1 to 10 me ale tous (1st) were on patrol when we excontered
* · · · · · · · · · · · · · · · · · · ·	a white driving in the town of Samaira. Since it was after 2300
. , .	stoned the uphile because it was in violation of the nurteur get at
	2200, we stoped the reliable at approx. 2310, when the venide was
	stopped we set up security and conducted a search of the manuals
•	and the vehicle. State I am the with the control with a conducted.
	T alreaded Charles looking at the identification cards of the two
	tradis. I also null heard on the radio someone asking for the your
	Wit to check the manes of these two tragis on it. I don't know
	the names of the frages. The surgested to the cide of my
	TOP DOOR THE TOP ON THE ON HELL FLORIS
	while they were in front of my wehicle. A few minutes later LT
66-5, 67C-5	radiced me to drop the rang on my vehicle, + asp
610 0	heard in the radio that these trages were going to be detained to
	current violation. The Fragis were placed in the both or right
~	wehile and one they were in I don't tree and the detalanent facility. About half-way towards the detalanent facility.
	we stoned the vehicles, and I was told to lover the vary. About
	two minutes later I was told to rune the restance.
	We drove to are base land man that the cumul around 2400.
	a: GA bb-1, bx-1
:	A! GPC 66-3, 67C-3
	a, Do you know who searched the tragis and the vehicle.
	1. 1st squad 7th
•	1651 DEPENDING STATEMENT 66-3, 67c-3
1.00	PAGE 1 OF / PAGES
	ADDITIONAL PAGES MUST CONTAIN THE HEADING STATEMENT OF THE PERSON MAKING THE STATEMENT AND BE
	INITIALED AS "PAGEOFPAGES," WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OPY OF THIS FORM. LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.
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For MEAGE I le MAL

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FILE NUMBER: COUL- CH-CT9449- 79630

TAKEN AT DISCIPLE MOVE DATED 16 700 04 CONTINUED

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STATI	EMENT	of SPC	Sept	7

at people.
AND AVE COMMENT OF LAND LAND LAND AND AND AND AND AND AND AND AND AND
Al No France had touted had ellerged to great up so the
see in the back place to was wearing NVGS.
A: Wen you stop a hulf was to drip off the Iragis was it on a bridge?
A) It was before the bidge with the railroad tracks on it.
as Could you see water anywhere?
A C A C C C C C C C C C C C C C C C C C
B's go you know why the Irogi's were dropped in this location?
A: 10 Bi Did you see any type of above directed towards the tragis?
At No
of life there of methode do unit drive,
Al Aradian flat than weblet with Aunter All.
O' No you know who released the Iragis?
All the state of t
Q! How many replaced were in your parist?
Al II I.d. nehicle !
a How for way the xIOC checkpoint from where you stopped to
refeace the Frages?
a! Where do the tragis go after they were referred?
1\ -1\land 1\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
a lo you have any thing else to aid to this statement?
A: 10/1 End of Statement// 66-3, 69C-3
663, 67C-3
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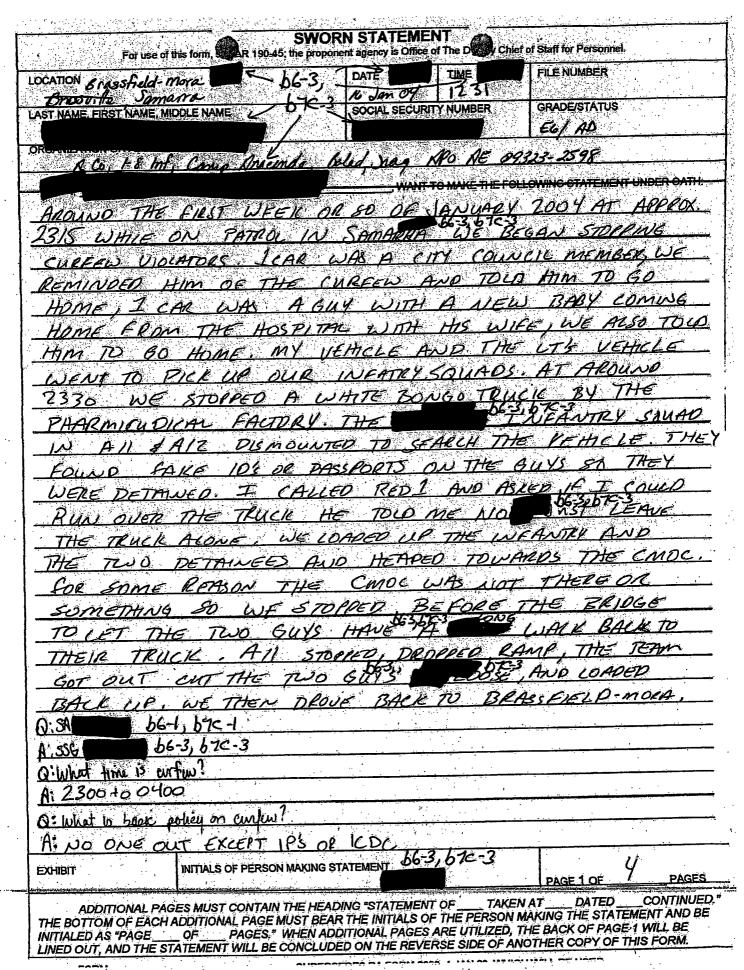
INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES 015297 000057

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bb-3, b1C-3

FILE NUMBER:

STATEMENT OF SSG. TAKEN AT Brassville DATED 16 Jan 04 CONTINUED Q: INLAT WAS the world of the search conducted on the whole truck
A: AU I HEARD ON THE RADIO WAS FAKE IDS AND PASSPORTS WERE FOUND.
THERE WERE SMALL BOXES IN THE BACK DR THE TRUCK
THERE USES MALL BONES THE Search?
Q! where were the 2 trags located at the time of the Search?
A THEY WERE ON DUE SIDE OF THE TRUCK.
D! What did you seems of the 1s personnel while the peacet was conducted?
P! What did you colling of the weather ages THEY SET UP SECURITY P! THE SOURD GOT OUT APPROX aguys THEY SET UP SECURITY OF THE SOURD GOT OUT APPROX DEHICLE WHILE LAWY SERECHED THE
ON THE OCCUPANTS OF THE VEHICLE WHILE I GUY SEPECHED THE
TRUCK THE GUYS WERE STANDING UP, THE ONLY TIME THEY WOULD
BE PUT PACE DOWN WOULD BE IF WE WOULD HAVE FOUND
BE PUT FACE VOUN LOUGH BE THEY WERE UN COOPERATIVE AND WERE UN COOPERATIVE AND
QUINTED
Q' Who were the guye that wise in the back of A-11.
SPC SPC
56T 65, 67557
Q! What relieb were the 2 nagre in
αAB
Q When were the 2 Juages, detained and there let go?
A: THEY LEARN A HARD LESSON WITHOUT BOING TO JAIL BY
HAVING TO WACK BACK TO THIER UFHICLE
Quitar the days of 2
663, WE AT THE BEGINNING OF THE BRIDGE
610-3 Q' who got out with them are far are us personnel?
CA. SOLITION OF THEIR
Q: What did you her when they got out?
A THEY CUT THE ZIPSTEIPS OFF THE BUYS
O! Did you observe any type of noughness in the handling of the 2 magie?
U. pig yen osperve and its
Di Did some hear any orders that were given beyond that of letting the Iragic loose?
Q' Du you read way - see from
A: NO
0. pm 12 22 10 10 10 10 10 10 10 10 10 10 10 10 10
A: NO
Q. DID YOU MAL DAY THE WAR PLANTED THE BRADEY RUNNI
A: MIN YOU CANT FEME WITH THE COUNTY
66-3, 6-1C-3 PAGE 2 OF 4 PAGES
INITIALS OF PERSON MAKING STATEMENT:
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16-3,67	C-? AFFID		DEAN TO ME TUS STATEMENT
J. L-3, J. 7	SON PAGE UT LEULY UNDERST	, HAVE READ OR HAVE HA	D READ TO ME THIS STATEMENT NTIRE STATEMENT MADE BY ME.
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E STATEMENT IS TRUE. I HAVE INITATEMENT. I HAVE MADE THIS STATE OF WITHOUT COERCION, UNLAWFU MITNESSES:	SON PAGE YEAR TO FULLY UNDERST TIALED ALL CORRECTIONS AND TEMENT FREELY WITHOUT HOP	HAVE READ OR HAVE HAVE HAVE HAVE INITIALED THE BOTTOM OF BENEFIT OR REWARD, WISHERST, WILLIAM SUBscribed and sworn to be administer paths, this 1/2 day at 1/2 Services 1/2 Se	NTIRE STATEMENT MADE BY ME, OF EACH PAGE CONTAINING THE THOUT THREAT OF PUNISHMENT, \$6-3, \$6-3, \$67-3 \$70-3
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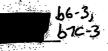
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O) SA	66-1,670-1		
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(2) 116 yeur A! No	As the date the fight		i de la companya de l
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of Why o	wind was release the las	lividuals after you	had detained them?
A	Know, but individuals b	to once a detaile	e is amelioded?
A: This	thou the GOP in regards	or what the det	aive has
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a lo you	View in the second	naid listuited your	pla fount to variety
detainers! Al I only	have the plt freq so	I don't know it	it came over
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DATED 16 Jen 04 CONTINUED

a! What were the nones of the people who dismounted to release the detailed!
Al MI + V. SING SAT LOG SAT LEAN 66-5, 67C-5
a how the detained were released was there water near them?
A! There was no mater right around them that up 100 to 150 meters
Bi After the detalores were released and everyone mounted up all you
Di After the detalores were released and everyone mounted up all you observe the two Trayer standing on the side of the road when you
dated by there
A I glanced ouce and seen the Iragis on the side of the Road
a Could wantell who to they were dolor on the site of the road
A! I don't Really Know what they were doing at that point because
trick alared at them
AN AND SE STRATE to discounted them out the hordrufts are the obtained
At I Really Couldn't tell because I just glaved at them with my
1106'5 61
Of what was the weather outside when the detaines were released?
A D. V. Cald
O' O'd you see if the detalores were in the river at any time?
A) No.
O' How long did you stop when you released the detaines?
4 115 said to the over A manual
Or what time did you return to Fort Dross Hold Morra?
A! OON
At The lett so I couldn't wall see alst that was
At I was scanning left so I couldn't really see alot that was
golyg on
A: What side were the detaines being released on?
A) Right Stde
O' Do you have anything else to add to this statement!
A! No/11 End of Statement// \$6-3, 67C-3

INITIALS OF PERSON MAKING STATEMENT



PAGE Z OF 7 PAGES 015304 000064

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For APPLIED 110 A.L.

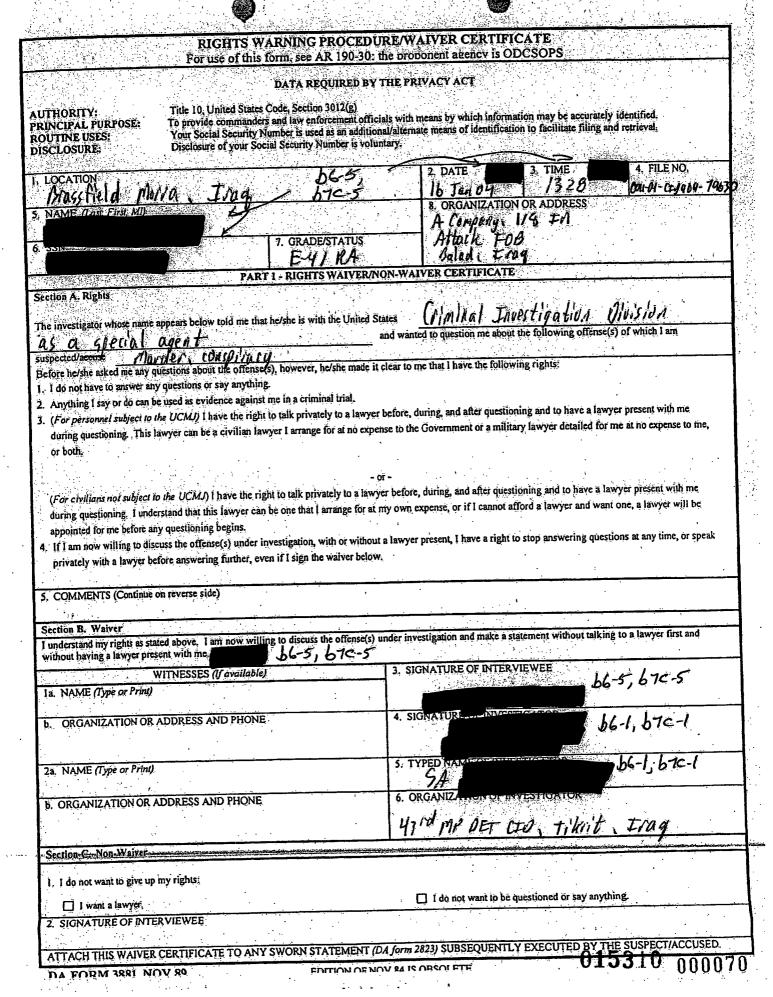
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D/	ATA REQUIRED BY THE PRIVACY ACT
Your Social Security Number	a, Section 3012(g) I law enforcement officials with means by which information may be accurately identified it is used as an additional/alternate means of identification to facilitate filing and retrieval, scurity Number is voluntary
LOCATION Brassfield Mora Samarra In	2. DATE 3. TIME 4. FILE NO.
NAME (Last First, MI) 676-5,	8. ORGANIZATION OR ADDRESS A Co. 1-8 Inf.
64	/ 100
PART I -	RIGHTS WAIVER/NON-WAIVER CERTIFICATE
uspected/endex Murder afore he/she asked me any questions about the offense(s), ho o not have to answer any question or say anything. hything I say or do can be used as evidence against me for personnel subject othe UCMJ. I have the right to talk	k 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 to or both.	arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me,
me during questioning. I understand that this lawyer can be	- or - o talk privately to a lawyer before, during, and after questioning and to have a lawyer present with be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer
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WHILE THE DECIESION TO DETAIN WAS BEING MADE WE LET BOTH PEOPLE

GET BACK INTO THE VEHICLE. 66-1,670-1 6-5, 67C-5 A SPCI Q: Do you recall what time of day it wis? A: NIGHT TIME AFTER CERTU Q: What time is curpen. A MOTSURE WAS TOLD THAT CERFEW WAS SET. Q: When you detained the Icagie, have was their dimensor? A: SUBDUED. Q: Where did you let them out? A: NORTH SIDE OF ROAD BEFORE THE BRIDGE THE HEADLAND OF A SMALL PENUSILLA. A: A KNIFE Q: Rid you observe him cutting them looke? A: YES Q: What did you observe? A: HE CUT THEM DOOSE WITH AKNIFE . THERE WAS NOT AWY ECCESSIVE FORE USED. A: NO Q: Did you observe any else physically account the Iraque? A: NO Q: Did anyone tell them to jump off the bridge? # NO Q! Did you tell the Dragie to jump of the bridge? A: NO Q: where the Iraque on the side the road when you remounted your vehicle and departed? A: 4E3 b6-5, b7C-5 Q: Who where they shire? Q: Do you know providing a knowingly false statement is a violation of the Ucm J? O. Do you have aughing else to add to this statement? A: NO INEND of Statement III OFFICIAL USE ONLY

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SWORN STATEMENT For use of this form, AR 190-45; the proponent agency is Office of The Day Chief of Staff for Personnel.	
LOCATION LOCAL TOP	DATE TIME FILE NUMBER OCU-ON-CLIVARY-19630
LAST NAME: FIRST NAME: MIDDLE NAME 2 66-57	SOCIAL SECURITY NUMBER GRADE/STATUS
A COMPANY 115 EA	
In Tanders West	ON a parrol and
we Just windered out	pared wes were
driving the badley's	
confer with make	har was out after
pulling society whi	사람들과 살아 그리고 하는 한다면 하는 이 사람들은 사람들이 가는 사람들이 되었다.
Bridles white 2	determent like drove a
was dropped ramp	by the Bridge 1st
OUF I uncuffed	the deternees My teamleader
of and left the who	to up Then we loaded to white at
the wost 66-5, byc-5	
8:5A b6-1, b7c-1	
A! SPC 166-5, 676-5 Q: Do you know the date in Janua	
A, No	y det my proposition
O: Whe did you stop the vehicle	
A I done Know because I was	in the Buck of the Badley I
a what time did you stop the ve	hick?
At I'L Was after the 2300	corfens
A! Blue Truck I believe	Blace Flatbed truck
a! O'd you have an interreptor with	you?
A: No Q1 Old the Ivage's put up a fight w	then you detained them?
A. I don't know thisting depart	
EXHIBIT INITIALS OF PERSONNAKING STA	ATEMENT 5,57C-5 PAGE 1 OF 5 PAGES
INITIALED AS "PAGE OF PAGES." WHEN ADDI	NG "STATEMENT OF TAKEN AT DATED CONTINUED." THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE TIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE O ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

66-5,616-5

TAKEN AT MUSHAD HOUSE DATED 16 JANEY

CONTINUED

a) Do you know who detailed the Irapis?
N. I believe Ste 100 665,6765
Q! How long did it take to detain the Fragis!
A! Just long enough to search the vehicle the Tray is and
deren Hem
O: Where were you pulling security at ?
A Down the Chreat
Di Were was the white + Tragis in relation to you when you were pulling
seturity?
Al Behind me
Os Which vehicle did they place the detainer in?
At All
ai which vehicle were you riding in?
AL AII
Q: Work did the detalues sit in A-11?
At on the floor
Q' Were did you sit in A-11?
Al Corner side closes to the front best hand side
as Do you know the names of the Iragis detained?
A) NO
Of bescribe the Fragis detained?
A) I think one was kind of fat the other was
smaller.
di What were they wearleg?
AT I can remember
Q'. What color hair and eyes did they have?
M & don't Know
Oi old they have any facial hair?
Al E'm hot sive
a: Were the detaines talking when they were in the vehicle?
A. I don't Know the Bradley 15 to love
a! After your detained the trugis how for did you drive before you stoned
to releve thom?
66-5, 67C-5
INITIALS OF PERSON MAKING STATEMENT: PAGE Z OF 5 PAGES
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000072

STATEMENT OF SPE

FILE NUMBER: (011-04-1444-79670

TAKEN AT BOSHI MOVA DATED 16 Jan 84

CONTINUED

Al I don't Know
al what is the bridge located where you released the detalues?
A I done know where the bridge to located I'm not
femilies while are became were out of Balack
a) What were you doing in Samarra?
Al Were attacked to come up here and eliminate
antia coulting resistance
a When did you arrive in Sanairs &
It Middle of December
B. When are you going back to Malad?
At I believe in 300 4 dags
Or When you stopped to releve the detalker who disnounted the vehicles?
Al Sgs Soc and myself 66-5,676-5
at Did anyone remain in your vehicle! 66-3, 67c-3
A! Sgt. (Medic) Lt. (BC.) Driver - Spr Ein
not son 06 who was goinning 66-5,67c-5
a. Who everyone dismounted what did stitumented.
A Supervised the release of the determines
At what did SPI do when he dismonsted the vehicle? 66-5,676-5
Al Gave me a Knife and pulled security
At What did you do when you dismounted the websele?
At Come our behind the valuele and I cut the
8 5 Surpr on the determent
a! What did you do with the cut zipstrips?
At I believe we less them on the ground. Or Mid anyone say any thing to the detainers when you dismounted the wehide?
A little T cur the Zipstrips Set told them to
at the Tragil Have when sor told them to go!
At Last I gen they were walking towards the right side
Al all to Tall the Tall the
O' Und you push the Tragis in the water?
Λι. <u>ν</u> ο

INITIALS OF PERSON MAKING STATEMENT:

66-5,67C-5

PAGE 3 OF 5 PAGES 015313 000073

FILE NUMBER: 6011-04-CE1464-74630

TAKEN AT MOUSHAND MONTH DATED 16 74 14

a old you know one of the Irogis couldn't swin?
A) No
Si WW it your intention to Will the Fragist
At Mb we had no insension we didn't do anothing
to have then they were good there when the
Q! How long were you at this location when you released the trager?
As Immute at the most
al old you witness pay his soldiers push the tragis into the water?
A No because It didn't happen
Of Did you ever disuss with anyone about killing the Iroquis you fast
detained
Al No
Q: Why and you release the Iragis?
A) I was ordered to by Sat 56-5, 67C-5
Qu Do you know your SOP in regards to releasing individuals you just
ketalited?
A: 4.
a what is the sof?
At one person cut the cutte while the others pull
Seewily
Or why would you ortain an individual and refeace them a few minutes later
at a different location?
At I don't know there not my decision
Of Hove you seen this hopen before in regards to releasing detailers at a
different location?
At No
a: Once you released the detailers were did you go!
A Buck in the truck and then back to Bress Leld
a! Old amone report back to higher that these individuals were released
at this location?
At I don't Know there above me.
at How close was the water when you cut the zip strips off the detainer?
INITIALS OF PERSON MAKING STATEMENT: 665,646-5 PAGE 4 OF 9 PAGES
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ru.						· · ·
What side of t	Le sead di	d you ru	leve the	detalnes on?		
عامرون ولمرا		ile Bo				
Do you have any	. Ula die	to all	I. Hard	JAMPA H		
to the first of the second of		I WALL	665,67			
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	Fot use of this form,	NG PROCEDURE/WAIVER CERTIFICATE 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, Se To provide commanders and law Your Social Security Number is u Disclosure of your Social Security	enforcement officials with means by which informat	ion may be accurately in to facilitate filing and n
1. LOCATION - TAX	en at Samarra, I. u Police (Det)(CID)	09333 16 Jan 04 1359	4, FILE NO.
5 NAME (Lest First MI) 6 SSN	b GRADEIS	6-5, 8. ORGANIZATION OR ADDRESS A CO / 8 th Lof Co.	
	SQT PART I - PICU	TS WAIVER/NON-WAIVER CERTIFICATE	APO AE
Section A. Rights	LAW IT NIGH	13 WAITER/NON-WAITER CERTIFICATE	
do not have to answer Anything I say or do can For personnel subject of	any question or say anything, be used as evidence against me in a cri he UCM. I have the right to talk privat	he/she made it clear to me that I have the following rights: minal trial, ely to a lawyer before, during, and after questioning and to he for at no expense to the Government or a military lawyer det	ave a lawyer present with m alled for me at no expense t
will be appointed for me	before any questioning begins, customers to the top before any questioning begins, customers the offensels) under investigation, wyer before answering further, even if I see the control of the customers are the control of the customers.	or - or - ivately to a lawyer before, during, and after questioning and that I arrange for at my own expense, or if I cannot afford a lewith or without a lawyer present. I have a right to stop answering the waiver below.	wyer and want one, a lawy
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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

USAPA 2.01 0000.76

FOR OFFICIAL LISE ONLY.

SWORN STATEMENT

	File Number: 0011-04-CID469			66-5,67c5
	location : Samarra, Iraq API	OAE 09323	Time: /457	66-5,61c-5
	Date : 16 Jan 2004	063 674-3		
	Statement Of: SGT		Grade/Status: SGT/E-5	
	SSN Org/Address : A Co, 1/8 th Inf Co,	રા ^ત Bde, FOB Brassfiel	ld/Mora, Samarra, Iraq,	
	APO AE 09323	5	(t. fallewing statement	
	I, SGT	want to make	the following statement	
•	under oath: I don't remember in	e date exactly but it wa	egan patrolling the city o	f
•	beginning of Jan 04, my platour	, willow and it and	led at 2400 that night. I'	m ·
	Samarra. Our shift started, I bel not sure how many vehicles wer	e in the convoy. But I	know it was at least four	•
	not sure how many vehicles wer vehicles and they were all Bradle	eys. I don't remember	who was all in each	
	vehicles and they were all Bradle Bradley and I don't remember w	here my vehicle was in	the convoy because I	■ 66-5, ■ 670-5
	was in the back of the bradley a			
bb-5, -	and SPC		what his name	66-5,672-5
61C-5	A11. The platoon leader, LT			
	was and the gunner, SPC night, after we had been doing v	TO THE ELECTION COMOF	ta we wele blokes se -:	y .
	night, after we had been doing voor vehicle again and we were	enroute back to FOB B	rassfield/Mora. Un trie	
	our vehicle again and we were of way back, we stopped, we all go	ot our of the vehicle and	d I saw a write truck or	•
	way back, we stopped, we all go the road. There were two guys	in the truck. The truck	ember who walked to the)
;	when I saw it. I walked up to til	e truck and recke	d them for Identification	ing Managaran Managaran
	truck with me, but we searched	The best bod identific	ation but one guys ID di	d
	and we searched their vehicle, not match him. I can't rememb	er which guys didn't ma	atch. Myself and SPC	nd
66-5	went up to the LT and	I told him that one of th	e guys ID didn't match a the Bradley. And that's	ıı
bx-5	he told me to detain them and p	out them in the back of	the Brauley. And that's	i
	what we did. We put the flexy	Cuits of the for 2	n meters like they are	`
	A11. They did not return to the	ell track and dive	did not get back into the	<u> </u>
	reporting. Once we removed to truck. After we got them in the	Bradley I was assumin	ng we were going to take	
	truck. After we got them in the them to the EPW camp or the	CMOC but we didn't. V	Ve had them for about 1	, .
	ar a land and the convolving wa	s still moving. But we s		<u> </u>
66-5 67C-5	yelled out to let use	detaillees go.	irst then SPC	ot 66.5,61C-5
		to see what was going	on. He told me we were	, 66-5, 676-5
	out, and I looked up at the LI going to let them go. That's w	hen I told SPC	and SPC	06.0101-0
	in lating and them out of the bidult			ut ,
	Landouffad We nevel Covere	U IIIOII IUUUU.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1665,6765
	the Flexy Cuffs and SPC	but the	cuffs on both the guys.	65,61c.5
100	him to cut the curs. I will to	102 or or a 102	ad and it was dark and it	
66-5	SPC was pulling ooo.	i dan't br	now what these duvs are	
Die	never saw the stream of wate talking about. WE cut the cuf	fs off and left them ther	e on the side of the load	e i
	EXHIBIT	INITIALS: I I	PAUL 9. 22	G⊑S
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				000077

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

Brassfield/Mora. 661, b7C-1. Q: SA

66-5,67C-5 A: SGT

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

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

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

A: I don't know

Q: Can you describe the two individuals?

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

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

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

A: Nò.

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

A: No.

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

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

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

A: I don't know.

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

A: Yes.

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

A: No.

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

A: No.

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

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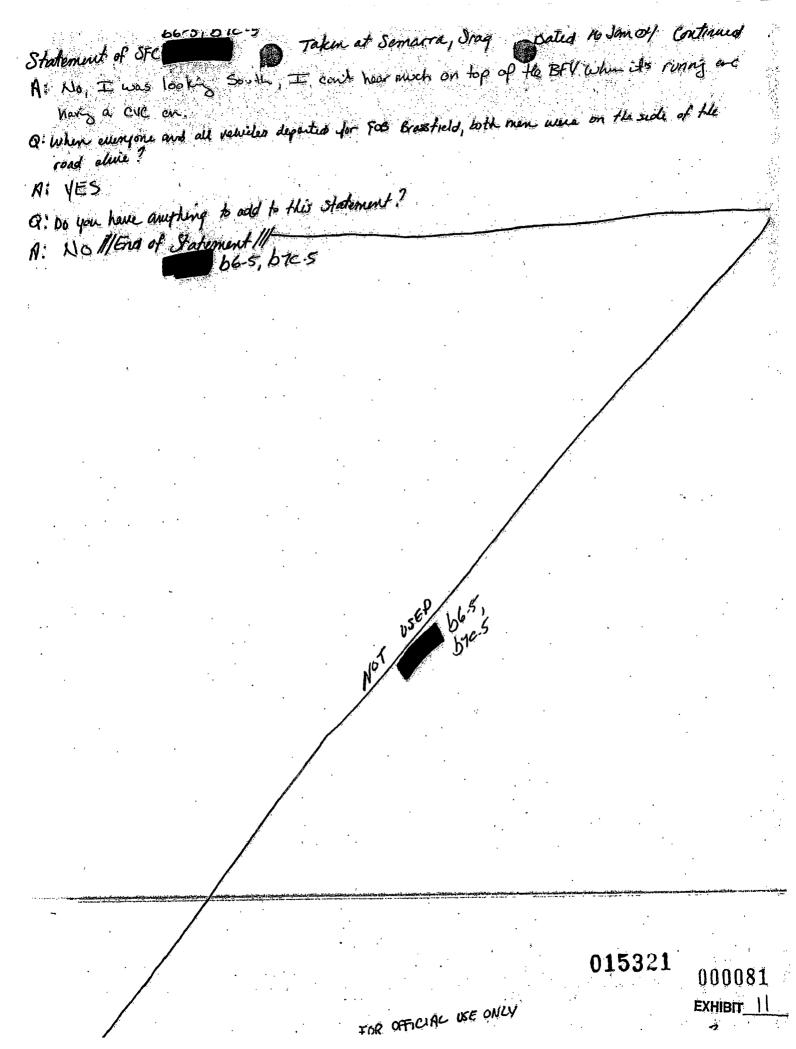
PAGE 3 OF 3 PAGES

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015319 EXHIBIT 10 00079

		CHOON STAT	CRICKIT		
	For use of this	SWORN STAT form, see AB 190-45; the	EIVICIVI e proponent agency is ODCSOP	S .	
		PRIVACY ACT ST	ATEMENT		
AUTHORITY:			51; E.O. 9397 dated November		
PRINCIPAL PURPOSE:			ials with means by which inform I/alternate means of identificati		
ROUTINE USES: DISCLOSURE:		security number is volunt			
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8. ORGANIZATION OR	ADDRESS		NO AF 69323-2598		
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and was search	is it. Maybe =	3-5 minutes lat	er My Section Links	ed-up with the	isi
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ACLU-RDI 1557 p.79



ACLU-RDI 1557 p.80

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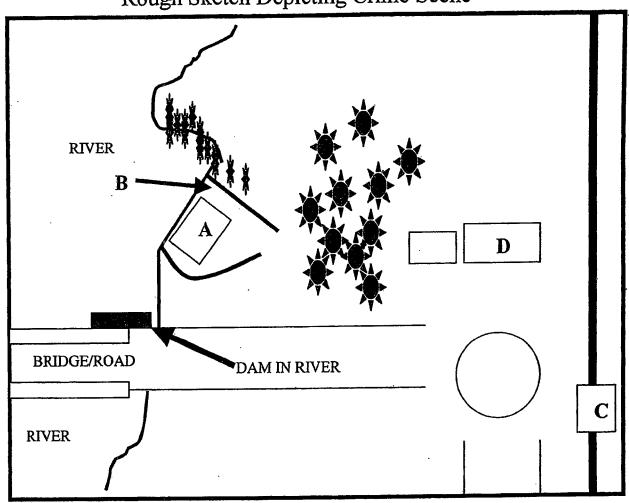
		SWORN STATEM	ENT	S	
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MUST BE BE INDIC	CATED.		III 70 IS ORSOLFTE		USAPA V1.

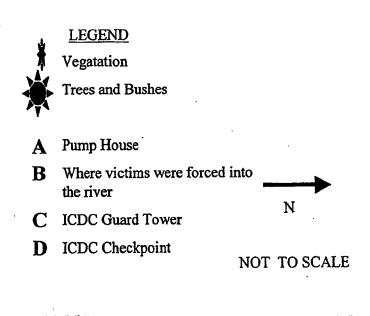
Taken at Samorra Iraq sated 16 Jm of Continued Statement of ICT Yes. Although I has set to the SW and W. I observed the squad searning the vehicle. 9. Did you over observe and rough handling of the Iraque? A: No. Q: Were you wearing ove? A: Yes. Q! Did you observe the release of the Iron is. A: 425. O' Did you observe any rough handling of the Irapis at any time during their encounter wi US A: No. Q: Did you hear any threats that were made to the anaple or onegone telling them to jump off the bridge? A: No. Q: As all vehicles departed, where were the 2 Dragis! N: Standing in a small, gravel open area on the N side of the road. They were approximately 10-15 m from a pump house. Q: Do you have anything to add to this statement? A: No MEND of Statement 111 66-5, bx.5 used b6-5, 61C5 015324 000084 EXHIBIT_12 OFFICIAL USE ONLY

		•		
STATEMENT OF 127				
STATEMENT (Continued) 66-5, 646-5	TAKEN AT	marra Iraq	DATED 16 Jan 0	W
. STATEMENT (Cantinued)	•			
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<i></i>				•
b65, b4c-5				
	AFFIDAVIT			
WHICH BEGINS ON PAGE T; AND ENDS ON PAGE 3 BY ME, THE STATEMENT IS TRUE. I HAVE INITIALED CONTAINING THE STATEMENT. I HAVE MADE THIS ST THREAT OF PUNISHMENT, AND WITHOUT COERCION, I	ALL CORRECTIONS AN ATEMENT FREELY WIT	ND THE CONTENTS (ND HAVE INITIALED T THOUT HOPE OF BEN E, OH UNLAWFUL INI	THE BOTTOM OF EACH PETT OR REWARD, WITH DUCEMENT. 6-5, 610 Taking Statement)	NT MADE AGE OUT
MITNĒSSES:	Subščíjí eteloľenta	bed and sworn to bel	ore me, a person authoriz	ed by law to
	at <u>Cp</u> _	r oaths, this 16	oay of Umuary	2004
		18 C. W. C. Land Barren and State of	Para Para Para Para Para Para Para Para	b6-1
ORGANIZATION OR ADDRESS			SVII Administering Cath)	61C-1
	nesses at the first of the control o	SA T	66-1	
		(Typed Name of P	erson Administering Oath	<u> </u>
DRGANIZATION OR ADDRESS		Art Bu UC	カブ o Administer Oaths)	
TIALS OF PERSON MAKING STATEMENT	b6-5, 6		015325	000085
SE 3. DA FORM 2823, DEC 1998			PAGE S OF 3	PAGES

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

Rough Sketch Depicting Crime Scene





TITLE BLOCK

CASE #: 0011-043-CID469-79630

OFFENSE: Involuntary Manslaughter

and Aggravated Assault

TIME/DATE PREPARED: 1630/16

Jan 04

SCENE PORTRAYED: Overview of

bridge area, Samarra, Iraq

LOCATION: 38S LC 9386 8451

VICTIM: Mr. FADHIL and Mr.

676-4,66-4

SKETCHED BY: SA 67C-1, 66-1

VERIFIED BY: SA 67C-1, 66-1

FOR OFFICIAL USE ONLY

Exhibit 13 015326

Photographic Packet

Case Number 0011-04-CID469-79630

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

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Exhibit 14

015327

Page(s)

97-102

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

RIGHTS WARI, ING PROCEDURE/WAIVER CERTIFICATE

AUTHORITY: PRINCIPLE PURPOSE: ROUTINE USES:

LOCATION: Tikrit, Iraq

Tide 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

DISCLOSURE:

to facilitate filling and retrieval. Disclosure of your Social Security Number is voluntary,

DATE: 20 Jan 04

66-5,67C-5

FILE NUMBER: 0011-04-CID469-79630-5H1-5H7 NAME (Last, First MI):

SSAN:

GRADE / STATUS: SGT

ORGANIZATION OR ADDRESS A Company, 1/8" Infantry, Ft. Carson, CO. 66-5,67C-5

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 Special Agent and wanted to question me about the following offense(s) of which I am suspected/agent and Murder/Attempted Murder

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

o not have to answer questions of say anything.

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

(For personnel subject to the UCMI). 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 of 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 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.

COMMENTS:

I understand my rights as stated above. I am now willing to statement without talking to a lawyer first and without having	discuss the offense(s) under investigation and make a ag a lawyer present with me. 66-5, 676-5
\$6-1,67c-1	
Signature of Withouse SA	16-15-0-1
Witness# 2	26-1,570-1
Signature of Witness	Signanure of investigator/Special Agent
	10TH MP BN (CID) BAGHDAD, IRAQ
NON-WAIVER (I do not want to give up my rights: I want a lawyer: I do	
Signature of Interviewee:	
DA Form 3881-E	

015338

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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

AUTHORITY: PRINCIPLE PURPOSE:

Title 10, United States Code, Section 3012(g)
To provide commanders and law enforcement officials with means by which

information may be accurately identified.

ROUTINE USES:

Your Social Security is used as an additional/alternative means of identification

to facilitate filing and retrieval

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

LOCATION: Tikrit, Iraq

FILE NUMBER: 0011-04-CID469-79630-5HJ-5H

DATE: 20 Jan 04

NAME (Last, First MI):

ORGANIZATION OR ADDRESS: A Company, 1/8 Infantry

GRADE/STATUS: SPC

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation

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. I do not have to answer 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 UCMI) 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 the right o 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#1 661,676-1	K 6125
Si SA	Signature of interviewee
Witness# 2	66-1, 67C-1
Signature of Witness	Signature of Investigator/Special Agent
	10TH MP BN (CID) BAGHDAD, IRAQ
NON-WAIVER CE I do not want to give up my rights: I want a lawyer: I do no	RTIFICATE
I do not want to give up my rights: I want a tawyer: [] I do no	of want to be questioned or say anything.
Signature of Interviewee:	<u> </u>
DA Form 3881-E	

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000104

EXHIBIT_

FOR OFFICIAL USE ONLY

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

<u> Kigai</u>	S WARNING FROCED		Andreas
AUTHORITY: PRINCIPLE PURPOSE;	Title 10, United States Code, Section 30 To provide commanders and law enforce	cement officials with means by which	··· .
ROUTINE USES:	information may be accurately identifie Your Social Security is used as an addit	ed. tional/alternative means of identification	
DISCLOSURE:	to facilitate filing and retrieval. Disclosure of your Social Security Num	ber is voluntary.	
NAME (I set Firet MI)	-0 <u>4-CID469-79630-5H1-5H7</u> b С =	GRADE/SIAIUS: SEC	žě.
The investigator whose Command as a Special suspected/accused. Mi Before he/she asked me following rights: 1. I do not have to ansulation of the command in	RIGHTS WAIVER/NON- name appears below told me that he/ Agent and wanted to question me about the offense (s), he any questions about the offense (s), he can be used as evidence against me act to the UCMJ) I have the right to the a lawyer present with me during questions or a military lawyer detublect to the UCMJ) I have the right to the a lawyer present with me during questions or if I cannot afford a lawyer of discuss the offense (s) under investigation and the content of the cont	WAIVER CERTIFICATE /she is with the United States Army Criminal In out the following offense(s) of which I am however, he/she made it clear to me that I have	e the ter I arrange after one that I me before ave the right
waiver below. 5. COMMENTS:		66-5,	676-5
I understand my rights statement without talki	ing to a lawyer first and without having	discuss the offense(s) under investigation and ing a lawyer present with me	
Witness# 1	66-1,670-1		
Signature of Witness		b6 1	1,67E-1
Witness# 2			
Signature of Witness		Signature of investigator/Special Agence	66-1,676-1
		10TH MP BN (CID) BAGHDAD, IRAQ	
I do not want to give u	NON-WAIVER up my rights: I want a lawyer: 1	CERTIFICATE do not want to be questioned or say anything:	о П
Signature of Interview	/ee:		
DA Form 3881-E		n de la companya de la companya de la companya de la companya de la companya de la companya de la companya de	likke ei is ein manskille eige Linke likke job Tänklinmand is kenn else en ver

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FOR OFFICIAL USE ONLY

000105 EXHIBIT____0

	FOR USE OF THIS FORM	SW M, SEE AR 190-45; THE I	ORN STAT	EMENT	THE DEPLITY OF THE		<u></u> .
						. Ot Stykk FO	K
	LOCATION Tikrit, Iraq	DATE:		FILE NUN		•	
	rikin' nad	21 Jan 04	- ON Y	0011-04-C	D469-79630-5H	Ļ.	
	NAME:	SOCIAL	1016-51	Man a			
		SUCIAL SI	CURITYNU	MREK: G	RADE/STATUS	į.	
			66-5,6	7 C-5 B	-4/RA		
	ORGANIZATION	į A Company, 1/8	th Infantry, Ft. (Carson, CO			
•	I	want to make th	e following st	tement und	er nothi		
	I would like to corre	ect some of the fall	icies in my stati	ement	-	∸ :=:	
		d & S(T	& myself oc	t out of the Bradl	w. 16-5	67e-5
6-5,	and I w	atched the EPW'S	WILLIE OLT L	WATER	t to coo what was		
1C-5	He came back and to	old us to bring the l	EPW'S to the e	ge of the wa	let Trefficed to b	لاؤتكم أستدعون	•
	So I stayed by the Bi	rads. See at the beg	inning of the n	atrol SFC	and sold a	e apart of it	- bre
116	radio mat any curicy	W DICARCIS ME SEL M	oma de dut in	ine river. Sca	R.	· .k / _ e=	Line
66-5, 516-5	went be	hind some concrete	dividers I hea	rd á enlach '	They come book a	. Carrie	016.5
714-5	seconds later. As we	e were mounting th	e Brads, I though	tht I saw 2 pe	ople on the penin	sula	
	Q: when you say E	PW'S, what are you	referring to?		¥ p	J	
	A: Enemy Prisoner						•
	Q: What do you me	an by curfew beake	rs?	:			
	A: Iraqi's out after o						
	Q: What time is cur	few?			i		
	A: I am not sure.	A STATE OF THE STA		1 44 4	•		
	Q: Can you further i		66-5,				•
	A: He is my Platoon	Sergeant. I believ	his first name	is 6	6-5,670-5		
	Q: Can you tell me v	who was on patrol t	hat night from	our platoon?			
	A: My entire platoor		e.	•			
	Q: How many soldie A: About 32.	ers are in your plato	on?		•		
	Q: How many Bradle A: At least four.	ey's were in the cor	ivoy?				
		vá notnal datatu tl	EDIV (CO	-			•
•	Q: What time did yo	ur pairoi detain the	EPW 'S?	•			
	A: I do not know, I v Q: Why were they de	vas lūst rom mež Al	plated the curie	w.			
	A: I was told because	eamous			•		
	Q: What happened w	hen they were deta	nedů				
	A: Initially they were	searched and their	ucu: vehicle was ca	robod There	·		·
	because one of them s	showed us what we	helieved was sea	foko ID com	were initially det	ained	
	us with what we belie	ved to be his correct	t ID card so w	iakę ID card.	Soon after, he p	resented	
	back into their truck f	or about a minute	out before we le	e were told to	release them. If	iey got	
	cuff them and put the	m into the Bradley	Then the conv	or geborta Tr we wele fo	id to detain them	again,	
	Q: Why were they de	tained the second ti	me?	by departs.	•		
	A: Ordered to.			the same and the s			
	Q: Who gave the orde	er?	65, 6K-5				
	EXHIBIT:	• •					
·	DA FORM 2823E	INITIALS:	<u> </u>	PAGE	OF	PAGES	
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		FO	R OFFICIAL USE	ONLY	0153	41 EXHIE	<u> </u>

	SWORN STATEMENT	
٠.	FOR USE OF THIS FORM, SEE AR 190-45: THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL	
•	SWORN STATEMENT OF SPC 21 JAN 04, CONTINUED:	
66-3	A: SSG gave the order to us, I am not sure who told him. He had to have been told	
676-3	by the LT or the PLT SGT, as they are the only two that out rank him.	
	Q: How far did the convoy drive before they were removed from the Bradley?	•
	A: Not a clue.	
٠.	Q: How long were you in the back while the convoy was moving?	
	A: I am not sure, maybe less than 30 minutes.	
	Q: When they were defained did you hear any communication about throwing them into the	
	river?	
	A: No, only the talk earlier in the night.	
	Q: Why were the detainees not brought to a detention facility?	
	A: I am not sure, it is above my level.	
•	Q: What is the SOP for your unit pertaining to detainees?	
	A: It depends what they were detained for. Some we have released and others we have	
	transported to the detention facility.	
1-1-5 =	Q: Who actually threw the 2 men into the river? A: SGT and SPC are the two that escorted them to the rivers edge. I	•
10.5	A: SGT and SPC are the two that escorted them to the rivers edge. I could not see if either of them threw them in from my vantage point. But I did hear a splash.	
ر کے ا	Q: Who actually gave the order to throw the EPW'S into the river?	*
	A: I am not sure if that was the actual order given. The order could have been to release them or	
	to specifically throw them in the river, I just don't know.	
	Q: How far were you away from the detainees when they were pushed into the river?	
	A: 40 meters maybe.	
	Q: How many people had eyes on the spot where they were pushed into the river?	
16-5;	⇒A: I would say two, and and an analysis of the same	
h 10-8	⇒0: Did and and/or say anything when they returned to your location?	
	A: SGT said that they were crawling out.	
	Q: You initially put into your statement tonight, that you saw two people on the bank when you	•
	were leaving, then added "I thought I saw", can you explain?	
	A: Because of my location, the distance away from the area in question, wearing night vision	
•	goggles and other factors, I cannot say that I saw two people standing there with 100 % certainty.	
	Q: Did anyone speak with you or members of your platoon after the fact, about not cooperating	
	with the investigation?	
	A: We discussed what we were going to say. We agreed on a version of the truth. The LT and	
	SFC gathered the three of us and a second and I) to make sure we were	
	all firing on the same page, bb-5, b7c-5-91	
	Q: Did the LT or SFC threaten any of you if you told the truth?	
•	A: No.	•
	Q: What was the agreement or the story to be told by all of you at the conclusion of that	
	meeting?	
	A: We agreed to say that we detained the two Iraqi's, released them, last seeing them standing	
	on the side of the road.	
-	Q Have you or any members of your unit been physically in that river?	CONTRACTOR OF STREET
	A: Yes. 66-5, 67c-5	
	Q: Who?	
	EXHIBIT: PAGE 2 OF 5 PAGES	
	DA FORM 2823E	ก่อกรถ

015342 000107 EXHIBIT 20

SWORN STATEMENT
FOR USE OF THIS FORM, SEE AR 190-45: THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR
PRESONNEL
SWORN STATEMENT OF SPC 21 JAN 04, CONTINUED:
A: LT 665, 676.57
Q: When did he go into the river?
A: A few days later, maybe a week after the incident. It was after he sat us down to talk to us.
O: Why did he go into the river?
A. I think to prove to himself that we didn't kill anybody.
Q: Did he go in alone?
A: Yes
Q: What did your patrol do to their vehicle after they were detained?
A: As far as I know we left it on the side of the road. I do not remember anyone touching the
vehicle after we detained them.
Q: Have any members of your unit conducted such acts in the past?
A: Yes, they threw another Iraqi off of a bridge before. I was told he survived.
A: Yes, they threw another tradi off of a bridge before. I was told lie survived:
Q: When did this take place?
A: A couple of months ago. Q: Who actually threw him in the river? 66-5, 61c-50
Q: Who actually threw him in the river
A: I was told it was so I
Q: What bridge was used?
A: I am not sure.
Q: What city did it take place in?
A: In Balad. They said it was a floating bridge.
Q: Who was there that night?
A; I was not there that night, so I am not sure. But it was common knowledge within the
platoon. I think that is where they got the idea from for this incident.
Q: Do you know why they stopped this individual and why they threw him into the river?
O. Do Aoft Kilom Mith tites stobbed tills marking my and kind med arrest imm men are 11.11.
A: I do not know.
Q: How did members of your platoon initially hear about the man dying?
A: We were old that there was an e-mail going up the chain of command.
Q: Who told you? 66-51 676-5
A: LT Company or SFC
Q: I provided you with a photograph of the area near the bridge which is marked. Are the
marking on the photograph made by you?
A: Yes.
Q: What do the markings represent?
A: The location where they stood near the river, my location and the location of the Bradley's.
And the location where I thought I saw the two Iraqi's as we were leaving the area.
Q: Other than who is mentioned in this statement, is anyone else aware of the truth about what
occurred that night? <u>b6-5, b76-5</u>
A: Yes, my company commander, CPT
with us about the version of the story we agreed upon.
Q: Is CPT was a ware of the fact that members of his unit pushed those two men
into the river? 66-5, 670-5
A: I'm not sure if anybody was pushed for sure into the river but I know CPT
knows the guys were in the water.
O. TT is a fine at a fine at a fine intermity?
EXHIBIT: INITIALS: PAGE 3 OF 5 PAGES
DA FORM 2823E 66 5, 610-5
DA FORM 2823E
Q: How were you heated during this interview? EXHIBIT: INITIALS: PAGE 3 OF 5 PAGES DA FORM 2823E

SWORN STATEMENT

FOR USE OF THIS FORM, SEE AR 190-15: THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL 21 JAN 04, CONTINUED:

SWORN STATEMENT OF SPC

A: Very well.

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

A: Yes.

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

A: Yes.

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

66-5, b1C-5

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

A: R/55

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

A: Yes, I am concerned about returning to my unit now that I have told the complete truth. I am concerned that members of my unit will want to harm me when they discover that I am the one that told the complete truth. I war they will try to physically hurt me. I prefer to not go back to my unit or any other unit within my brigade.

Q: Anything else?

A: No.///END OF STATEMENT//

66-5, 67C-5

	665,510	5					
EXHIBIT:	INITIALS:	PAGE_	4	OF _	5	_PAGES	
DA FORM 2823E	CAN OPPLAIN					,	000

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015344

EXHIBIT

SWORN STATEMENT

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

SWORN STATEMENT OF SPC

21 JAN 04, CONTINUED:

Not USED 66.5, 676-5

b6-5, 67C-5

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON

PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL

INDUCEMENT.

66-5, 67C-5

SIGNATURE OF TEASON MAKING STATEMENT

WITNESS:

54-1, bz-1 SUBSCRIBED AND SWORN TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS, THIS 21st DAY OF JANUARY 2004, AT TIKRIT, IRAQ

66-1, 67E-1

SIGNATURE OF PERSON ADMINISTERING OATH

b6-1, 67c-1

TYPED NAME OF PERSON ADMINISTERING

665, 61C-5

ARTICLE 136 UCMJ AUTHORITY TO ADMINISTER OATH

EXHIBIT: INITIALS: DA FORM 2823E

PAGE <u>5</u> OF <u>5</u>

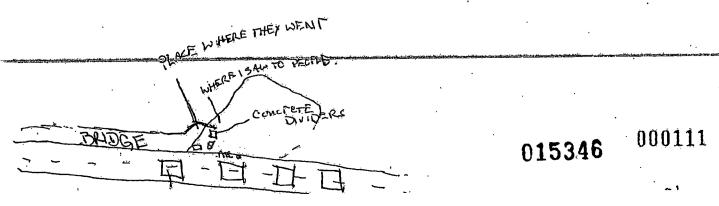
PAGES

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015345 EXHIBIT 90

I would like to correct some of the falacies in my statement. ab the Bradily of SGT of myself got out of Justichial-IL Epwis while SGT what to see what was going on. He came back a told us to wring the Epwo to the Edge of the water. I refused to be apart of it, so I stayed by the Brado. See at the beginning of the patrol SFC. bbs, btes

any certain breakers we get would be put in the river. SGT. arent behind some concrete deviction. I leard a splash They can back a few seconds later as we were mounting the Brook of some 2 people one the perinsula



BATES PAGE 15347 IS A PHOTO REVIEWED IN ACCORDANCE WITH CRITERIA PROVIDED IN PRIOR IN CAMERA SESSIONS AND HAVE BEEN DETERMINED TO BE NONRESPONSIVE



DEPARTMENT OF THE ARMY 10th MILITARY POLICE BATTALION (CID) THIRD MILITARY POLICE GROUP, USACIDO 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 6th 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

OCATION OF EXAMINATION, TIME, Imag

SUBJECT EXAMINED Ft. Carson, CO 80913;

A Company, 1/8th Infantry,

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. 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. 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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was interviewed by USACIDC and stated he and Mr. FADHIL On 16 Jan 04, Mr. 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 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. 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. 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. 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. 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 form the ICDC check point and they were un-cuffed and instructed to stand near the bridge. Mr. 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. 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. stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. 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. 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. 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. NFI): PFC They were, PFC NFI). Each of them stated they recalled the two YNFI); and CPL 107C-5 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 They said he was war L-4 individual approaching their check point, later identified as Mr. 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.

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 Company, 1/8th 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 he was denied permission and the convoy all proceeded with the detainees in the front BFV, and their vehicle left behind undamaged. SSG 2-06 related that a few minutes later the convoy stopped and he heard the detainees were 676-5. being released because of a shortage at the detention facility. SSG convoy drove away he observed the two detainees standing near the bridge. SSG 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 A Company, 1/8th Infantry, was interviewed and denied any wrongdoing pertaining to this investigation. 1LT 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 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 contained 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 contained to remove the flexiculfs and release the detainees. 1LT 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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side of the road as the convoy drove away. 1LT denied he ordered, witnessed, or had any knowledge of the two detainees being thrown into the river. On 16 Jan 04, SPC A Company, 1/8th Infantry (, was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC stated after the two Iraqi's were detained they drove a while and then the convoy stopped. SPC stated they were directed to release the two detainees, so he SGT and SPC exited the BFV with the two detainees. He stated SGT supervised SPC provided him with the knife and then pulled security, while he removed the cuffs from the two detainees. SPC stated that after the cuffs were removed, SGT 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 A Company, 1/8th Infantry, was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SGT 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 Iragi's. SGT 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 told him to release the detainees; so he, SPC and SPC the vehicle, removed the cuffs, and left the two Iraqi's standing on the side of the road. SGT 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 matches the description provided by the surviving victim of the individual that pushed Mr. FADHIL from the bridge. SGT 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. The other three soldiers (SGT) SGT and SPC all of A company, 178th 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 was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC 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 and SGT exited the BFV and he pulled security, SPC removed the cuffs, and SGT supervised. He stated they escorted the

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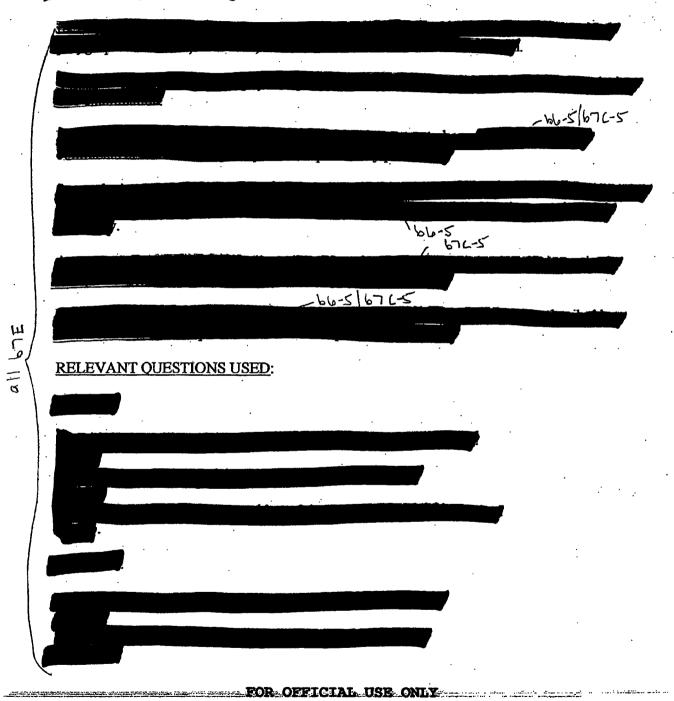
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two detainees near the bridge on the right side of the road, removed the cuffs, and SGT told them (the detainees) to leave. SPC stated the last time he saw the two detainees they were standing on the side of the road as the convoy departed. SPC was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

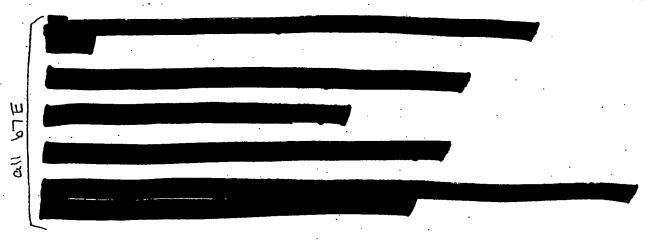


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	The second secon	1-90; the proponent agency is ODCSOPS
	DATA REQUIRED	BY THE PRIVACY ACT
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 10, United States Code, Section 301. To provide commanders and law enforcem Your Social Security Number is used as an Disclosure of your Social Security Number	ent officials with means by which information may be accurately identified additional/alternate means of identification to facilitate filling and retrieval.
LOCATION BUILDING AN	Camp Bronhoise, Tikni, I	2. DATE S. TIME 4, FILE NO.
, NAME (Last, First, M		8. ORGANIZATION OR ADDRESS A Company, 1/8 th Infantry BN, 3 BCT
SSN	GRADE/STATUS OJ / AD	Balad, Iraq APO AE 09323-2598
	66-5,670-5 PART I - RIGHTS WAIV	ER/NON-WAIVER CERTIFICATE
Section A. Rights		
Before he/she asked me any do not have to answe Anything I say or do co For personnel subject during questioning. The or both. (For civilians riot subject me during questioning. Will be appointed for me	questions about the offense(s), however, he/she mer any question or say anything, an be used as evidence against me in a criminal trial, othe UCM. I have the right to talk privately to a latic lawyer can be a civilian lawyer I arrange for at no act to the UCM. I have the right to talk privately to it to the UCM. I have the right to talk privately to it inderstand that this lawyer can be one that I arrange before any questioning begins.	wyer before, during, and after questioning and to have a lawyer present with me expense to the Government or a military lawyer detailed for me at no expense to me, - or - a lawyer before, during, and after questioning and to have a lawyer present with nge for at my own expense, or if I cannot afford a lawyer and want one, a lawyer intout a lawyer present, I have a right to stop answering questions at any time, or
5. COMMENTS (Continu	uë on reverse side)	
5. COMMENTS (Continue) Section B. Waiver	uë on reverse side)	
Section B. Waiver	tated above, I am now willing to discuss the offense	(s) under investigation and make a statement without talking to a lawyer first and witho
Section B. Waiver I understand my rights as s having a lawyer present wi	tated above, I am now willing to discuss the offense	(s) under investigation and make a statement without talking to a lawyer first and without talking tal
Section B. Waiver I understand my rights as s having a lawyer present wi	tated above, I am now willing to discuss the offense th me. WITNESSES (If available) BE-1, BYC-1 HONE	
Section B. Waiver I understand my rights as shaving a lawyer present with the second of the second o	tated above, I am now willing to discuss the offense th me. WITNESSES (If available) LG-1, BYC-1 HONE	4. SIGNATURE OF INVESTIGATOR 66-1, b1c-1
Section B. Walver I understand my rights as shaving a lawyer present with the section of the sec	tated above, I am now willing to discuss the offense th me. WITNESSES (If available) LG-1, BYC-1 HONE	4. SIGNATURE OF INVESTIGATOR 5. ED NAME OF INVESTIGATOR 6. ORGANIZATION OF INVESTIGATOR 43 Military Police (Det) (FWD) (CID)
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Location Tikrit, In Date 22 Jan	raq APO AE 09323 2004 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	Time: /404	ļ.
Statement Of:	2004 66-5, 67c-5	Grade/Status: 0-2/AD	
SSN Org/Address : A Com	pany, 1/8 th Infantry Bn, Bal	ad, Iraq APO AE 09323-2598	
	Wal	it to make the following	
I, 1LT:	: I would prefer to just answ	er questions and not give a	
6. CA	0.5		
	6-5, bie-5	vou listaning to company of	
Q: While you are wea	aring your CVC helmet, are	you listening to company or	
platoon frequency?			
A: Both.	d to release the detainees, \	where you on the platoon	
Q: When you stopped	d to lelease the detaillees,		
frequency?	·	•	
A: I was on both.	higher chain of command t	nat these detainees were	
A: No. My chain of Co	ommand wasn't informed ab	pout the detainees being	
O. Are VOU SUDDOSEC	d to call into the higher chair	n of command that these	
detainees were deta	ined and released?		
Q: When you stoppe	ed to release the detainees,	Milicu direction more year	
scanning?		•	
A: To the west and s	southwest.	e cuffs on the detainees when	
Q: Did you instruct S		5, 67c-5	
they were released?	γ	b1c-5	
A: No.	your previous statement stat	e you told SGT	
Oncol the can on the	er telling you that before and	I that's not something that I would	•
	MINES TO COL		
		detainees?	
المنامعة خطأت بالسياد	dearing area and men i say	A file acidioto tomata	
Q: Have you been I	back to the incident location	since mat night?	
Q: How many times	s did you physically stop at i	hat location after this incident?	
A: Twice.		• • • •	
Q: Why did you sto	op?	back there to determine if maybe	
A: After the alleged	peen a third individual there.	T thought if I saw the two	******

TAKEN

66-5, 67C-5

SWORN STATEMENT OF ILT 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.

and 66-5, 67c-5 gather SGT SPC Q: Did you and SFC SPC **The two discuss what had happened with the two detainees days after** the detainees were released?

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 SGT clean up the story about what really happened to the detainees? A mo on the wording of the question, I prefer not to ensurer. and SPC 36-5, 67C-5

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and SPC

Q: Did you agree with SFC SPC SGT that you would all say that the last time you saw the detainees was

standing on the side of the road?

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

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SWORN STATEMEN & OF 1LT AT Tikrit, IRAQ, APO AE 09323, 22 Jan 04. CONTINUED

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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.

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? BFV. The driver was I believe PFC

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?

66-5, A: No, there was another time where we had taken a detainee and then we 6/c-5 released him en a noating bridge in a BALAD, IRAQ. This detained 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?

665,676-5 A: No.

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

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66-5,676-5

SWORN STATEMEN (OF 1LT 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.

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

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?

A: I don't know for sure who released the detainees but it was members of SGT 66-5,676-5 team te include SGT

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

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

to take the detainees into the water and release もっち、とつく・シ Q: Did you tell SGT them?

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? 66-5,67C-T

A: No.

Q: Did you see the two detainees being pushed or thorn 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. 66-5, 67c-5

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

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

what happened? \$6-5, 64c-5 Q: Did you demonstrate for MAJ

A: No. He just wanted to go to see the location where the alleged incident 66-5, 67C-5 occurred.

the events that occurred when the Q: Did you verbally state to MAJ 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... Conspice presumes guitt

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

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66-5, 676-5

SWORN STATEMEN: OF ILT

TAKEN

AT Tikrit, IRAQ, APO AE 09323, 22 Jan 04. CONTINUED

A: I was initially told 4 Jan 04, then I was told is 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 detailnees pushed or throw into the river or water after they were released? At 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 ell 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.

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	015354	EXHIBIT 2

16-5,67c-5

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

665, 67C-5

AFFIDAVIT

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. WE ULLY 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.

(Sig Making Statement)

Subscribed and swom to before me, a person authorized by law to administer oaths, 22nd of January 2004, at Tikrit, Iraq.

(Signature of Person Administering Oath)

SA

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS: b6-1, b7c-1

INITIALS:	PAGE 6 OF A PAGES	
FOR OFFICIAL USE ONLY	015355 0	00125
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RIGHTS WARNING I For use of this form, see	PROCEDURE/WAIVER CERTIFICATE AR 190-30; the proponent agency is ODCSOPS
DATA REO	UIRED BY THE PRIVACY ACT
AUTHORITY: Title 10, United States Code, Section PRINCIPAL PURPOSE: To provide commanders and law enforcements.	orcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used DISCLOSURE: Disclosure of your Social Security Nu	as an additional/alternate means of identification to facilitate filing and retrieval. Imber is voluntary,
1. LOCATION Building 215 Comp Ironhorse, Tixat,	2. DATE 3. TIME 4. FILE NO.
5. NAME Rast, First, MII. C. 663, 670-5	A CO, 18th I OF BN, 354 BCT
	AD Balad, Iraq APO HE 07323
	WAIVER/NON-WAIVER CERTIFICATE
Section A. Rights	
The investigator whose name appears below told me that he/sha is with the Commandas a special agent suspected/account MUTCLE, Conspiracy For	
Before he/she asked me any questions about the offense(s), however, he/	
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 crimina	
during questioning. This lawyer can be a civilian lawyer I arrange for	to a lawyer before, during, and after questioning and to have a lawyer present with me at no expense to the Government or a military lawyer detailed for me at no expense to me,
or both,	at the expense to the Government of a mintary lawyer detailed for me at no expense to me,
η	- or - aly to a lawyer before, during, and after questioning and to have a lawyer present with
will be appointed for me before any questioning begins.	I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer or without a lawyer present, I have a right to stop answering questions at any time, or the waiver below.
5. COMMENTS (Continue on reverse side)	
Section B. Waiver	
Parameter in the control of the cont	fense(s) under investigation and make a statement without talking to a lawyer first and without
Witteecre (If available)	3. SIGNATURE OF INTERVIEWEE
1a. b6-1, b1c-1	66-5, 67C-3
b. CROANIZATION OR ADDRESS AND PHONE APO A	4. SIGNATURE OF INVESTIGATOR 66-1, 676-1
Camp Victory, Baghdad, Iraq	
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR 16-1-57-1
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATION (Det) (FUD) (CID)
	Camp Ironhorse Tikrit, Irag APOAE 0932
Section C. Non-waiver	1
1, I do not want to give up my rights I want a lawyer	l do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE	
ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (D.	A FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED
DA FORM 3881, NOV 89 EDITIO	ON OF NOV 84 IS OBSOLETE 015356 USAPA 2.0

END ATTIOIST HOT ONLY

FOR USE OF THIS FORM,	S 190-45: THE PR	JKIN STAT OPONENTAGEN	CY IS OFFICE.	THE DEPUTY CH	IEF OF STA	FF FOR
PERSONNEL LOCATION	DATE:	TIME:	FILE NU			
Tikrit, Iraq	22 Jan 04	231D		XD469-79630-5	HI	· · · · · · · · · · · · · · · · · · ·
b6-51	SOCIAL SE	CURITY NU	MRER: (GRADE/STAT	ÜS:	
NAME: 6765	Sound		(The state of the /del>	E-4/RA	→ >:3 ·	. • .
			a			
ORGANIZATION: しんちょとで	A Company, 1/8"	"Infantry, Ft.	Carson, CO			
T	want to make	the following	statement u	ınder oath:		
I would like to corre	ct my initial sworn	statement to	clarify what	happened that n	ight We	
dismounted out of the	ne Bradley's to deta and SGT	iin 2 individu s	als that were earched the a	out after currey vehicle and deta	ined the	j rimis
security while SPC individuals. We loa	ded up in the Brad	lev drove a wa	ys, dropped	ramp, got out at	nd loaded	back
un Drove a little hi	t farther got out th	ne LT told us	to throw ther	n into the river.	SGT	•
fold the pushed or jumped in	e i st guy to jump he	said "No mi	ster" in Engl	ish. I'm not sui mned after that	e ir ne go we loade	t d back
un and left Before	this investigation s	tarted we wen	t back out to	the site and our	rr limb	ea
into the water to see	how deep it was.	He could stan	d up in the w	rater. Our LI sa	it down w	rith us
and told us what to	say in the investiga	tion, Our CO	also helped	coached us alon	g.	
Q: Wh at time did yo A: My best guess w	rould he about 2320) <u>`</u> .				
O. Con vou provide	me with a location	n or grid coord	linate where	you detained th	e two Irac	įi's?
A . I don't know for	sure where we we	re when we st	opped them.	I was in the bac	K of a pra	adiey.
Q: Once they were forced into water?	detained, now long	gaia you arive	perore me c	outon sinhheir	ma mey v	
A. About 10 mittate	es.	· · · · · · · · · · · · · · · · · · ·	· ·			•
Q: Did you hear an	yone say anything a	about throwin	g any curfew	violators into the	ie water e	ariier
in the night? A: Yes						
Q: Who?	· .					
A: SFC	66-5, 676-5					
Q: Who is he? A: My Platoon Ser	reant			•		•
Q: What did he say						
A: Somebody is ge	tting wet tonight.	•				
Q: What did he me A: If anybody viola	an by that?	we would the	ow them into	the water		
O. Where were voi	n when he said that	and what tim	e was it?	•		
A. I was in the bac	k of the Bradley at	the FOB Bras	sfield/Mora.	It was either at	1545 or 1	:745, I
am not sure. We ha	ad changed the time	e we began pa	trois around	that date. It was	3 12 minn	ies
before we left for p Q: Did anyone else				·		
A. Everyone that v	vas listening to the	radio in my p	latoon, he sai	d it over the pla	toon freq	nency.
Q: Explain to me e	exactly what was sa	id and by who	om when the	convoy stopped	and the	iddinaesis, all delle al assaures, dels plantaess se useral as pasa e se le les se
detainees were off EXHIBIT:	ioaded? INITIALS:	and the second second	PAGE	1 OF	6 P/	AGES
DA FORM 2823E		66-5, bic	. —			
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•	·	FOR OFFICIAL	USE ONLY	0153	101	000127
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	SWURN STATE OF STAFF FOR
	FOR USE OF THIS FORM, SEAR 199-45: THE PROPONENT AGENCY IS OFFICE. THE DEPUTY CHIEF OF STAFF FOR PERSONNEL.
	AND THE APPROXIMATION OF THE PROPERTY OF THE P
	A: When we stopped, the ramp went down and everyone in my vehicle off-loaded to include the
	detainees, except for our doctor (SGT The Then the LT said to take them over and throw
665,67C-5	detainees, except for our doctor (SGT The the LT said to take them over and throw
	them off by the pump house. We then warked mem over and that is which they
•	Q: Who heard the LT order you guys to throw them into he water?
·	A. Just the three of us; Myself, SGT and and SPC and the He did not say it over the
	A Just the three of us; Myself, SGT and SPC He did not say it over the radio.
100	radio. O: Explain to me how many people were in your vehicle and who got out? 66-5, 676-50.
	AN TURBER TOPE A TATAL AT DITIE THEADILE IN ANALOGOUS VILVANDUS UNIT THE SECOND SECOND
	the LT, the doctor, the gunner, the driver and the two detainees. Five of us exited the vehicle,
	my self, SGT Service SPC service and the two detainees. The remainder stayed in
66-5, 67C-5	my self, SGT SPC SPC and the two detainees. The remainder stayed in
-· •	Q: When you wanted to the river where was 51.0
	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.
	O. Did he gay anything or just stay behind?
and the state of	A: He told SGT he was the he did not want to have anything to do with it. Q: Did anybody say anything to him for not participating in the incident?
65,6K-5	O. Did analydy cay anything to him for not participating in the incident?
1 4 140	A: He told SGT the control he did not want to have anything to do with it. Q: Did anybody say anything to him for not participating in the incident? A: Yes, SGT the control chewed him out when we returned to the Bradley.
66-5,61-3	A; Yes, 5G1
	Q: Where was the LT positioned when this was taken place?
	A: On top of the Bradley.
	Q: Could be 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 and the LT, did anyone else observe the two detainees go
	into the water? 66-5,67C-5
	A: Yes, SFC could also see it take place.
	Q: Who gave the order to have the detainees pushed into the river?
	A: LT 66-5, 67C-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 66-5-67-5
	A: SGT 66-5 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?
	그 國主義職員 기계는 선생님들은 사람들이 가는 사람들은 사람들이 되었다.
•	Q: Explain to me in detail what took place once the four of you arrived by the water? 66-5,676-5
	A. W
•	about five feet behind him was the second detainer 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
LIELVA	one). I then gave the knife to SGT and the cut the cuffs away from his guy (The
و عان او ص	thin one). The bigger of the two detainees was with me and the smaller one was the guy in the
خدا عرا	of front with SGT West We again started walking and went through the barriers towards
060,010	waking at one point hear a concrete out to go and he cut the cuffs away from his guy (The one). I then gave the knife to SGT 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 front with SGT was a way from his guy in the water. When we arrived at the waters edge, SGT was a fold his guy to jump. This is
66-5,670	EXHIBIT: INITIALS: PAGE 2 OF 6 PAGES
	EXHIBIT: INITIALS: PAGE OF PAGES
	DA FORM 2823E 66-5, 67C-5
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	FOR USE OF THIS FORM, SETTER 190-45: THE PROPONENT AGENCY IS OF THE PROPONE
	SWORN STATEMENT OF SPC 22 JAN 04, CONTINUED:
	when he said "No mister." He does not jump. Then SGT says "You better fucking
•	Toyald not tell for sure if he
	was proched or if he jumped into the water, because of my guy standing in front of me. At this
	and my my jumped into the water. SCIT was a land I were then 122
•	of and in a there by the numb 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
, .	load up and we departed.
	O: 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? 66-5, 67C-5 A: SPC 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?
	O: Did your platoon it was just our team and (myself and and and the LT,
36-5,6708	A. Not the entire platoon it was just our toals and thyses.
65,676-5	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.
,	and went to change. I his all took place (us going there) area may take to us about what to say,
	Q; Who talked to you?
66-5, 61C-5	-A: LT STEE SFC and the CO,
,	O. Muo um mea shear mim.
	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 said they would also take the polygraph but they wanted us
66-5,670-5	faster. The LT and SFC said 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
	three days) they were talking to us about two of unce that is a day. To discuss the first the day before and the day of CID's arrival. I really wanted to tell the truth but I felt a lot of
• •	test the day before and the day of CID's arrival. I really wanted to ten the father than the day of the last the last of follow orders we get in a lot
	pressure from my chain of command to go with the lies. If we don't follow orders we get in a lot
	of trouble.
الكالم الكالم المتحدث المتحدث المتحدث المتحدث المتحدث المتحدث المتحدث المتحدث المتحدث المتحدث المتحدث المتحدث	Q: What did the XO have to do with any of this? PAGE 3 OF 6 PAGES
	EXHIBITS INTEREST.
	DA FORM 2823E 665, 6705
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	EXHIBIT: INITIALS: PAGE 4 OF 6 PAGES DA FORM 2823E 56-5, 6-76-5
	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 this incident that we have not discussed? A: No. Q: Why did you not come forward and report this earlier? A: I was scared.
56-5,67C-5	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. 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
	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 th or 5 th , 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
	Q: What is his name? A: COL
•	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.
	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.
	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 form
	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 L -5 6 1c -5 Q: Who in your chain of command knows that these two detainees were forced 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.
	SWORN STATEMENT OF SPC 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?
	FOR USE OF THIS FORM, SECTION 191-45: THE PROPONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

SWORN STATEMENT OF SPC 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 would not have any problems putting his hands on me. 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. Q: Were you given the opportunity to make changes to the statement before you signed-it? A: Yes. 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///	FOR USE OF THIS FORM, SEE PERSONNEL	R 190-45; THE PRO		icy is offici	THE DEPU	TY CHIEF O	FSTAFF FOR
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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. Q: Were you given the opportunity to make changes to the statement before you signed-it? A: Yes. 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///	A: Yes						
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INITIALS:

EXHIBIT: DA FORM 2823E

SWORN STATEMENT FOR USE OF THIS FORM, SEAR 190-45: THE PROPONENT AGENCY IS OFFICE THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

665,670-5

SWORN STATEMENT OF SPC

22 JAN 04, CONTINUED:

Not Used 65, 670-5

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HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE I 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.

616-5

WITNESS:

66-1, 67e-1 5A

SIGNATURE OF PERSON MAKING STATEMENT

SUBSCRIBED AND SWORN TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS, THIS 224 DAY OF JANUARY 2004, AT TIKRIT, IRAQ

66-1, b79-1

SIGNATURE OF PERSON ADMINISTERING DATH

SA 66-1, 67C-1

TYPED NAME OF PERSON ADMINISTERING OATH

ARTICLE 136 UCMJ
6-5-670-5-AUTHORITY TO ADM

-/C-5--- AUTHORITY TO ADMINISTER OATH

EXHIBIT: _____ INITIALS: ____

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DEPARTMENT OF THE ARMY 1616 MILITARY POLICE BATTALION (CID) THIRD MILITARY POLICE GROUP, USACIDO UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND GAMP VICTORY, IRAG 09335

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23 Jan 04

MEMORANDUM FOR

Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command. 6010 6th 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

66-5/676-5

SUBJECT EXAMINED: Ft. Carson, CO 80913:

A Company, 1/8th Infantry.

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 Samarra, Iraq (NFT), 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.

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Further investigation revealed that Mr. approached the ICDC security check point in Samarra, late in the evening of 3 Jan 04 of early in the morning of 4 Jan 04, and reported be 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 2-60, AR 195-6). The original, to include related polygraph records, is at the U.S. Army tring Records Center, Usacino, 6010 6 Street, Ft. Selvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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On 16 Jan 04, Mr 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 stated at the check point their vehicle was searched, their check point. Mr. 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. 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. 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. 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. 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. 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. 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. stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. described the soldier that pushed Mr. FADHIL as skinny, not very fall 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 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. FADEIL. 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 communed 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. 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

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(NFI); and CPL Leading the control 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. 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.

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 Company, 1/8th 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 he was denied permission and the convoy proceeded with the detainees in the front BFV, and their vehicle left behind undamaged. SSG 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 related said as the convoy drove away he observed the two detainees standing near the bridge. SSG 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 A Company, 1/8th Infantry, was interviewed and denied any wrongdoing pertaining to this investigation. 1LT his unit was returning from their nightly patrols and stopped a vehicle that contained two Iraci's for a curfew violation. He stated SGT reported to him that one of the individuals had a false identification card as the photograph appeared to be that of a younger individual. ILT 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 remove the flexicuffs and release the detainees. 11.T 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. 11.7 enied 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 SGT and SPC all of A company, 1/8th 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 1 A Company, 1/8th Infantry, Ft. Carson, CO, was interviewed under rights advisement and denied any wrongdoing pertaining stated they stopped the vehicle for a curfew violation to this investigation. SGT and during a search they discovered one of them had a false identification card. It was then decided to detain the two Iraqi's. SCT stated they loaded the two Iraci's into the BFV and departed. He said about 15 minutes after leaving they stopped the vehicles and ILT told him to release the detainees; so he, SPC and SPC the vehicle, removed the cuffs, and left the two Iraqi's standing on the side of the road. SOT 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 matches the description provided by the surviving victim of the individual that pushed Mr. FADHIL from continued to deny he pushed either of the two Iraqi's into the the bridge, SGT 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.

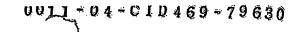
On 16 Jan 04, SPC A Company, 1/8th Infantry, was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC and stated after they had detained the two Iraqi's, the convoy stopped and they were instructed to release the two detainees. He said himself. SPC and supervised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

was interviewed under rights advisement and denied any On 16 Jan 04, SPC wrongdoing pertaining to this investigation, SPC stated after the two fract's were detained they drove a while and then the convoy stopped. SPC stated they were directed to release the two detainees, so he, SGT and SPC exited the BFV with the two detainees. He stated SGT supervised, SPC provided him with the knife and then pulled security, while he removed the cuffs from the two detainees. SPC stated that after the cuffs were removed, SGT 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. was offered the opportunity to undergo a polygraph examination to verify the truthfulness of his statement, to which he agreed.

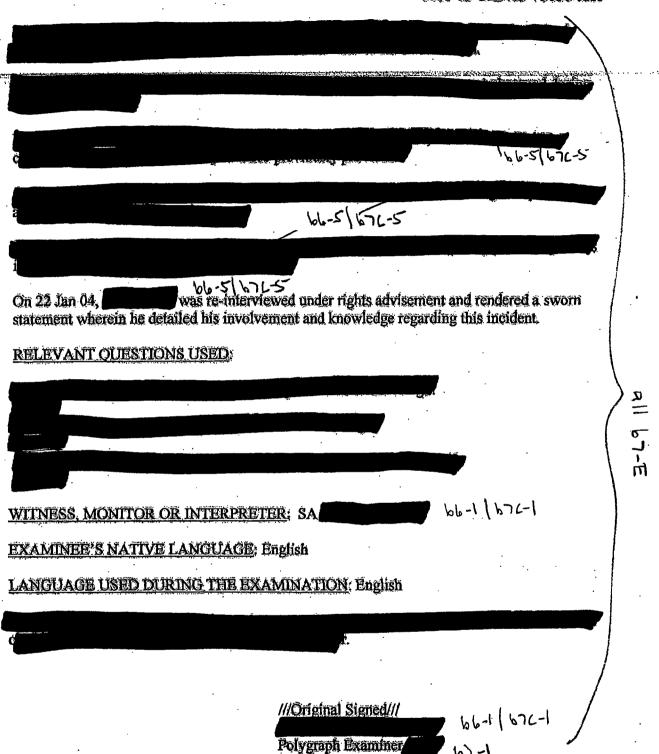
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000139 EXHIBIT_ЭВ

· · · · · · · · · · · · · · · · · · ·	ile Number: 0011964-CID469-79630-5H1	Time: 1605
Ĺ	ocation Tikrit, Iraq APO AE 09323 Date : 23 Jan 2004 66-5 670-5	Time: 608
)ate 23 Jan 2004 86 3	
. 5	Statement Of:	Grade/Status: SGT
Š	SSN Org/Address : A Company, 1/8 th Infantry, Ft. Ca	Leou' CO ana ra
b6-5, 1		
ا مر ا	g about to tell you everything that in the river. It was on 3 Jan and that night we were a single the streets for about the streets	going to do a patrol in Sammara
1	in the river. It was on 3 Jan and that night we were which we did, we walked around the streets for about the did are "Yeah we are so	if 1 hour-1 1/2 hour, but betole we did
4	the natrol I overheard somebouy say	T assumed that we were going back to
	somebody up for a swim. So we did in passed	off when the Bradley's stopped. My
	Brassfield so we get back in the Bradie, said	a ger fight in front of it so we told
66-57	team and myself get our of the Bradley and there we the guys in the car to get out. We searched them an	d the car. I thought that we stopped
670-5	the guys in the car to get out. We searched them an them for curfew violations at first, so we ask them f	or ID's. The skinny guy was legit
	them for curfew violations at first, so we ask them I and the chunky guy gave us a fake ID. We called it and the chunky guy gave us a fake ID. We called it	up to the LI and he said w details
	him and place them in the back of the place	Thatiare So the LT told us to get
	and when it stopped we were by a roll of	ed we were by the bridge and I believe
	back in the Bradley's, so we did and when it stopped the LT said if you don't feel good throwing them of the LT said if you don't feel good throwing them or the said sailed the guy	ff of the bridge just throw him by the
	shore. So I walked by the shore and called the guy	of the bridge just throw him by the \$6-5,670-5 s over. That one and SPC \$6-5,670-5 e walking with them. They asked if \$6-5,670-5 ir hands tied up and I said hell no, cut
66-3,	shore So I want and SGT same cam	e walking with them. They asked to
66-3 ₁₋₃ 616-3	we were going to throw them in the water with the	ir nands tied up and I sate and an and he didn't so I kicked him in
	them loose. So I told one guy, the sammy say,	ad comploin during all that
· ·	the built and told him to jump and no start was	1Lit when I was about
66-3, 67C-3	commotion I believe that pushed him of to look over the edge I got burn rushed from my le	ft side so I turned around and grapped
b7C-3	a hold of because I thought that he wa	ft side so I turned around and graceses s going to fall too and that's when the to the Bradley's and me and saw
66-5,676-5	shimly were After that everyboury well out a	the winter goinn't
	the chunky guy swim to the shore and the skinny	to the Bradley's When we got back
66-5,67C-5	something and that's when me and went back to Brassfield I heard that the white truck the guys	were in was crushed by a Bradley and
•	(U D) 03311010 4	ha his when the L. Came to the to the
	that was it for the night. A couple of days nad go about that night. He said that it's gotten big, that	the Iraqı's send an e-man sayıng than
•	we killed this man in the river and that we made	the pletoon and who knows what else
	CO could lose his company and the Li company	wanted to talk to us about it but we
	might happen. So the next day they told us that the had to stick to the story that we dropped them off had to stick to the story that we dropped them off	on the road. The LT, CO, plt SGT, and
	had to stick to the story that we dropped them off a Maj, took us back to the bridge during daylight	hours to find out what really happened.
	a Maj, took us back to the bridge during dayingning 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 say	ld us again to stick to the story because
66-6,	CID is bad, they are out to get us and that everyb	ondy knew the truth but they are out to
670.5	CID is bad, they are out to get us and that every	
	get us.	PAGE OF Z PAGES
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015366 000140 28 EXHIBIT 28

Q: Who?

A: The LT.

Q: Did anyone else hear this?

Q: Explain to me exactly what was said and by whom when the convoy stopped and the A: I don't know.

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? 16-5, 17-5 A: I don't know who else heard it other than me, but was still in the Bradley

standing there also. I think Q: Explain to me how many people were in your vehicle and who got out? b6·3, PAGE LOF PAGES 69C-3

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	b6-5, b1c-5
	19AO APO AE 0937 123 Jan 14. CONTENTS
	A: There were a total of nine people in our Bradley. Myself, SPC A: There were a total of nine people in our Bradley (unknown) and the two detainees.
h 6-3	A. There were a total of fille beopte in our the LT, the doctor, the gunner the LT, the doctor, the gunner the SPC SPC SPC SPC
66-3 67C-3	A. There were a total of fine beople in our the driver (unknown) and the two detainees. the LT, the doctor, the gumer the LT and the six of us exited the vehicle initially, myself, SPC SPC SPC That left only the LT and the
	six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us and the LT and the six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially, myself, SPC six of us exited the vehicle initially.
h6-3,670-3	1. 基础的 1. 10 11 11 11 11 11 11 11 11 11 11 11 11
	- MANA (1995年) 1995年 (1995年) 1995年 1995年
•	
	A: In another Bradley, Q: Explain to me in detail what happened after you exited the vehicle until you re-
	Q: Explain to me in detail what maps
	entered it and departed? A. After the LT made that statement I walked down to the barrier by myself and told the walked to where I was standing. 66-5, 676-5
	A. After the LT made that statement I walked down to the barrier by myself and the LT made that statement I walked down to the barrier by myself and the LT made that statement I walked down to the barrier by myself and the LT made that statement I walked down to the barrier by myself and the LT made that statement I walked down to the barrier by myself and the LT made that statement I walked down to the barrier by myself and the LT made that statement I walked down to the barrier by myself and the LT made that statement I walked down to the barrier by myself and the LT made that statement I walked down to the barrier by myself and the last statement I walked down to the barrier by myself and the last statement I walked down to the barrier by myself and the last statement I walked down to the barrier by myself and the last statement I walked down to the barrier by myself and the last statement I walked down to the barrier by myself and the last statement I walked to where I was standing to the last statement I walked to where I was standing to the last statement I walked to where I was standing to the last statement I walked to where I was standing to the last statement I walked to where I was standing to the last statement I walked to where I was standing to the last statement I walked to where I was standing to the last statement I walked to where I was standing to the last statement I walked to where I was standing to the last statement I walked to where I was standing to the last statement I was standing to the last statement I was standing to the last statement I walked to where I was standing to the last statement I was standing to the last statement I walked to where I was standing to the last statement I was standing to the last statement I was standing to the last statement I was standing to the last statement I was standing to the last statement I was standing to the last statement I was standing to the last statement I was standing to the last standing to the last statement I was standing to the last
	guys to come over here. Everyone, except walked to where I was standing. Of 57 or 5 guys to come over here. Everyone, except walked with the other guys. They
66-3,676-	3 This is the time when with the cuffs on and I said no. Then
<u> </u>	guys to come over here. Everyone, except walked to where I was standing. 3 This is the time when pumped 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 asked me if we were going to throw them with the cuffs on and I said no. I cut the cuffs from both detainees. We told them to jump, but they did not. I cut the cuffs from both detainees in the butt. I don't remember if
665, 67c-5	out the same of th
	told them again, and kicked one of them taken the guy he did not go into the water.
	anyone else said anything or not. When I kicked the guy he did not go the anyone else said anything or not. When I kicked the guy he did not go the same time I bushed him into the water and almost at the same time I
1-3 676-3	
66-5. b7C	This is when I denote and his detainee. I grabbed to prevent him Iron for prevent him Iron fo
	falling into the water. When they were don't have and looked over the edge, this is when I
115. h7c-5	went back to the Braniey and 1 says the chunky gry swimming
86-3101	heard the skinny guy saying something, shoung the two of us go back to the Bradley, got
• •	towards the shore, he was near the shore.
	loaded up and we lett. Q: Did you ever see either one of the detainees exit the water?
5	A. No.
	Q: How far was the drop to the top of the water?
	40 40 42 10 fact
	Q: What was the one detained saying in the water.
	A: 1 do not know.
	Q: When you say LT, whom are you referring to?
	he is the blancour todoor.
	Q: When you say CO, whom are you referring to? A: Captain my Company Commander. 66-5, 67C-5
	A: Captain my Company Company
	O: When you say MAI, whom are you recording offers (YO) 665, by 16-5
•	the Ballanon Executive Charles of the Ballanon Executive Charles of the Ballanon Executive Charles of the Ballanon Executive Charles of the Ballanon Executive Charles of the Ballanon Executive Charles of the Ballanon Executive Charles of the Ballanon Executive Charles of the Ballanon Executive Charles of the Ballanon
•	O: When you walked to the river where was SPC
	A: He stayed by the Bradley.
	O: Do you know why he stayed there histead of going to
	A. Lia did not want to come.
	O: Did he say anything or just stay bennur
•	
	The second of th
	A. Yes, I told min when I tell min to Q: Where was the LT positioned when this was taken place?
•	A. On top of the Bradley.
	PAGE JOE PAGES
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SWORN STATEMENT 23 Jan 04. CONTINUED IRAQ, APO AE 09322 23 Jan 04. CONTINUED	90), 80), 80,
The abserve what was going on from its values to	
Q: Could be observe A: I do not know. Q: Other than the individuals you described as being at the water, did anyone else Q: Other than the individuals you described as being at the water, did anyone else	
O Other than the individuals you described as ourse.	Ass.
sheare the two delatines 8	:: .*
A: I do not know. Q: Who gave the order to have the detainees pushed into the river?	, ; ; ; ;
Q: Who gave the order to make the order to push the detainees into the river? A: LT A: LT A: LT	
O. Did you personally hour the D	
A: Yes, Q: Who told the detainees to jump into the river first?	
Q. Who told the detained to 1	
A: I did. Q: Did you witness both detainees go into the river?	7.4°
A: Yes Calle two detainees exit the river?	.:
A: Yes. Q: Did you witness either of the two detainees exit the river?	: \
A: No.	
Q: Did you ever see and why? A: No. Q: Did your platoon return to the scene of the incident a few days later, and why? Q: Did your platoon return to the scene of the incident a few days later, and why? O: Did your platoon return to the scene of the incident a few days later, and why? O: Did your platoon return to the scene of the incident a few days later, and why? O: Did your platoon return to the scene of the incident a few days later, and why? O: Did your platoon return to the scene of the incident a few days later, and why?	76-5
A: No. O: Did your platoon return to the scene of the incident a few days later, and why? O: Did your platoon, It was SGT the CO, the LT, the BN XO, 66-5, L	g gan and
A: It was just part of the part of the and myself. I am not sure it was incomed	•
	ند ندند ا
not. The officers wanted to see how deep the water was. This is when the DT while we not. The officers wanted to see how deep the water was. This is when the DT while we not. The CO was going to jump in but the LT said No, I will do it. While we into the water. The CO was going to jump in but the LT said No, I will do it. While we into the water and because the water and side and not	016-3
were standing uncle, we would say we just dropped them off on the road of this is when he told us we would say we just dropped them off on the road of this is when he told us we would say we just dropped them off on the road of this is bad. tell anyone (CID) about the water. Then he gave us a big speech about how CID is bad. tell anyone (CID) about the same thing about our story and about CID.	
tell anyone (CID) about the water. Then he gave us a big spectral tell anyone (CID) about the water. Then he gave us a big spectral tell anyone (CID) about the same thing about our story and about CID. Later the CO and the LT co and XO, did anyone else talk to you about what to say?	
A. CHI.	
Q: Who did they speak with? A: They spoke with me initially then they spoke with my team and me. A: They spoke with me initially then they spoke with my team and me.	
Q: When did they specified we went back to the river, at the river and several times. Before we went back to the river, at the river and several times. Before we went back to the river, at the river and several times. As several times were them. They even had us practice in the Bradley where that but before we spoke with CID. They even had us practice in the Bradley where	•
	•
going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them. They even had us practice in the going to say and we would answer them.	
we would sit and rehearse how and who got out. We would sit and rehearse how and who got out. Who got out the LT and SFC control of the water? CID we were told not to talk about it again by the LT and SFC control of the water?	•
	1
Q: Did the XO know that you guys thew the Company XO. A: Yes, the BN XO did. I never spoke with the Company XO. Who in your chain of command knows that these two detainees were forced into the Q: Who in your chain of command knows that these two detainees were forced into the	•
	•
Q: Who in your chain of command know for sure because I spoke with water that night? A: My LT, my platoon SGT, the CO, the BN XO I know for sure because I spoke with A: My LT, my platoon SGT, the CO, the BN XO I know for sure because I spoke with A: My LT, my platoon SGT, the CO, the BN XO I know for sure because I spoke with the command know the truth and that we were told them. I was told everyone in our chain of command know the truth and that we were told them.	
them. I was told everyone in	
the about it.	
Q: How do you know for sure that they knew what nappened? A: The Company Commander and BN XO were at the bridge that day when we	-
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	SWORN STATEMENT OF SGI IRAQ, APO AE 09323, 23 Jan 04: CONTINUED 66-57, 676-5
	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?
	Q: Do you know of any other incidents where you unit threw fract s into the free PA. Yes, once. In Balad and SFC made the plan to pick somebody up and 66-5, 67c-5 throw them in to the river. We stopped near a store and SFC said "Yes, this 66-5,67c-5 throw them in to the river. We stopped near a store and SFC said "Yes, this 66-5,67c-5" throw them in to the river.
	guy looks good". We (Myself, with another squad) took him, and we exited the vehicle 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 was the other guy that helped me. SFC gave the order to do it and was the other guy that helped me. SFC gave the order to do it and gave the other guy that helped me. SFC gave the order to do it and gave the other guy that helped me. SFC gave the order to do it and gave the other guy that helped me. SFC gave the order to do it and gave the other guy that helped me. SFC gave the order to do it and gave the other guy that helped me. SFC gave the order to do it and gave the other guy that helped me. SFC gave the order to do it and gave the other guy that helped me. SFC gave the order to do it and gave
110 10	pushed him over the edge. I don't remember it the Lit was the safet? Q: Why did you guys detain this man and throw him into the water? S. A: SFC said so. He did not do anything, the Plt SGT said to pick him up.
11-6 PUR	Q: Why did you guys detain this man and throw him into the water? A: SFC said so. He did not do anything, the Plt SGT said to pick him up. Q: Did you see this guy exit the water? A: No. SFC said screening at us and called us stupid fucks, because we did not do it the way he wanted us to. Con you describe the location where this took place?
P6-31 01	Q: Can you describe the second
	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
<i>.</i>	discussed?
	Q: Why did you not come forward and report this eartier?
-	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 66-5, 676-5
	A: Yes 66-5, 672-5 Q: Were you given the opportunity to make changes to the statement before you signed- it? A: Yes 66-5, 672-5 A: Yes 66-5, 672-5
	A: yes PAGE 5 OF 7 PAGES

015370 000144

SWORN STATEMENT OF SGT IRAQ, APO AE 09, 23 Jan 04. CONTINUED 66-5, 22-5 CAKEN AT TIKRIT,

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?

665, 676-5 A: No.//END OF STATEMENT//

	66-5, bic-5	
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I, SGT 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.

(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.

| Signature or | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section | Section

WITNESS: 66-1,67C-1

66-5, b9c 5

EXHIBIT _____ INITIALS: PAGE 7 OF 7 PAGES

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665,676-5 is about to tell you everything that . I know about the two trans going in the River if wan 3 Jan and that night we were soing to do a publish in Summera wich we did we walked. expand the streets for about them to a tout 12 1 hour -1/2 but before we did the patrol I overheard Somebody Say year we are going to do a patrol and then pick Somebody up for a Swin" So we did the patrot and I assumed that we were going back to brows field Sine got back in the bradley's and book off when the bradley's. Stopped my blum and myself got out of the bradley and their was a car Right in Front of it. So we bold si the goys in the car to get out we Sourched them with and the car I tought that it was been we stopped then for curren violations at first. So we asked than for Ids the skinny govs was legit and the charky gov gaint us a fake Id you called it up to the Lt and he said to detain him and spe place them in the back of the bradley. So we did , So the bradley Starts Moving and when it Stopped We were by a Icac checkpoint I believe so the 64: 6012 us to get beek in the analogs so we did and when it Stopped we were by the bridge and the Et Sail 015373 and I belie that the Lt Said if you don't feel good about throwing them of the bridge Just throw him by the Shore page 1 28 Jan 04
Ton account you b65, bx-5000142 HIBIT 29

So I walked by the Shore and called the 66-3623 grys of over 66-5 p had one and specific come walking with them one and the specific come walking with them one and byc-5 swe were going to them them in the hater with their hands hed up and I said hell No Col them loose, so I told one say the string gay to sump and he didn't st so quicked him in the butt and told him to surp and he still didn't and some how \$6-3 dering all that comotion I believe that. pushed him off the ledge and Right when I was about to both over the ledge I got bum Rushed from my left side 50 to turned around and grabbed hold of because I thought that he Was going to fall too and that's when the chunky gry when in after that everybody best back to Saw the Chunky the bradlay's and me and gry Swim to the Shore and and the strong gry Still on the pater Saying Something and that's then me and breathant back to the bradleys then we got back to brassfield I heard thent the white truck blosthe goy's were in was crushed and that was it for that night by a bradley I couple day had gone by whon the It came to talk that night he Sail that it's gotten to me about a 23 Jan 04 015374 - 66.5, 67C-51

that the Iraqis send a E-mail Saying that We had killed this man in the River and that we must not bell notacly about this. because the CO could loose his company and the C+ Could hose the Philoson and who knows what else Might happen so the next told is that cId, Wanted to talk to us about it but we had to stick to the Story that we dropped them of on the Road the Lt, Co, plt Stt, and a ms. took as back to the bridge during daylight hours and for to find at what Really happened to we told him and my It sumps in the water to See how deep it is and they said that it was imposible for those two sey to be saying 16th byc.5 firth when & the lt and ste them out of the nator, so they told as again to Stict to the Story because CId is bed they are out to get us and that every body knew the both but they are out to get us. page 3 23 Jan 04

015375

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DEPARTMENT OF THE ARMY 10th MILITARY POLICE BATTALION (CID) THIRD MILITARY POLICE GROUP, USACIDG 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 6th Street, Ft. Belvoir, VA 22060-5585 Special Agent in Charge, 43d Military Police Detachment (CID) (FWD), 3d Military Police Group (UŠACIDO), 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

<u>LOCATION OF EXAMINATION: Tikrit, Iraq</u>

bb-5/676-5

SUBJECT EXAMINED: Infantry, Ft. Carson, CO 80913; Company, 1/8

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 Samarra, Iraq (NFI), reported to the Iraqi Civil Defense Mr 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.

67L-4

approached the ICDC security check point in Further investigation revealed that Mr. 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. FADIIL apparently drowned.

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Attached as Ethibit is Folygraph Eximination 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, Usacine, 6010 6° Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.



0011-03-CID469-79630-5H1

On 16 Jan 04, Mr. was interviewed by USACIDC and stated he and Mr. FADHID 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 stated at the check point their vehicle was searched their check point. Mr. 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. 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. which we helr 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. 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. 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. 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. 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. stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. states 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. 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 be 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. 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 Company, 1/8th Infantry, stated they stopped the vehicle because of a curiew 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 ILT to request permission to run over the detainee's vehicle he was denied permission and the convoy with his BFV. According to SSG proceeded with the detainees in the front BFV, and their vehicle left behind undamaged. SSG 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. SSO convoy drove away he observed the two detainees standing near the bridge. SSG 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 detaines's vehicle with their BFV. A Company, 1/8th Infantry, was On 16 Jan 04, 1LT interviewed and denied any wrongdoing pertaining to this investigation. ILT his unit was returning from their nightly patrols and stopped a vehicle that contained two Iraci's for a curfew violation. He stated SGT reported to him that one of the individuals had a false identification card as the photograph appeared to be that of a younger individual. ILT 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 to remove the flexicuffs and release the detainees. ILT seems said once that was accomplished they began rolling out and he looked in the mirror and observed the two detainess standing on the north side of the road as the convoy drove away. ILT lenied he ordered, witnessed, or had any knowledge of the two detainees being thrown into the river. The other three soldiers (SGT) SGT and SPC all of A company, 1/8th 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 NFI); PFC (NFI); and CPL (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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0011-03-CID469-79630-5H1

individual approaching their check point, later identified as Mr. 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.

A Company, 1/8th Infantry On 16 Jan 04, SPC was interviewed under rights advisement and denied any wrongdoing stated after the two fragi's were detained they pertaining to this investigation. SPC drove a while and then the convoy stopped. SPC stated they were directed to release the two detainees, so he, SGT and SPC A Company, 1/8th Infantry (27 Jul 79, Lima, OH), exited the BFV with the two detainees. He supervised, SPC provided him with the knife and then stated SGT pulled security, while he emoved the cuffs from the two detainees. SPC stated that after the cuffs were removed. SGT hold 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 was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC was stated after they had detained the two fragil's, the convoy stopped and they were instructed to release the two detainees. He said SPC SPC and SGT and himself exited the BPV, while he pulled security, SPC removed the cuffs, and SGT supervised. He stated they escorted the two detainees near the bridge on the right side of the road, removed the cuffs, and SGT told them (the detainees) to leave. SPC security 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 1 was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SGT 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 stated they loaded the two Iraqi's into the BFV and departed. He said about 15 minutes after leaving they stopped the vehicles and ILT told him to release the detainees; so he, SPC exited the vehicle, removed the cuffs, and left the two fragi's standing and SPC on the side of the road. SGT stated that when he got back into the BFV, the two Iragi'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 matches the description provided by the surviving victim of the individual that pushed Mr. FADHIL from the bridge. SGT community communed 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 be planned with any members of his unit to conceal the act of pushing the two Iraqi's into the river. SGT was offered the opportunity to undergo a polygraph examination to yerify the fruthfulness of his statement, to which he agreed

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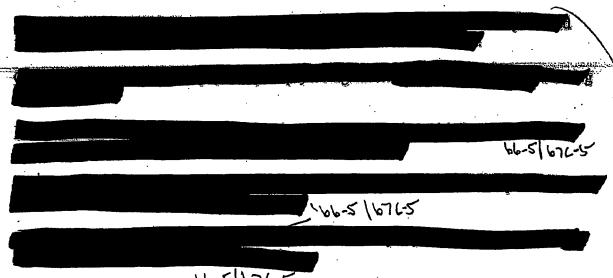
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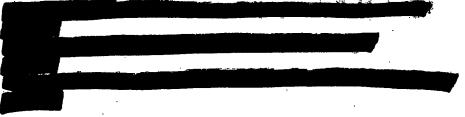
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On 23 Jan 04, was re-interviewed under rights advisement and rendered a sworn statement wherein he described his involvement pertaining to the two detainees being thrown into the water, and his knowledge of actions that occurred after the incident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

RELEVANT QUESTIONS USED:



WITNESS, MONITOR OR INTERPRETER: SA

1-254 11-90

EXAMINEE'S NATIVE LANGUAGE: English

LANGUAGE USED DURING THE EXAMINATION: English

Polygraph Examiner 62-1

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DATA REQUIF	190-30; the proponent agency is ODCSOPS RED BY THE PRIVACY ACT
IORITY: Title 10, United States Code, Section 3	io12(g) sement officials with means by which information may be accurately identified.
CIPAL PURPOSE: To provide commanders and law enforce	ement officials with means by Which information may be an additional/alternate means of identification to facilitate filing and retrieval.
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pected/accused; Murder, ranspirity, R.B. Der bre he/she asked me any questions about the offense(s), however, he/s	she made it clear to me that I have the following rights:
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FO	B Iron Horse, Building 2	14, Tiknt, Iraq	b7C-5	SOCIAL SECURIT	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	GRADE/STATUS E-4/RA
LAS	T NAME, FIRST NAME, MIDE	DLE NAME				E-iii
	A				AND THE STATE OF T	· .
OR	GANIZATION OR ADDRESS Company, 1/8 th Infantry		C-5			
AU	Company, 119		TUE FOLL	OWING STATE	MENT UNDER C	ATH:
1	4		7 .]			•
Q	SA	66-1,676	7-5	e e e e e e e e e e e e e e e e e e e	rimose?	
A:	SPC Who else was with you w	hen you exited the	e vehicle to re	ease the Iraqi Deu	670-5	
V.	It was myself, SGT	SPC	SGT	2		1 Duston 66-3 640-3
l O:	Did SPC	e vehicle! 06	v seconds late	because he was e	xiting from the to	p of the Bradley. 66-3, 67C-3
٠,٠	Yes, SPC	on fon of the Dial	TIEA: OO. a) —		
10	Why was SPC Because he is the gunner.		- -	14-3	17c-3	
A:	Did someone order SPO	to help	release the del	ainees? 66-3)	Usually a	n gunner will not exit a vehicle unless
A.	Did someone order SPQ I don't know, but the only	y person who cou	ld have ordere	o min a co	en en grand	
ins	structed to.		£	•		
Q:	structed to. Who escorted the detained	nd SGT	66-	5, b7C-5	a baine escorted t	o the pump house? 66-3, 672-5 arrier near the pump house.
TA	What was SGT	and SPC	doing while	the detainees wer	standing by the b	arrier near the pump house.
I A	SPC was pullin	g security by the	Bradley and S	576 b65 b7	C-5	
١٨	: Could SGT	Serve the resease	ware the detail	ees in the water	<u>_</u> رو	
I A	The only thing SGI	Could see v	heing pushed	into the water		
1Q): Did SGI				hicle when the de	stainees were being released? time the detainees were released.
A	A: No. 2: Why would SGT	state to CID a	gents that he	III not leave the ve	vehicle the entire	time the detainees were released.
. A			TO LED			
تر ا	DUST	or SGT			e into the water. A	All I heard was "No Mister" and "You
	A: I could not see if SPC petter fuckin jump".	176-3	b6-5,	67C-5	•	••
b	1 6 Van hotter	· mckm muu (
	A: SGT 66	,-5, b7C-1	5 time?			·
10	O. Did you see the Iraqi in	the water at any	шис			
	A: No.	vour Iragi vou had	I detained?		adod to cut his cut	ffs off. Then I walked him towards the
- 11	Q: What did you do will y	cle I led the Iraqi	to the pump h	ouse. I then proce	EGEG TO COL HE COL	
	Advant the honge and mo	II Trio mand-1	into the wate	r.		
. [Q: Did you tell the Iraqi t	o Jump?	ring him to the	bridge.		
	Q: Did you tell the Iraqi to A: Yes I told him to jump	Mune I Mas Mark	me mm to m			all into the river with the Iragi.
	Q: Did anyone attempt to	grabbed the bac	k of my IBAS	because he though	nt I was going to i	all into the river with the Iraqi.
-	A: Yes, SGT Q: Did you push the Iraq	into the water (•	
1	A: No.	· · · · · · · · · · · · · · · · · · ·		all into the water?	66-5, b7C.	-5
ŀ		think you v	vere going to i	actually was.		- don't 11 5 1 70 5
	A: I think he thought that	f I was closed to b	and the detains	e while you were	walking him to th	e edge? 66-5, b 7C-5
- 1	Q: Did SGT A: I don't think so. The	re is a possibility	because the ar	ea is very narrow.	11.3 h7c-	
					שייין ש (כיספ	
	Q: Did SPC A: I can't remember if h	e said anything.	La uma cutair	le of the vehicle?	06-35/6	<u> </u>
	2. A CONT.	ay anything while	e ne was ouisk	O OTATIBALAIT	b6-5, €	
	O Did SCIL	1	FRSON MAKIN	GSIAILMENI	/ -	PAGE 1 OF 2 PAGE
		INITIALS OF P				
	EXHIBIT	INITIALS OF P	·		CAT OF TA	TARE CONTINU
· vissor	EXHIBIT	INITIALS OF P	NTAIN THE H	EADING STATEM	IENT OF TA	KEN AT DATED CONTINU
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TAKEN AT CE	amp Iron Horse ALEU 2		
STATEMENT OF SPC	90	•	1 3
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 detained towards the edge were you wanted the second of	alking or running?		
A. Tithen you were escoring in the		•	
O. Where was the detainee located? Was off to the left side. 66-5/	69C-5		
O. Where was the defance located was off to the left side. 66-6/ A: In front of me. SGT was off to the left side. 66-6/ O. Did you have your hands on the detained while you were escorting to be provided by the left side.	him to the edge?		†
A: Mild you have your hands on the detained white you were escaled. A: Yes, I was grabbing the clothing on the back of the Iraqi with my let have been your grip on the clothes?	A hand.		17.
A: Yes, I was grapoling the doubles on the clothes?			1.0%
O When old you letter 1 at the edge			\s. (2)
A: I don't think I let go until he jumped out in case. Q: Why did you hold onto the Iraqi when he jumped off the edge?			
Q: Why did you hold onto the Iraqi when he jump. A: I could not see the edge because the Iraqi was in front of me. A: I could not see the edge because the Iraqi was in front of me.		•	144
lov Did the Tradi understand while 7	• • • • • • • • • • • • • • • • • • • •	•	W
Q: Did the Iraqi uniterstation water. A: Yes, because he saw his friend in the water. A: Yes, because he saw his friend in the water.	ssistance?		1: 1
Q. Did the Iraqi you were escorting jump			ſ
A. Yes.	V Profession		
Q: Did you assist the made when as	-image?	•	
A. No. O: Was anyone else outside of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the detribution of the vehicle when you released the vehicle when you want you will not you will not you will not you will not you will not you will not yo	7	•	1:
	٠ .		
O. Why do you think he was there?		·	
A Because he is on our team.		•	- 1
Q: Did you physically see SPC 66-3, 672 ~	ومرامية الماسان	er h6-3, b7c3	Ì
A. Yes, I saw him in the venice I demonsted his vehicle when you sto	opped to release the detailled	si (00 0) 0 v =	1
Q: Do you know if SPC A: I think so, but he did not walk over to the pump house. A: I think so, but he did not walk over to the pump house.	66-5,676	:-5	
		he order to push the Iraqi into	the
Q: Do you have anything else to add to this statement? A: The name of the person who pushed the Iraqi into the water in Ba	HAIL WAS DO -		Į.
A: The name of the person was put b65,67c-5 water was given by SFC was add to this statement?	•	•	
Or Do you anything further to and to	•		3
A: No. End of Statement B6-5, B 12-3			
			J.
	<u> </u>		
66-5, 676-5 AFFIL	AVIT	AD READ TO ME THIS STATE	MENT
	HAVE READ OR HAVE	NTIRE STATEMENT MADE BY	ME. THE
WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 21 FULLY UNDERSTA	NO THE CONTENT BOTTOM OF	EACH PAGE CONTAINING IT	MENT.
WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 21 FULLY UNDERSTA STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAV STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOP STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOP AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL IN	E OF BENEFIT OR REWARD,	WITHOUT INNEA 5 670	-5-
STATEMENT. I HAVE MADE THIS STATEMENT OR UNLAWFUL IN	IDUCEMENT.	D6-0, 0	
AND WITHOUT COEKOION, THE			
	/Signature	of Person Making Statement)	
		to before me, a person authorize	d by law
WITNESSES:	Subscribed and sworn	h day of January, 2004	1
	to administer oaths, this ZHL		1
	at		* 1
			2-1
ORGANIZATION OR ADDRESS	(8)000000	of Person Administering Oath)	
	(Signature	66-1,69c-1	
		A. A. A. A. A. A. A. A. A. A. A. A. A. A	
	SA	me of Person Administering Oath)
			1
ORGANIZATION OR ADDRESS	·	Article 136, UCMJ	
ORGANIZATION	(AU	thority To Administer Oaths)	
	· · · · · · · · · · · · · · · · · · ·	05 2	PAGES
INITIALS OF PERSON MAKING STATEMENT	66-5, byc-5	PAGE 2 OF 2	-17050
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HORITY: Title 10, United States To provide commander	code, Section 3012(g) s and law enforcement officials	s with means by which informat alternate means of identification	tion may be accurate in to facilitate filing a	and retrieval.
TINE USES: Your Social Security I	Number is used as an additional sial Security Number is volunta	Alternate ineats of identification	سے برد ا	
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	T DICETS WATVER/NON	Y-WAIVER CERTIFICATE		
	11-RIGHTS WALLES			
tion A. Rights		a total Taylor	eigation Comma	nd
investigator whose name appears below told me that	at he/she is with the United State	d wanted to question me about	the following offense	(s) of which I am
a Special Agent /// 66-5,0/C-5	A CONTRACTOR OF THE PARTY OF TH	All Tout III		
a Special Agent./// B6-3 bitc-5 pected/agents of Obstruction of Justice, Conformer of the She asked on the S	nspiracy, Accessory after	ear to me that I have the following	ng rights:	•
fore he/she asked in any questions about the original	ig.		:	
and he need at evidence against	If life in a comment and	in the same above meeting	ing and to have a law	vyer present with me
I do not have to answer any question of the large of the Anything I say or do can be used as evidence agains (For personnel subject to the UCMI) I have the right during questioning. This lawyer can be a civilian la	t to talk privately to a lawyer be	efore, during, and after question	ry lawyer detailed for	r me at no expense to me,
during questioning. This lawyer can be a civilian la	wyer I arrange for at no expense	S IO life Gosciumatis às malantis		
or both.				
(For civilians not subject to the UCMJ) I have the riduring questioning. I understand that this lawyer ca appointed for me before any questioning begins,	investigation, with or without a	•		•
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DATA REQUIRED Title 10. United States Code, Section 3012(g)	30; the proponent agency ODCSOPS
Title 10. United States Code, Section 3012(g)	BY THE PRIVACY ACT
NCIPAL PURPOSE: To provide commanders and law enforcement UTINE USES: Your Social Security Number is used as an ad CLOSURE: Disclosure of your Social Security Number is	officials with means by which information may be accurately identified; difficult and retrieval. difficulties of identification to facilitate filing and retrieval.
OCATION A D. A.O.	
O LSA Anaconda, Balad, Iraq, AP. VAME ILESI, FIRSI, MI). SRADE/STATU SPECIE 4 P.C.	2 DATE 3 TIME 0011-04-CID469-79630 20 AE 01391 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630 37 Jan 04 10925 0011-04-CID469-79630
	ERMON-WAIVER CERTIFICATE
tion A. Rights	
non ras regues	Address Army Criminal Investigation Command
investigator whose name appears below told me that he/she is with the Unit	and wanted to question me about the following offense(s) of which I am
a Special Agent./// 66-3, 670-3	2 2 2 2 1 1 1 1
pected/accused Destroctions about the offensels), however, he/she ma	ade it clear to me that I have the following rights:
I do not have to answer any questions or say anything	<u>16.3</u>
Anything I say or do can be used as evidence against me in a criminal trial.	66-3, 672-3
(For personnel subject to the UCMJ) I have the right to talk privately to a la	bc.3, 6-72-3 wyer before, during, and after questioning and to have a lawyer present with me expresse to the Government or a military lawyer detailed for me at no expense to 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 6-3, 67C-3	
	- or - lawyer before, during, and after questioning and to have a lawyer present with me or 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 wi privately with a lawyer before answering further, even if I sign the waiver to COMMENTS (Continue on reverse side)	I lawyer before, during, and after questioning and want one, a lawyer will be for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be fithout a lawyer present, I have a right to stop answering questions at any time, or speak below.
ection B. Waiver	se(s) under investigation and make a statement without talking to a lawyer first and
ithout having a lawyer present with me.	
WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE
a. NAME (Type or Print)	b63, b7e-3
	14. SIGNATURE OF INVESTIGATOR
ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR 66-1, b7c-1
	5 5/6-1
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NAME (Town in Drive)	5. TYPED NAME OF INVESTIGATOR
a. NAME (Type or Print)	50
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ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR DET (FWD) (CIA)
b. ORGANIZATION OR ADDRESS AND PHONE Section C. Non-Waiver	6. ORGANIZATION OF INVESTIGATOR DET (FWD) (CIA)
b. ORGANIZATION OR ADDRESS AND PHONE Section C. Non-Waiver	6. ORGANIZATION OF INVESTIGATOR DET (FWD) (CIN) 43rd Military Police Det (FWD) (CIN) Camp Ironhorse, Tixrit, Iraq
Section C. Non-Waiver 1. I do not want to give up my rights:	6. ORGANIZATION OF INVESTIGATOR DET (FWD) (CIA)
Section C. Non-Waiver 1. 1 do not want to give up my rights:	6. ORGANIZATION OF INVESTIGATOR DET (FWD) (CIN) 43rd Military Police Det (FWD) (CIN) Camp Ironhorse, Tixrit, Iraq
Section C. Non-Waiver 1. I do not want to give up my rights: 1. I want a lawyer. 2. SIGNATURE OF INTERVIEWEE	6. ORGANIZATION OF INVESTIGATOR 6. ORGANIZATION OF INVESTIGATOR 43rd Military Police Det (FWD) (CIN) Camp Iran horse Tixrit, Iraq [] I do not want to be questioned or say anything.
O. ORGANIZATION OR ADDRESS AND PHONE Section C. Non-Waiver 1. I do not want to give up my rights: 1. I want a lawyer. 2. SIGNATURE OF INTERVIEWEE ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMEN	6. ORGANIZATION OF INVESTIGATOR 6. ORGANIZATION OF INVESTIGATOR 43 rd Military Police Det (FWD) (CIN) Camp Iranhorse, Tixrit, Iraq I I do not want to be questioned or say anything. NT (DA form 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.
2. SIGNATURE OF INTERVIEWEE ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMEN	6. ORGANIZATION OF INVESTIGATOR DET (FWD) (CIN) 43rd Military Police Det (FWD) (CIN) Camp Itanhorse, Tixrit, Iraq

ACLU-RDI 1557 p.145

DOD-024460

SWORN STATEMENT

File Number: 0011-04-CID469-79630 Location : Tikrit, Iraq APO AE 09323 Date : 27 Jan 2004 155	3, b7c-3
Date : 27 Jan 2004: 56-3, 67C-3 Grade/Status: PFC/AD SSN : A Company, 1/8 th Infantry Bn, 3 rd BCT, Balad, Iraq, APO AE 09323	
want to make the following statement under oath: On 3 Jan 04, I was on patrol with my Platoon, 1 st Platoon, Alpha under oath: On 3 Jan 04, I was on patrol with my Platoon, 1 st Platoon, Alpha Company, 1/8 th 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. I was the last 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 without moving it out of the way. At that time, the front of my Bradley and facing the front of the Bongo truck. I approached the truck with my Bradley and pushed it off to the 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.	
A: PFC Bloom b6-3, b7c-3 Q: I just showed you pictures of the Bongo truck and the damages the truck on the night of 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. A: It was right after my platoon detained someone, as we were leaving that area. A: When you pushed the Bongo truck out of the road, did you know why the truc 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. Say that someone is going to get wet tonight at	elektrigungketejjaranasireks vi er vented Š
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ACLU-RDI 1557 p.146

SWORN STATEMENT OF PFC Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED 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. 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? Q: Who in your chain of command had talked to you about this investigation? 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 Q: At anytime, did he influence you on what to tell CID about the two Iraqi's or the Bongo truck? 66-5, b7C-5 approached you that the two A: No. Q: Was it common knowledge when SFC Iraqi's had been forced into the river on 3 Jan 04? 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 and SPC told the whole platoon, "the cats SGT after being questioned by CID, SFC out of the bag" and I knew that meant that the two Iraqi's had in fact been forced into the river that night. say this comment about, "the cats out of the bag"? 66-5, 61c-5 Q: When SFC 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? 66-5, 67C-5 discussed this investigation with your A: No. Q: When was the last time LT 66-3,670-3 665, bK5 A: Yesterday, he approached myself, SGT and SPC and told us we were going to be questioned by CID, but he didn't really say anything else.

PAGE COF 4_PAGES INITIALS: EXHIBIT

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015383 000161 EXHIBIT 33

SWORN STATEMENT OF PFC Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED あるらんたっち ever stated that he knew the two Iraqi's were in fact forced into the river on the night of 3 Jan 04? discussed this investigation with you? Q: Has CPT 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. was aware of what actually happened at the ららう りつこう Q: Do you know if MAJ river that night? A: I don't know. Q: Did you go back to the scene of the incident after 3 Jan 04? and 1 66-5, 67c-5 A: Yes, I went back when MAJ 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. jump into the river when you all returned to the Q: Did you see LT river? <u>54-5,</u> 57C-5 A: No. I didn't see anything that happened.

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

b6-3,67C-3

EXHIBIT_____I

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PAGE 30F 4_PAGES

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EXHIBIT 33

A: No.

,69c-3	AFFIDAVIT			<u>.</u>
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b6-3, b7c-3				
ure of Perso	on Making Statement)			
Subscribed and dminister oaths, 27 th	sworn to before me, a person of January 2004, at LSA And	inconda, Iraq.	w to	•
dminister oaths, 27 th	of January 2004, at LSA And	inconda, Iraq.	w to	
dminister oaths, 27 th (S re or Perso	of January 2004, at LSA And 66-1, 66-1, 66-1, 670-1	inconda, Iraq.	w to	
dminister oaths, 27 th (S re or Perso	of January 2004, at LSA And 66-1, 66-1, 66-1, 66-1, 67c-1 erson Administering Oath)	inconda, Iraq.	w to	
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EXHIBIT INITIALS: PAGE 4 OF 4 PAG	 (HIBIT		•		

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EXHIBIT <u>33</u>

	For use of this form, see AR 190-3	
	DATA REQUIRED	BY THE PRIVACY ACT
PRINCIPAL PURPOSE: To pr	e 10, United States Code, Section 3012(g), povide commanders and law enforcement of ir Social Security Number is used as an addi- closure of your Social Security Number is v	
I. LOCATION	0.1 1 7-2 400	2. DATE 3. TIME 4. FILE NO. 0011-04-CID469-79
S NAME (Tay First Mil)		10-3 A Co, Y8 th Inf Bio, 3rd Bet
6. SSN	GRADE/STATUS SPC/E-4	Balad, Iraq, APOAE
	PART 1 - RIGHTS WAIVER	NON-WAIVER CERTIFICATE
Section A. Rights		
The investigator whose name appears b	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 Mixed acc	Conspiracy, ///	
Refore he/she asked me any questions a	about the offense(s), however, he/she made	it clear to me that I have the following rights:
do not have to answer any question	ons or say anything.	
Anything I say or do can be used as	s evidence against me in a criminal trial.	
For personnel subject to the UCMJ	J) I have the right to talk privately to a lawy	er before, during, and after questioning and to have a lawyer present with me
during questioning. This lawyer car	in be a civilian lawyer I arrange for at no exp	pense to the Government or a military lawyer detailed for me at no expense to me,
or both.		
•	•	• Of •
appointed for me before any question if I am now willing to discuss the of privately with a lawyer before answ	offense(s) under investigation, with or withou	ut a lawyer present, I have a right to stop answering questions at any time, or speak
privately with a lawyer before answ	AGLIUB INTRICIT' SACII II I ZIŠII RIC MULACI DEIO.	w,
		w.
5. COMMENTS (Continue on reverse		wi.
5. COMMENTS (Continue on reverse Section B. Waiver	e side)	w.
5. COMMENTS (Continue on reverse Section B. Waiver	e side) . I am now willing to discuss the offense(s)	w, under investigation and make a statement without talking to a lawyer first and
5. COMMENTS (Continue on reverse Section B. Waiver I understand my rights as stated above, without having a lawyer present with m	e side) . I am now willing to discuss the offense(s) me.	w.
5. COMMENTS (Continue on reverse Section B. Waiver I understand my rights as stated above, without having a lawyer present with m	e side) . I am now willing to discuss the offense(s)	under investigation and make a statement without talking to a lawyer first and 3. SIGNATURE OF INTERVIEWEE
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	or use of thus	form, see AR 180-30; the propulation			
	b	ATA REQUIRED BY THE PRIVAL			
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SWORN STATEMENT

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Î	Date Statement Of:	2004 106 0 1	Grade/Status: O-6/COL	
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	Org/Address: 310 BCT	, Balad, Iraq, APO AE 09	66-3, 616-3	
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66-5,610	-5 Q: Did LTC	AND THE LABOR DIGHT OF THE	HICIGOTIST !	
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	A: No.		PAGE LOF 3 PA	GES
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SWORN STATEMENT OF COL 56-3, TAKEN AT Tikrit, IRAQ, APO AE 09323, 27 Jan 04; CONTINUED FAt what point did you become aware that the two Iraqi's had actually been b1C-3 A: Through CID's investigation and confessions the soldiers have given. Q: Did anyone in the chain of command for A Co. 1/8th Inf, inform you that a cover story was in place to give to the CID investigators? told CPT A: No. Q: Were you aware of the instructions LTC about not saying that the Iraqi's were actually 66-5, 67c-5 forced into the water?

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

b6-3, b1c-3

EXHIBIT

INITIALS:

PAGE 2 OF 43 PAGES

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SWORN STATEMENT OF COL TAKEN AT Tikrit, IRAQ, APO AE 09323, 27 Jan 04: CONTINUED

b6-3, b10-3

66-3, 67€-3 AFFIDAVIT

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.

b10-3

gnature of Pesson Making Statement)

Subscribed and swom to before me, a person authorized by law to administer oaths, 27th of January 2004, at LSA Anonconda, Iraq.

66-1, b1c-1

(Sign .ure of Person Administering Oath)

66-1, byc-1

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS:

6-3,67C-3

EXHIBIT

INITIALS:



PAGE 3 OF 43 PAGES

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

	AUTHORITY: PRINCIPLE PURPOSE; To provide commanders and law enforcement officials with means by which	
	information may be accurated an additional/alternative means of identification	
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	DISCLOSURE: Disclosure of your Social Section, Section 1997	i d
	LOCATION: Balad, Iraq DATE: 30 Jan 94 TIME: 0747.3 2 FILE NUMBER: 001]-04-CID469-79630-5H1-5H7.	
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•	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:	
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DEPARTMENT OF THE ARMY 10th MILITARY POLICE BATTALION (CID) THIRD MILITARY POLICE GROUP, USAGING 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 6th Street, Rt. Belvoir, VA 22060-5585 Special Agent in Charge, 43d Military Police Detachment (CID) (FWD), 3d Military Police Group (USACIDO), Tikrit, Iraq APO AE 09323-2647

SUBJECT: Polygraph Examination Report

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

<u>AUTHORIZATION NUMBER:</u> 04-0164, 29 Jan 04

DATE OF EXAMINATION: 30 Jan 04

LOCATION OF EXAMINATION: FOB Anaconda, Balad, Iraq

SUBJECT EXAMINED: Combat Team, Ft. Carson, CO (Deployed to Balad, Iraq);

OFFENSE: Misprison of a Serious Offense, Conspiracy.

<u>PURPOSE OF EXAMINATION: Criminal Investigation</u>

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 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.

H- 01d 676-4

Further investigation revealed that Mr. 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 Exhibite is Polygraph Examination Report (DA Form 2002). This exhibit will be destroyed not later than 3 months after the data of the report of investigation (pera 2-6h, AB 193-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACTOC, 6010 to Street, Pt. Belvoiz, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.



0011-03-CID469-79630-5H1

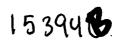
On 16 Jan 04, Mr. was interviewed by USACIDC and stated he and Mr. FADITIL were returning from Baghdad, where they had purchased some plumbing supplies. He stated that about 2230, 3 Jan 04, while traveling to their home in Samarra, they arrived at the ICDC stated at the checkpoint their vehicle was searched, their checkpoint. Mr. 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. 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. 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. 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. 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. 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 said when he went into the water he could hear Mr. was pushed into the water. 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. stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. 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. 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. PADHIL. 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

A Company, 1/8th 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 11.7 CPT and MAJ had knowledge of the men being thrown into the water and that they were involved in covering up this incident

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Attached as Exhibit is Polygraph Exhibitation Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the data of the report of investigation (para 2-ch, AR 185-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 5010 60 Street, Pt. Belovir, VA 22060-5583. Reproduction of this exhibit on its contents is probabiled.







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afterwards. One soldier also stated he was told by someone in his chain of command that LTC Tand COL 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 Another solder dentified CPT pertaining to COL 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 solder identified Major and LTC and the other two unit members involved had not spoken with COL about this incident but he was told by members of his chain of command that they (referring to the knew everything. He was unable to specifically identify who made these comments.

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

On 25 Jan 04, CPT 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 knowledge or involvement in this investigation.

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

HHC, 1/8th Infantry Battalion, Ft. On 27 Jan 04, LTC 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 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 did say that he was not aware of the possibility that one of the fragi's drowned, as he was told that both men were seen on the roadside when the convoy departed. LTC knowledge Major and COL were not involved in this incident from any perspective.

On 29 Jan 04 all members of the 19 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 had any knowledge and/or involvement in this investigation.

A Company, 1/8th Infantry, was On 29 Jan 04, 18G interviewed and stated he was first informed about the incident through his Commander, CPT

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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-ch, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crims Records Center, Usacide, 6010 pt Street, Ft. Belvoir, VR 22050-5589. Reproduction of this exhibit or its contents is prohibited.

15394



0011-03-CID469-79630-SH1

Although, 1SQ stated he instructed the Commander to not tell him any details, as someone had to remain in control of the remainder of the unit. 1SG claimed he had no knowledge of the incident or of any cover up until the CID investigation was initiated. Also: ISC stated to his knowledge COL had no involvement in the incident or the actions taken afterwards.

On 29 Jan 04, CSM 586-66-1015, HHC, 1/8th 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 o question what was going on and he was told by him to not be concerned with it and stay out of it. CSM stated to his knowledge, COL was not involved in any phase of the incident.

On 29 Jan 04, SGM 3d Brigade Combat Team, was interviewed and denied having any involvement pertaining to this investigation. Also, CSM stated to his knowledge COL aid 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 was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. COL 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 stated he briefed the Commanding General, 4th 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 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 said a few days later he spoke with and SFC 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 denies informing COL about the offense as it occurred and about the plan to cover the truth, it is believed COL informed about the incident prior to his being briefed about the results of the USACIDC continued to deny that he had any knowledge of the two men interviews. COL 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 was offered the opportunity to undergo a polygraph examination to verify the truthfulness of his statement, to which he agreed.

67-E

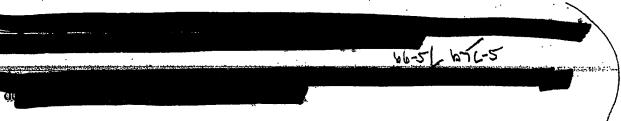
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Attached as Exhibit 19 Polygraph Examination Report (DR Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (page 2-60, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Genter, USACIDA, 6010 6th Street, Pt. Belvolr, VA 22060-55ed, Reproduction of this exhibit or its contents is prohibited.

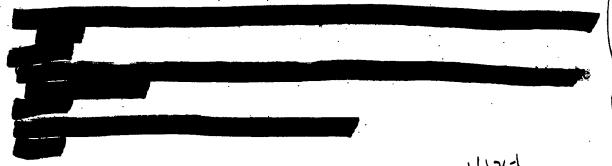
15394

AATT - A4 - CIN 4 EB - 4 A E 30

0011-03-CID469-79630-5H1



RELEVANT QUESTIONS USED:



WITNESS, MONITOR OR INTERPRETER: SA

1-264 1-00

EXAMINEE'S NATIVE LANGUAGE; English

LANGUAGE USED DURING THE EXAMINATION: English

Polygraph Examiner, 62-1

for official use only

Attached as Exhibit is tolygraph Examination Report (DA Form 280%). This exhibit will be destroyed not later than 2 months after the date of the report of investigation (para 2-6h, AB 185-6): The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6° Street, Fb. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

15394 E EXHIBIT

67-E

Photographic Packet

Case Number 0011-04-CID469-79630

Number	Description
1	Photograph depicting the pump house area adjacent to the north end of the bridge where Mr. FADHIL and Mr. were forced into the river.
2	Photograph depicting the area where Mr. 676-9, 66-4 stood when their flexi cuffs were removed prior to them being forced into the water.
3	Photograph depicting the area between the pump house and cylinder blocks where Mr. FADHIL and Mr. were forced to walk through before being forced into the river.
4	Photograph depicting a soldier standing at the location where Mr. FADHIL and Mr. (176-4,66-4) were forced into the river.
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.

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Exhibit 40

015395

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

translation provided at page 185

Withheld due to:

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____ Photos depicting Americans

Photos depicting foreign nationals

____ Civilian Agency Records

MEMORANDUM FOR RECORD

9 February 2004

676-3,66-3

SUBJECT: Transliteration of a one page letter written in Arabic, transliterated by 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 US Army CID.

//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.

67C-3,66-3 regarding the exhuming of On the question of Mr. Zaydoon's body in order to discover the cause of the death and solve a mystery by opening the grave.

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.

676-3,66-3 Director, Head of Religious Counsel in Salah Aldeen Imam and Preacher, The Big Mosque, Samarra

//END TRANSLITERATION//

015403

uvu185

Page(s)

186-194

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

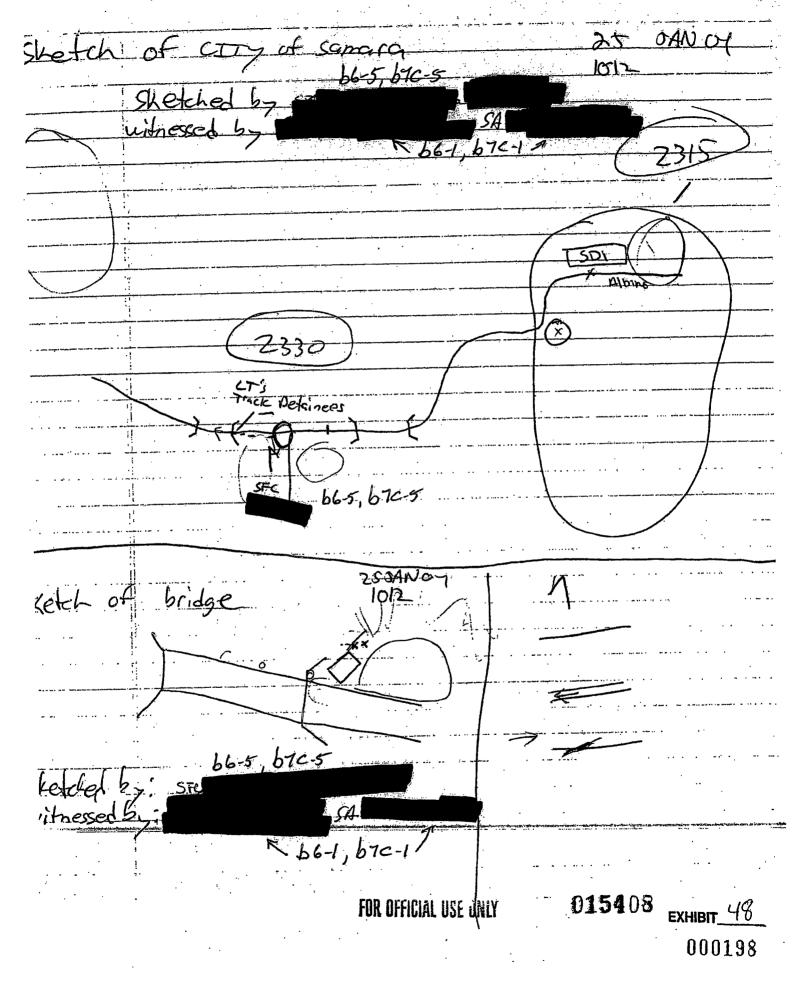
	TATE CONTINUE DEPORT	0014-04-CID919 (RFA)
	AGENT'S INVESTIGATION REPORT CID Regulation 195-1	PAGE 1 OF 1 PAGES
	BASIS FOR NOTIFICATION: About 1904, 22 Jan Request for Assistance (RFA) from 43 rd Milita Ironhorse, Tikrit, Iraq, requesting this off conduct subject interviews of CPT both of A	04, this office received a ry Police Detachment, Camp ice locate, fully identify and and Co. 1/8th Infantry, Balad,
	1raq.	56-5,b/c-s
16-5, 10-5	About 0928, 25 Jan 04, SA A Company, 1/8 th Ind Fort Carson, CO, which he waived and provide stated he had made joking statements Iraqi into the water, and that statements we incident that "someone's going to get wet". a white truck belonging to one of the detain	ere made the night of the 165,676-5 SFC stated he pushed
6-5, b6-5, b7c-5	Bradley vehicle the night of the incident. knew two individuals had been thrown in the incident, but when he drove past he saw two side of the road. SFC stated he knew the true version of what happened that night knew. SFC provided a har scene. SFC refused to sign his writthe interview by requesting legal counsel.	sfc further stated he water the night of the individuals standing on the was aware of the but would not state how CPT and drawn sketch of the incident ten statement and terminated (See written statement and
66-5,	About 1158, 25 Jan 04, SA Executive Officer, Company (HHC), 1/8 th Infantry Battalion (INF Carson, CO 80913, which he waived and render his knowledge of the incident and his role as requested by his chain of command (see Wastatement for details). About 1202, 27 Jan 04, SA Commander, HHC 1/8 th INF BN, (Balad, I which he waived and rendered a sworn statement ordering CPT and 1LT to the detainees being put in the water (see Wastatement for details).//Last Entry/// TYPED AGENT'S NAME AND SEQUENCE NUMBER 12 th MI LSA AF	red a swoll statement detailing as an appointed inquiry officer aiver Certificate and Sworn 66-5, 676-5 craq), Fort Carson, CO 80913, ent, where in he confessed to change their story regarding aiver Certificate and Sworn FION P DET (CID) (MINUS), haconda, Iraq APO AE 09391 THINDY

	DATA REQUIRED BY T	HE PRIVACY ACT		
RINCIPAL PURPOSE: To provide	uited States Code, Section 3012(g). commanders and law enforcement official Security Number is used as an additional of your Social Security Number is volunti	Naticiliate mound of seasons	mation may be accuration to facilitate film	
LOCATION uilding 4010, LSA Anaconda, Bala	d, Iraq, APO AE 69391	2. DATE 25 Jan, 04	3. TIME 0928	4. FILE NO. 0011-04-CID469-7963
NAME Cost First MI	-66-5, 67e-5	8. ORGANIZATIO A Company, 1/	ON OR ADDRESS 8th Infantry Batta	lion, 3 rd BCT
SSN	7. GRADE/STATUS SFC/E-7	Balad, Iraq, AP		
	PART 1 - RIGHTS WAIVER/NO	n-waiver certificat	K	
cetton A. Rights he investigator whose name appears below is a Special Agent./// uspecial Agent./// uspecial agent involuntary Mans before he me asked me any questions about I do not have to answer any questions or s Anything I say or do can be used as evide (For personnel subject to the UCMI) I ha during questioning. This lawyer can be a or both.	laughter, Conspiracy, Obstruction the offense(s), however, he/she made it cle ay anything: nce against me in a criminal trial.	d wanted to question me about of Justice /// ear to me that I have the follo	b6-5, 67C-3 wing rights: online and to have a la	se(s) of which I am
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FYHIBIT 47_

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For	25 ZEC TELL SANGARA (2005)	0; the proponent agence OI	
INCIPAL PURPOSE: To provid	United States Code, Section 3012(g)	BY THE PRIVACY ACT fficials with means by which informational/alternate means of identification of id	5,69c-52
LOCATION uilding 4010, LSA Anagonua sea	ad Iraq APO AE 09391	2 DATE 25 Jan, 04	
NAME (Last First MI)	7. GRADES MAJ/0-4	8. ORG A-Company, 1/2 HHC Balad, Iraq, APO NON-WAIVER CERTIFICATE	ADDRESS infantry Battalion, 3 rd BCT AE 09391
ction A. Rights	PARI I - RIGHTS WATTE		
whose name appears below	v told me that he/she is with the Unite 5 676-5 istice, Conspiracy, Accessory	and wanted to question me about t	igation Command the following offense(s) of which I am
o not have to answer any questions or nything I say or do can be used as evid in personnel subject to the UCMJ) I is during questioning. This lawyer can be or both.	lence against me in a criminal trial.	yer before, during, and after questioni opense to the Government or a military	ng and to have a lawyer present with me y lawyer detailed for me at no expense to m
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SWORN STATEMENT

	File Number: 0014-04-CID919 Location: LSA Anaconda CID Office, Balad, IZ APO PE 09391; Date: 25 Jan. 04 Statement Of: Grade/Status: O-4/RA Org/Address: HHC; 1/8 th INF BN; Balad, Iraq APO AE 09391/Ft. Carson, CO
6-5,670-5	I, MAJ WANT TO MAKE THE FOLLOWING STATEMENT
	INDER 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" Platoon, A Company.
	- ADMINISTRATION AND AND AND ADMINISTRATION AND ADMINISTRATION AND AND AND AND ADMINISTRATION AND AND ADMINISTRA
	think happened. As instructed, I spoke first to LT and SFC about
	THE HORIZON AND HAD HELD CADION TO HE HOUSE STORM THE TAXABLE AND THE TOTAL THE TAXABLE AND TH
	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 Laccompanied 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 natrol facing to the rear, he saw both males facing each
•	ather controvimentally 10 feet from where I The saw them moments earlier 2507/
-	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 st 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.
	A: MAJ many times did you meet with the soldiers from 1st Platoon to discuss the
	incident?
	A: Twice 66-5, 67c-5
	Q: How many times did you meet with 1LT to the access 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.
	we went to the scene. 66-5, 67C-5 Q: How many times did you meet with CPT
-	A: Numerous times, we met several times a day tactically and every night 1900.
	O: At any point did you instruct the unit personnel to withhold information.
	regarding the incident when talking CID or anybody else? 65, 616-5
**************************************	EXHIBIT INITIALS: PAGE OF 4 PAGES

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	SWORN STATEM	ENT OF MAJ		TAKEN AT	-5,67C-S
	THE CID OFFICE	😘 A Anaconda, Balad, II	4, 25 Jan 04. (3) N	TINUED	·
	A: No. 66	5,b7c-5			
	Q: At any time wer	e you instructed by your h	ligher command to	o withhold	
:	information regard	ing the incident?			•
•	A: No. L	-5 。b1c-s= elieve happened to the two	dotainees the nic	ht of the incident?	
	Q; what do you be	neve nappened to the two ick to Samarra, again bas	ed off what I was t	old because I	* . N
	wasn't there.	68-5, b7c-5	665,67C-	\$	
	O: At any time did	you instruct CPT	to withhol	d information or for	4
	him to instruct the	unit personnel to withhold	information regar	ding the incident?	Å.
here line	A No. CPT	wasn't there eit	ier. So, everythin	g we nave to on of	· · · · · · · · · · · · · · · · · · ·
	was based upon w	mat the solulers stated.	06-01016	-5	
	Q: Why did you go	to the river with 1 st Plator e location where they stat	ed they dropped th	ne detainees off	
	and it was next to	the river. I wanted to go t	o the site and ass	ess the situation	
	and replay the eve	ents of what happened so	l could report it ba	ck to the BN	
	Commander.	66-5,676-5			
	Q: When at the sit	e, did you instruct anybod e Platoon Leader (1LT	y to go in the water	er and wny?	T. 176-5
	A: Yes, I asked the	e Platoon Leader (111) of the water near the loca	ation on the road v	where the detainees	3) Q
	were dropped of a	s well as the current spee	d of the water. Th	e Platoon SGT	
66-5, 676-5	(SFC	and 1LT	ed the two detains	ees were dropped	
. .	of near a pump ho	ouse on the side of the roa	d and that was the	last place they	
	indicated the two	detainees were seen toge	her as the Patrol I	en the area. The	
	reason I had him J	ump in the water was bas one of the detainees had f	ed upon an printet hwarded as far as	I know to the	
	President of the U	S. and Tony BLAIR (Briti	sh Prime Minister)	relating that the 1st	
	Platoon soldiers w	ere intoxicated and that the	ney had thrown the	e detainees into the	
-	swift current and c	one of them had drown as	a result. I was co	anducting a	
	Commanders inqu	uiry and wanted to check a	ers of 1 st Platoon	66-5, 67¢-5	
•	Q: At any point we detainees into the	ere your aware of the sold	eis oi i Fialoon	pusiting the	
	A: Only off what the	ney were accused of, they	were accused of	oushing them into	
	the water and that	t is the only thing I was aw	are of. Again it is	difficult when you	
•	are not even pres	ent and I was not told unti	about week later	and I am only	
	getting information	n from the soldiers. the detainees were relea	66-5, 67C-5	aldo of this road?	,
	A: Based upon the	e statements of SFC	and 1LT	who saw 66-3	1,676-5
	them talking to ea	ch other in the dirt parking	area on the side	of the road. I	
665, B1C-5	believe 1LT	because I've known h	im longer. If he s	aid they were there	
12	in the pavement,	then I believe him, I don't	think they lied bas	sed upon my チ, ゟァピーケ	
10	Stinct and I pass A: Why then wou	sed that on to the Comma	iumn into the wat	er if you believed	
Ø	him?	ing you have the	jump into the wat	er in gen menneten L	
	A: Because I was	conducting a commander	's inquiry and I wa	inted to refute any	
	possibility of the o	detainees being thrown int	o a swift current a	nd drowning. The	·
and the same of th	EXHIBIT	INITIALS;	PAG	E OF T PAGES	7
		FOR OFFICIAL	USE ONLY	6-5, b7C-5	•
				•	•

015411

SWORN STATEMENT OF MAJ	TAKEN AT D60, 076-3
THE CID OFFICE A Anaconda, Balad, IZ, 25	Jan 04. NTINUED
water was still and not that deep, about knee to wanted to check the possibility of what happens within the email and to report this information to Q: Why would soldiers within the unit state they	waist deep near the bank. I d and to refute the accusations the BN Commander.
information regarding this incident?	
A: No idea 66-67, 87c-5 Q: Were you aware that the truck had been pus	hed to the side of the road by one
ring ast make a Decalcula?	
A: Yes, based upon a statement given by SFC Q; Do you have anything to add to this statemen	nt at this time?
A: No.//End of Statement//	7 <i>C · 5</i>

EXHIBIT _____ INITIALS: PAGE 3 OF 7 PAGES

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015412

THE CID OFFICE. A	Anaconda, Balad, IZ, 25 Jan (4. ONTINUED	
b6-5, b7C-5	4FFIDAVIT		
I, MAJ TO ME THIS STATEM PAGE 4. I FULLY UNI STATEMENT MADE E INITIALED ALL CORR EACH PAGE CONTAI STATEMENT FREELY WITHOUT THREAT O	HAVE READ OR HAVE REAT WHICH BEGINS ON POERSTAND THE CONTENT BY ME. THE STATEMENT IS ECTIONS AND HAVE INITIAL WITHOUT HOPE OF BENEF PUNISHMENT, AND WITHOUT HOPE OF BUILDING OR UNLAWFUL INDUCTION OF SCHOOL	AGE 1 AND ENDS ON IS OF THE ENTIRE STRUE, I HAVE ALED THE BOTTOM OF HAVE MADE THIS EFIT OR REWARD, HOUT COERCION,	
Signistorie Of Personal	raking Statement)		
Subscribed and sw administer oaths, this 25	orn to before me, a person a th day from 2004 at LSA A	naconda, Balad, IZ.	
Person A	administering Oath).	·	
(Typed Name of Perso	on Administering Oath)		
ARTICLE 136 UCMJ			
(Authority To Administ	er Oaths)	·	
WITNESS:			
			•
•		66-5, 676-5	•

015413

PROPERTY VARNING PROC	CEDURE/WAIVER CERTIFICATE
For use of this form, see AR 19	0-30; the proponent agency is ODCOOLS
FOI USC OF UNIT SECULIRE	D BY THE PRIVACY ACT
Title 10, United States Code, Section 30)12(g)
JEHORITY: Title 10, United States Code, deventors and law enforce removed to provide commanders and law enforce removed to the control of the	on the state of th
Ven Cocial Security Number is used as	an additional attenue means of
DUTINE USES: Tour Social Security Number Security Number	
	27 JHN 04 1030 66-3, 876-5
CID Office, LSA Anaconda byc.5	TOWN OF THE STATE
Varna (Lasi First MI)	WHA 1/8th INF BN
GRADESTATUS	WHC, 1/8th INF BN Balad, IZ APO HE 09391
SSN A-C / A	Fort CHESON, CO 80913
U-3/KN	
PART I - RIGHTS WAIV	ER/NON-WAIVER CERTIFICATE
ECTION A. Rights	
he investigator whose name appears below told me that he/she is wi	ith the United States Army Criminal Investigation Command
he investigator whose name appears below told me that he/she is wing the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears below told me that he/she is wing to the investigator whose name appears he investigator he investigator whose name appears he investigator he investigator he investigator he investigator he in	nted to question me about the following offense(s) of which I am
as a special Agent D63, Branch Officerous Of	ense 1/1 b6-5, 67C-5
halche esked me any questions about the oriense(s), nowever,	, he/she made it clear to me that I have the following rights.
I do not have to answer any dilestions of say anyming.	
A walling I any or do can be used as evidence against mo in a visit	ninal trial. vately to a lawyer before, during, and after questioning and to have a lawyer wyver I arrange for at no expense to the Government or a military lawyer detailed
(For personnel subject to the UCMJ) I have the right to talk private t	vately to a lawyer before, during, and after questioning and to have a lawyer lawyer I arrange for at no expense to the Government or a military lawyer detailed
resent with me during questioning. This lawyer can be a cryman in	· · · · · · · · · · · · · · · · · · ·
he me at no expense to me or bout.	
b6-5, b1e-5	-or-
	the form during and after questioning and to have a lawyer
(For civilians not subject to the UCMJ) I have the right to talk priva	ately to a lawyer before, during, and after questioning and to have a lawyer and be one that I arrange for at my own expense, or if I cannot afford a lawyer and
went one a lawyer will be appointed for me before any questioning	. · · · · · · · · · · · · · · · · · · ·
m () las investigation	with or without a lawyer present, I have the right to stop answering questions at
4. If I am now willing to discuss the offense(s) under investigation, any time, or speak privately with a lawyer before answering further,	even if I sign the waiver below.
•	
S COMMENTS (Continue on reverse side)	een advised of your rights in the last 30 days is the offense(s) under investigation and make a statement without talking to a
5. COMMENTS (Comme on order	him I of work rights in the last 30 days 1
Have you Reavested a lawyer or be	eth adviser of your rights in file
SECTION B Waiver	is our falling to a
t January monte de cialeil allive. I dill live minimo	s the offense(s) under investigation and make a statement without talking to a
lawyer first and without having a lawyer present with me.	1/3 SIGNATURE OVER 16-5 16-5
WITNESSES (if available)	3 SIGNATURE OF THE BOOK STORES
WITNESSES (if available)	06-5,072-3
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WITNESSES (if available) 1a. NAME (Type or Print) b. ORGANIZATION OR ADDRESS AND PHONE 2a. NAME (Type or Print) b. ORGANIZATION OR ADDRESS AND PHONE SECTION C. Non-waiver 1. I do no want to give up my rights I want a lawyer 2. SIGNATURE OF INTERVIEWEE	6. ORGANIZATION OF INVESTIGATOR 1244 MP DET COD X Minus) LSH knaconda, Balad. Iz HPO ME 09391

015414

	For use of this form,	SWORN STATEMENT see AR 190-45; the proponent agency i	S ODCSOPS	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES!	Title 10 USC Section 301; Title To provide commanders and lay	PRIVACY ACT STATEMENT 5 USC Section 2951; E.O. 9397 dated wenforcement officials with means by wised as an additional/alternate means of ty number is voluntary. 16-5, 17-7	identification to facilitate filing	
DISCLOSURE: 1. LOCATION Pho office, L	si Anadoda II	2. DATE (YYYYMMDD) 3. TI 2004 01 27 12/2	ME 4. FILE NUMB -0.2 1. 66-5, 6 7. GRADE/STA	10-5) TUS
6 LAST NAME, FIRST	NAME, MIDDLE NAME		D-5/RA	A CONTRACTOR OF THE PARTY OF TH
9. LTC			OWING STATEMENT UNDER C	
Here I re	L 1 1 1 4	know to be frue o Samarra (Bra	ssfield-Mora)	on Tawoy)
the day As most	Know Eric	woda's memorial 's death deeply	affected me	
the days	afterward,	of my Company	Commandes di	en
my pre	LARAT TL	left me pretty also bothered	me a great	
that Eri	was still in	Paliwoda FOB (for Samarra, Any	way, I was	still
approache	oset when CI I me with	a report of	the incident	t in
Samarra	needed to M	neet the Bde Co	r and the 1-	66 AR
returning	back to 1	n meeting sin Balad the nex	T day 10 101	ieve ept
2-3 /ny	1 665,67C-50	to me the ev	ents that on	- the
night o	1 3 JAN 04,	15+ Platoin, A Com	CTATEMENT	ained J. G. PAGES
10. EXHIBIT	S MUST CONTAIN THE HEADING	STATEMENT TAKEN AT _	5757C-5 FROLIDE	CAT-DA-FAUCSMAN
	ACH ADDITIONAL PAGE MUST L	BEAR THE INITIALS OF THE PERSON MA		PAGE NUMBER
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ACLU-RDI 1557 p.178

INITIALS OF PERSON MAKING STATEMENT

PAGE 2, DA FORM 2823, DEC 1998

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-66-5,67C-5

015416

PAGE 2 OF 6 PAGE

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED AL PAGE OF THIS FORM. 676-5,66-5 TAKEN AT 25A Anaconda DATED 27 TANDY STATEMENT OF LIC 67C-5,66-5 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 676-4,66-4 and by the time of came out of those operations -CID was involved, the investigation was on-going, and everything was clearly out of my hands. And so, though it am quite sure to this. 66-4,676-4 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 detainers (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 leagis jump into the water - it was an act of stupidity, but no one drowned - and hopefully in two weeks or so el will be able to detain and prove that. I also do not excuse my decision - of the hundreds of right calls of have made, this one - no matter that I was still suffering 57C-5,66-5 INITIALS OF PERSON MAKING STATEMENT PAGE 3 OF 6 PAGES 015417 PAGE 2, DA FORM 2823, DEC 1998 FOR OFFICIAL USE ONLY EXHIBIT_50

tement of LTC	TAKEN AT LSA Amaconda DATED 275	9N 04 576
TEMENT OF	I should have conducte inquiry and presented the I wish I could have	
STATEMENT (Continued)	I should have conducte	d a
rom Eric's atala	and presented the	facts
pemal Commander's	inquiry and product	a re-do
in the Bde Cdr.	I wish I come have	
wie nort		
n ma	2.11 recornsibility for what	has
50 el take 1	full responsibility for what he incident. Labbes, bac-5 And ILT come to you to of the possibility that one of	
rangened. since t	he incident.	
06-1676-1		1.
Q. Sh	666-5,676-5	
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Lilians de Sand ?	to in the possibility that one of	1
de tainees drowned?	· · · · · · · · · · · · · · · · · · ·	
A: No.	66-5, 676-5	57c-5
Q! why did you instruc	- CIT and ILT	Ho.
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withhold the fact tha	t the detainces were told to en	d went 65,6
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67C-5, 66-5			
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676-5, Wand ILT would	have or did lik to you will	nen they breeke	0
A: NO. 6/107,000 Q: were aware or did you bit-5, 16-5, 16-5 did not could A: Absolutely Not.	67C-5, 66-5	- 7 - 7	~ J***
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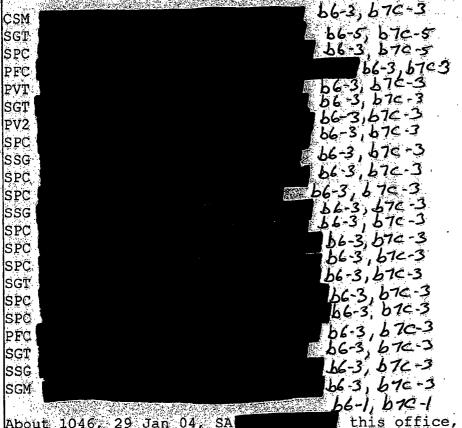
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PAGE 1 OF 1 PAGES

DETAILS

Between 0930 and 1550, 29 Jan 04, the following individuals from A Company, 1-8th 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.



this office, interviewed 1SG About 1046, 29 Jan 04, SA

A Company, 1-8th Infantry, 4ID, (Balad, Iraq), FCCO, who provided a sworn statement. 1SG denied he had any 06-30 % knowledge pertaining to the alleged incident. (See Sworn Statement for details)///LAST ENTRY///

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	DURE/WAIVER CERTIFICATE 10; the proponent agency is ODCSOPS
	BY THE PRIVACY ACT
AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforceme	at officials with means by which information may be accurately identified.
	additional/alternate means of identification to facilitate filing and retrieval.
Disclosure of your Social Security Number 1. LOCATION	2 DATE J. 3. TIMB 4. FILE NUMBER
PMO/MPI office, LSA Anaconda IZ	30 JAN104 1750 6014-04-010919
b1c-5	ACO, 1/8 44 INF BN
6. SSN 7. GRADE/STATOS V	(2SA Anaconda, IZ) (BALAD) 665,6765
E-5/RA	(2SA Anaconda, IZ)(BALAD) 665,6765 Fort CAMSON, COlorado 80913
PART I - RIGHTS WAIVER	NON-WAIVER CERTIFICATE
SECTION A. Rights	
tree	- II-itad States A Criminal Transferration Co
The investigator whose name appears below told me that he/she is with the control of a Special Rapat and wanted it	o question me about the following offense(s) of which I am
suspected/acoused Agare vate a Assault //	66-5, 61C-5
Before he/she asked me any questions about the offense(s), however, he/s	the 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 UCMI) I have the right to talk privately	to a lawyer before, during, and after questioning and to have a lawyer I arrange for at no expense to the Government or a military lawyer detailed
for me at no expense to me or both.	I arrange for at no expense to the Government of a military lawyer detailed
to the action expense to the or cour.	
	or-
The state of the s	
(For civilians not subject to the UCMJ) I have the right to talk privately to	one that I arrange for at my own expense, or if I cannot afford a lawyer
want one, a lawyer will be appointed for me before any questioning begin	s.
, , <u> </u>	
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.
5.0010 mmm 47.44	
5. COMMENTS (Continue on reverse side)	
HAILE YOU requested a Lawyer or been	n advised of your rights in the Last 30 day
SECTION B. Waiver	J J J J J J J J J J J J J J J J J J J
I understand my rights as stated above. I am now willing to discuss the of	ffense(s) under investigation and make a statement without talking to a
lawyer first and without having a lawyer present with me.	b
WITNESSES (îf available)	3. SIGNATURE OF INTERVIEWEE
la. NAME (Type or Print)	
	56-1, b9c-1
6. ORGANIZATION OR ADDRESS AND PHONE .	
2a. NAME (Type or Print)	
2a. Intellet (Type of Fring)	art and and a second
b. ORGANIZATION OR ADDRESS AND PHONE	5A 66-1; 67C-1
b. Oxomization or addition find I horiz	124h MP DET (CID) (MINUS) LSA Anaconda, BALAD, IZ APONE 09391
	LSA Anaconda BALADIZ APONE 09391
SECTION C. Non-waiver	, , , , , , , , , , , , , , , , , , , ,
1. I do no want to give up my rights I want a lawyer	I do not want to be questioned or say anything
2 SIGNATURE OF NEERVIEWEE	the state of the s
1/8/10-	

DA FORM 3881, NOV 89 (AUTOMATED)

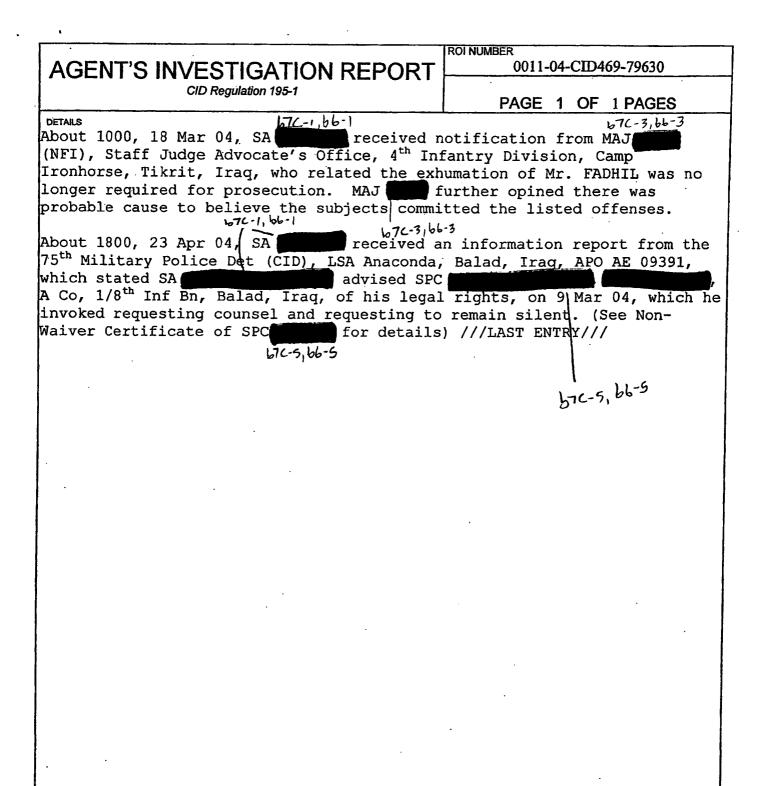
EDITION OF NOV 84 IS OBSOLETE

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

015426

000216 HBIT



TYPED AGENT'S NAME AND SEQUENCE NUMBER

67C-1, bb-1

SA

SIGNATURE

67C-1, bb-1

Baghdad, Iraq, APO AE 09342

DATE

23 Apr 04

EXHIBIT

CID FORM 94

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015427

66-3,670-3

ant to be questiones or say anything

FOR OFFICIAL USE ONLY

015428A ₀₀₀₂

000218

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

236-237

Withheld due to:

____ Foreign Language

____ Photos depicting Americans

Photos depicting foreign nationals

____ Civilian Agency Records

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

244-245

Withheld due to:

____ Foreign Language

X Photos depicting Americans

X Photos depicting foreign nationals

____ Civilian Agency Records

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

249

translation provided at page 185

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250-275

translation of page 250 provided at page 185

Withheld due to:

X Foreign Language

X Photos depicting Americans

X Photos depicting foreign nationals

__ Civilian Agency Records

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277

translation provided at page 278

Withheld due to:

X Foreign Language

____ Photos depicting Americans

____ Photos depicting foreign nationals

____ Civilian Agency Records

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 abody

on the bates of the Third, Fourth, fifth of Jamery-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 with 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 15th Jan-2004 as are! For Six hours, on that Day we find the body

with all of my appreciation

the Engineer

66-3,67-3

The Site Director.

67C-3, b6-3

015431

000278

EXHIBIT 73

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279

translation provided at page 280

Withheld due to:

X Foreign Language

____ Photos depicting Americans

____ Photos depicting foreign nationals

____ Civilian Agency Records

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 2idoon. his body was about one Kilo meter for From the dam, he was picked up from there and Moved to his parents house for the family to See him for the hast time, we buried him in Samerala Cemetery for that I would like to assure you withe no doubt that the body we find and snatch away from the ditch in Jan-15-2004 it was bics, 66-3 Zidoon bo Zidoon body and that is after searching for his body Since the day he was pushed into the Lake from the Part 08 the American Soldiers in Jan-30ry-2004. he was the one who was buried in the Same day? own Self, 67C-3,66-3 I Know him as of Knowing my

Thank you. 08 Zidoon 67C-3,66-3 67C-3,66-3

SS.\$ ~ 67C-3,66-3

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EXHIBIT_75

281

translation provided at page 282

Withheld due to:

X Foreign Language

_____ Photos depicting Americans

Photos depicting foreign nationals

____ Civilian Agency Records

In the name of God

To / united states Army

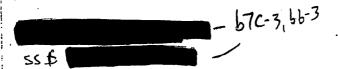
Subject / Confirming.

I am assuring with No doubt, that on the 15th of January 2004, I was one of the ' People who Saw the body of the deceased Zidoon Maamon Fadd Al Samara'ay, when he was brought home, after he was picked up from the ditch. I did I doubtly him as well as his family members and his friends For that I am Signing this Statement.

hawyer

Baghdad on SEP-13-2004

Baghdad on SEP-13-2004



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1/10/282

283

translation provided at page 284

Withheld due to:

X Foreign Language

____ Photos depicting Americans

Photos depicting foreign nationals

____ Civilian Agency Records

In the name of God To the United States Army

be-3 Con January -18-2004, we find the deceased be-3 body of Zidon Makmon fadel

At Samerday, after he was pushed into the ditch by some of the American Soldiers

on January-3-2004, after we saw him for the Last time we had the funered and he was buried in Samerda Cemetery.

67 c-3 66-3 Neither me or his sibling, his relative mor 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.

robe for ungarstand mud emotion as

thank you

676-3,66-3 Zidoon SEP-13-2004

67C-3, 66-3

67c-3, 66-3

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EXHIBIT 79

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285-286

translations provided at pages 287 and 288.

Withheld due to:

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_____ Photos depicting Americans

X Photos depicting foreign nationals

____ Civilian Agency Records

834665

Iraq republic Ministry of interior

Division : Samera'a

file number: 302

Page Number: 37

Identification number

b7C-4, b6-4

Department of Citizens and Civilian

Identification.

Issued under the Low of Civilians Rights number 65

name: zidoon

-67C-3, 66-3

host name: AL samera'ay

Mother name:

Sex: Male

DESued Date JAN-18-2008

Signature of employee:

full name:

676-3,66-3

- 67 C-3, 66-3

015439

000287

EXHIBIT 81

MO. CHAIN OF CUSTODY TEM. DATE NO.			NAME, GRADE OR TITLE	NAME, G	RADE OR TITLE			
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-0011-04-GEO 469-3	ECEIVII	riminal Investig	gation Command	95-5; the proponent agenc	y is US Army	CRD REPORT/CID I	ROINUMBER	

OFFICIA

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: 66-1, b7c-1
RELEASER: 66-1, 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. 16 JAN 2004/1300 16 JAN 2004/1500; 1/66 ARMOR BATTALION AREA, FORWARD OPERATNG 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 66-1, 670-1, 62-1
- 4. SUBJECT: 1.

 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]

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. SPC; 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. SPC; 27 JUL 79; LIMA, OH; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY]
5. CPT; 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. SFC; 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. MAJ; MAJ; 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) 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. CARACAS, VENEZUELA; M; WHITE; CO A, 1/8 IN,3D BCT, 4ID,APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY]
10. (ADD) SGT; SGT; 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. CIV; 19 MAR 1981; 67C-4, 66-4 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]
015443

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".

5TH STATUS:

THE PURPOSE OF THIS STATUS REPORT IS TO ADD SGT 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.

, PROMPTED BY SFC INVESTIGATION FURTHER DISCLOSED SGT , 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.

676-5

ON 29 JAN 04, WHEN INITIALLY INTERVIEWED AS A POTENTIAL WITNESS LIED AND DENIED ANY 676-5, 66-5 IN THIS INVESTIGATION, SGT KNOWLEDGE OF A PREVIOUS INCIDENT OF FORCING AN IRAQI INTO A BODY OF WATER.

INVESTIGATION CONTINUES BY THE USACIDC.

** REQUEST A USACRC NAMECHECK BE CONDUCTED ON

4TH STATUS:

676-5,66-5 THE PURPOSE OF THIS STATUS REPORT IS TO ADD SGT SUBJECT OF CONSPIRACY AND FALSE OFFICIAL STATEMENT AND TO 'S NAME. 67C-5,66-5 CORRECT THE SPELLING OF LTC

67C-4.

WAS INTERVIEWED AND ADMITTED HE WAS AT ON 27 JAN 04, SGT AND MR. FADHIL WERE FORCED INTO THE RIVERS EDGE WHEN MR 66-4 THE RIVER. HE FURTHER STATED HE WAS ONE OF THE LAST SOLDIERS TO AND MR. FADHIL IN THE RIVER. HE STATED MR WITNESS BOTH MR. WAS SWIMMING TOWARD THE SHORE AND MR. FADHIL WAS

67C-5,66-5

015444

676-5,66-5

676-5,66-5

TREADING WATER WHEN SGT DEPARTED THE AREA. SGT DID NOT WANT TO BE QUESTIONED ABOUT THE INCIDENT AND HE SUBSEQUENTLY INVOKED HIS RIGHTS.

DURING AN ADMINISTRATIVE REVIEW OF THE CASEFILE IN WAS NOTED LTC S NAME WAS SPELLED INCORRECTLY.

***REQUEST USACRC NAME CHECK BE CONDUCTED ON SGT LTC

INVESTIGATION CONTINUES BY THE USACIDC.

676-5,66-5

UNDERWAY AND OUT OF HIS HANDS.

3D STATUS:

676-9

676-5

66-5

66-5

THE PURPOSE OF THIS STATUS REPORT IS TO ADD THE OFFENSE OF
OBSTRUCTION OF JUSTICE FOR 1LT ADD LTC AS A
SUBJECT OF OBSTRUCTION OF JUSTICE, ACCESSORY AFTER THE FACT, AND
CONSPIRACY; AND FULLY IDENTIFY MAJ

WAS INTERVIEWED AND ADMITTED HE WAS ON 27 JAN 04, LTC REGARDING THIS 676-5,66-5 AND 1LT BRIEFED BY CPT AND MR 67C-4.66-4 INCIDENT, SPECIFICALLY REGARDING THE FACT THAT 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 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 FURTHER RELATED BY THE TIME HE COALITION FORCES. LTC 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

FURTHER, ON 27 JAN 04, PFC

AND SPC

AND SPC

ALL

OF CO A, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391, WERE INTERVIEWED. ALL

RELATED 1LT

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

015445

OFFICE. 1LT 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 , PUSHED MR FADHIL AND ON THE INSTRUCTIONS OF 1LT 676-4,66-4 TO JUMP INTO A BODY OF WATER ADJACENT THE PROMPTED MR 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 676-4,66-4 OR MR FADHIL MURDER MR 676-5,66-5 WAS INTERVIEWED AND ADMITTED HE ON 21 JAN 04, SPC PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. AND SPC 1,765 FURTHER, HE IDENTIFIED SGT INTO THE WATER 676-4 66-4 RESPONSIBLE FOR PUTTING MR FADHIL AND MR AS INITIALLY ALLEGED. HE DENIED DIRECT PARTICIPATION AND CHOSE TO REMAIN WITH THE VEHICLES, BUT RELATED HEARING A SPLASH SPOKE WITH SGT AND SPC FURTHER RELATED THE PLATOON AS ABOUT THE DETAINEES. SPC A WHOLE DISCUSSED THROWING DETAINEES CAUGHT OUT AFTER CURFEW IN THE RIVER ON A FEW OCCASIONS, BUT THE EVENING OF THIS REMARKED THAT INCIDENT, THE PLATOON SERGEANT, SFC "SOMEBODY'S GOING TO GET WET TONIGHT!" OVER THE PLATOON FREQUENCY. FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT SPC WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC 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 ACCORDING TO SPC 1LT AND SFC 676-5,66-5 WAS INTERVIEWED, BUT DECLINED TO ON 22 JAN 04, 1LT¶ ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND

015446

000294

DENIED ANY WRONGDOING.

ON 22 JAN 04, SPC WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SPC ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AFTER INSTRUCTIONS FROM 1LT AND SEEING SGT PROMPT THE OTHER DETAINEE TO GO INTO THE WATER. SPC FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AND INSTRUCTED ON WHAT TO SAY AND AS DESCRIBED BY SPC WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SPC IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM CPT SFC AND 1LT ON 23 JAN 04, SGT WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT IMPLICATED SPC TO MAKE HIM JUMP. SGT 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 RELATED THEY THEN WALKED BACK AND SCREAMING. SGT TO THE VEHICLES, MOUNTED AND DEPARTED. FURTHER RELATED HE WAS LATER A PARTY TO FURTHER, SGT A GATHERING AS DESCRIBED BY SPC AND SPC THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT THOSE INSTRUCTIONS AS COMING FROM MAJ (BATTALION EXECUTIVE OFFICER), CPT AND 1LT 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. 676-3,66-3 HHC, 1/66 THIS OFFICE WAS NOTIFIED BY CPT ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL. 67 6-4, 66-4

PRELIMINARY INVESTIGATION DISCLOSED MR.

IRAQLCIVIL 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

015447

REPORTED TO THE

000295

676-5

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. ACCOUNTY OF 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.

676-4,66-4 WAS INTERVIEWED AND STATED HE AND HIS ON 16 JAN 04, MR. COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT 67C-4,66-4 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 676-4, 66-4 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. 67C-4, 66-9 ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. 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 676-4 66-4 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, WAS SEEN WALKING TOWARD THE CHECK POINT AND HE 67C-4 46-4 REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL 676-4 WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

015448

676-5, 66-5

1ST PLATOON, A ON 16 JAN 04, SGT COMPANY, 1/8TH INFANTRY BN, 3RD 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 STATED THEY WERE PICKED UP 6765, 66-5 FALSE IDENTIFICATION CARD. SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS PLATOON LEADER, TO RELEASE 676-5, 66-5 GIVEN AN ORDER BY LT 676-5, 66-5, 676-5, 66-5 AND SPC THEM. HE STATED HE WITNESSED 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 67c-4, 66-4 HAVING ANY INVOLVEMENT WITH PUSHING MR. AND MR. FADHIL OFF A BRIDGE. HE STATED MR. WAS MAKING THE STORY UP.

676-4,66-4 PLATOON LEADER, 1ST ON 16 JAN 04, LT PLATOON, A COMPANY, 1/8111 IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND 676-4,66-4 STATED HE WITNESSED HIS SOLDIERS SEARCH MR. 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 AND MR. FADHIL STANDING ON THE SIDE OF THE WITNESSED MR ROAD AS THE CONVOY WAS DEPARTING THE AREA.

66-4

L7C-4.66-4

ON 16 JAN 04, SPC

1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS
PRESENT WHEN MR

AND MR. FADHIL WERE RELEASED ON THE
NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC

CUT THE HANDCUFFS OFF WITH A KNIFE AND MR.

AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE
STATED NO US SOLDIERS HARMED MR.

STATED NO US SOLDIERS HARMED MR.

OR MR. FADHIL IN ANY
WAY. HE DENIED BEING INVOLVED WITH PUSHING MR.

AND MR.

AND MR.

ON 16 JAN 04, SPC

ON 16 JAN 04, SPC

COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE

WAS PRESENT WHEN MR.

AND MR. FADHIL, WERE DETAINED, AND

LATER RELEASED. HE STATED HE CUT BOTH MR.

FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE

IN SAMARRA. HE STATED NO ONE HARMED MR.

676-9, 66-9

OR MR. FADHIL.

015449

676-4,66-4

HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE FURTHER STATED HE WITNESSED MR. AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON THEIR BFV WHILE DEPARTING THE AREA.

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 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.

EFFORTS ARE ONGOING TO POSITIVELY IDENTIFY THE REMAINS OF MR. FADHIL.

INVESTIGATION CONTINUES BY THE USACIDC.

***REQUES	T USACRC	NAME CHECKS BE	CONDUC	TED ON SGT	
SPC		AND LT	***	67C-5,66-5	
676-5,66-5	L70	-5.66-5			

- 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.

015450

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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: 66-1, 67c-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. 16 JAN 2004/1300 – 16 JAN 2004/1500; 1/66 ARMOR BATTALION AREA, FORWARD OPERATNG BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ

2. DATE/TIME REPORTED: 13 JAN 2004, 1011

66-1,676-1

66-1, 6K-1

3. INVESTIGATED BY: SA

66-1,61C-1 665,67C-5

4. SUBJECT: 1. 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]

66-5 612-5 SGT;

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

SPC;

M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNITARY MANSI AUGHTER] [AGGRAVATED ASSAULT][FALSE

OFFICIAL STATEMENT][CONSPIRACY]

OFFICIAL USF Olive

015451

b6-5.

M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY] hc-5 64e-5

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

M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE] [CONSPIRACY] b7C-5

M, WHITE; HHC, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

46-5

8 (CORRECTED) M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4 ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACTICONSPIRACY] 61C-5 165

9. (ADD): CO A, 1/8 IN,3D BCT, 4ID,APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY]

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

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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nnn390

4TH STATUS: THE PURPOSE OF THIS STATUS REPORT IS TO ADD SGT SUBJECT OF CONSPIRACY AND FALSE OFFICIAL STATEMENT AND TO CORRECT THE SPELLING OF LTC WAS INTERVIEWED AND ADMITTED HE WAS AT ON 27 JAN 04, SGT THE RIVERS EDGE WHEN MR AND MR. FADHIL WERE FORCED INTO THE RIVER. HE FURTHER STATED HE WAS ONE OF THE LAST SOLDIERS TO AND MR. FADHIL IN THE RIVER. HE STATED MR WITNESS BOTH MR. 676-9,66-4 WAS SWIMMING TOWARD THE SHORE AND MR. FADHIL WAS 67C-4,66-4 TREADING WATER WHEN SGT DEPARTED THE AREA. SGT 676-5,66-5 DID NOT WANT TO BE QUESTIONED ABOUT THE INCIDENT AND HE SUBSEQUENTLY INVOKED HIS RIGHTS. DURING AN ADMINISTRATIVE REVIEW OF THE CASEFILE IN WAS NOTED NAME WAS SPELLED INCORRECTLY. ***REQUEST USACRC NAME CHECK BE CONDUCTED ON SGT LTC AND CPT , SFC MAJ INVESTIGATION CONTINUES BY THE USACIDC. 3D STATUS: THE PURPOSE OF THIS STATUS REPORT IS TO ADD THE OFFENSE OF OBSTRUCTION OF JUSTICE FOR 1LT ADD LTC 676-5 SUBJECT OF OBSTRUCTION OF JUSTICE, ACCESSORY AFTER THE FACT, AND 66-5 CONSPIRACY; AND FULLY IDENTIFY MAJ WAS INTERVIEWED AND ADMITTED HE WAS ON 27 JAN 04, LTC AND 1LT REGARDING THIS BRIEFED BY CPT 67C-4, 66-4 INCIDENT, SPECIFICALLY REGARDING THE FACT THAT 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 RELATED HE BELIEVED THIS AND FURTHER ADMITTED HE 67c-s DIRECTED THE OFFICERS AND SOLDIERS TO LEAVE THE PART OUT OF ANY b6-5. 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

DECIDED HE DIDN'T BELIEVE THE SOLDIER'S AND OFFICER'S STORY OF

INSTEAD BELIEVED THE STORY WAS BEING PROPOGATED BY THE VICTIM'S FAMILY TO CREATE NEGATIVE PROPAGANDA AGAINST

015453

FURTHER RELATED BY THE TIME HE

000301

COALITION FORCES. LTC

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.

67C-3,66-3 5

1676-5 106-5

67C-S

26-5

FURTHER, ON 27 JAN 04, PFC

SGT ALL

OF CO A, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391, WERE INTERVIEWED. ALL RELATED 1LT 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 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 AND SPC ON THE INSTRUCTIONS OF 1LT PUSHED MR FADHIL AND PROMPTED MR 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 OR MR FADHIL

675-4, 66-4

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

SPC FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT STATE OF SPC STATE OF STATE

015454

WHERE THEY DISCUSSED WHAT STORY TO TELL AND CPT REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPO RELATED HE AND THE OTHER SOLDIERS WERE COACHED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY 66-5, 67C-5 INVESTIGATION. THESE INSTRUCTIONS CAME FROM CPT ACCORDING TO SPC AND SFC 1LT 65,67C-5 ON 22 JAN 04, 1LT WAS INTERVIEWED, BUT DECLINED TO ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND DENIED ANY WRONGDOING. WAS INTERVIEWED AND ADMITTED HE ON 22 JAN 04, SPC PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SPC ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AFTER INSTRUCTIONS FROM 1LT AND SEEING SGT 66-5, 67C-5 PROMPT THE OTHER DETAINEE TO GO INTO THE WATER. SPC 665,67C5 FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING 665,6765 AND INSTRUCTED ON WHAT TO SAY AND 66-5, 67c-5 AS DESCRIBED BY SPC WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SPC IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM CPT 665,67C-5 AND 1LT 66-5,670.5 WAS INTERVIEWED AND ADMITTED HE ON 23 JAN 04, SGT PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT IMPLICATED SPC TO MAKE HIM JUMP. SGT 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 665, 61C-5 AND SCREAMING. SGT RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED. 66-5, 67C-5 FURTHER RELATED HE WAS LATER A PARTY TO FURTHER, SGT AND 66-5, 67C-5 A GATHERING AS DESCRIBED BY SPC AND SPC THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN IDENTIFIED 66-5, b1c-5 ORDER TO OBSTRUCT ANY INVESTIGATION. SGT (BATTALION 66.5,67C-5 THOSE INSTRUCTIONS AS COMING FROM MAJ AND 1LT EXECUTIVE OFFICER), CPT 66-5,676-5 INVESTIGATION CONTINUES BY THE USACIDC. INITIAL:

015455

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 HIC, 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 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. 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.

676-4.66-4 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. 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.

WC-4,66-4

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000304

676-4,56-4

67C-4,66-4 ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED AND MR. FADHIL WHEN THEY CROSSED THE THEY DID SEARCH MR. 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, WAS SEEN WALKING TOWARD THE CHECK POINT AND HE 676-4 REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL 676-4 WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH 66-F PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL. 67C-5,66-5 1ST PLATOON, A ON 16 JAN 04, SGT COMPANY, 1/8TH INFANTRY BN, 3RD 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 676-5, 66-5 SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT (NFI), PLATOON LEADER, TO RELEASE AND SPC THEM. HE STATED HE WITNESSED SPO 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. 676-5,66-5 PLATOON LEADER, 1ST ON 16 JAN 04, LT PLATOON, A COMPANY, 1/8¹¹ IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. MR. FADHIL 676-4, 66-4 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. AND MR. FADHIL STANDING ON THE SIDE OF THE 67C-4 ROAD AS THE CONVOY WAS DEPARTING THE AREA. 676-5, 66-5 , 1ST PLATOON, A COMPANY, ON 16 JAN 04, SPO 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS 015457

PRESENT WHEN MR. AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. AND MR. FADHIL OFF THE BRIDGE.

ON 16 JAN 04, SPC 18 JAN 04, SPC 19 JAN 04, SPC 19 JAN 04, SPC 19 JAN 04, SPC 19 JAN 04, SPC 19 JAN 04, SPC 19 JAN 04, SPC 19 JAN 04, SPC 19 JAN 04, SPC 19 JAN 04, SPC 19 JAN 05

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 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.

EFFORTS ARE ONGOING TO POSITIVELY IDENTIFY THE REMAINS OF MR. FADHIL.

INVESTIGATION CONTINUES BY THE USACIDC.

***REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT SPC SPC AND LT ***

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.

015458

000306

67C-4,66-4

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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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//

zdstat

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

DRAFTER: 66-1, 67C-1
RELEASER: 66-1, 67C-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

66-1, btc-1, bz-1

4. SUBJECT: 1.

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]

AG-5 , 67-5

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

IAL STATEMENT ICONSPIRACY 66-5, 67<-5

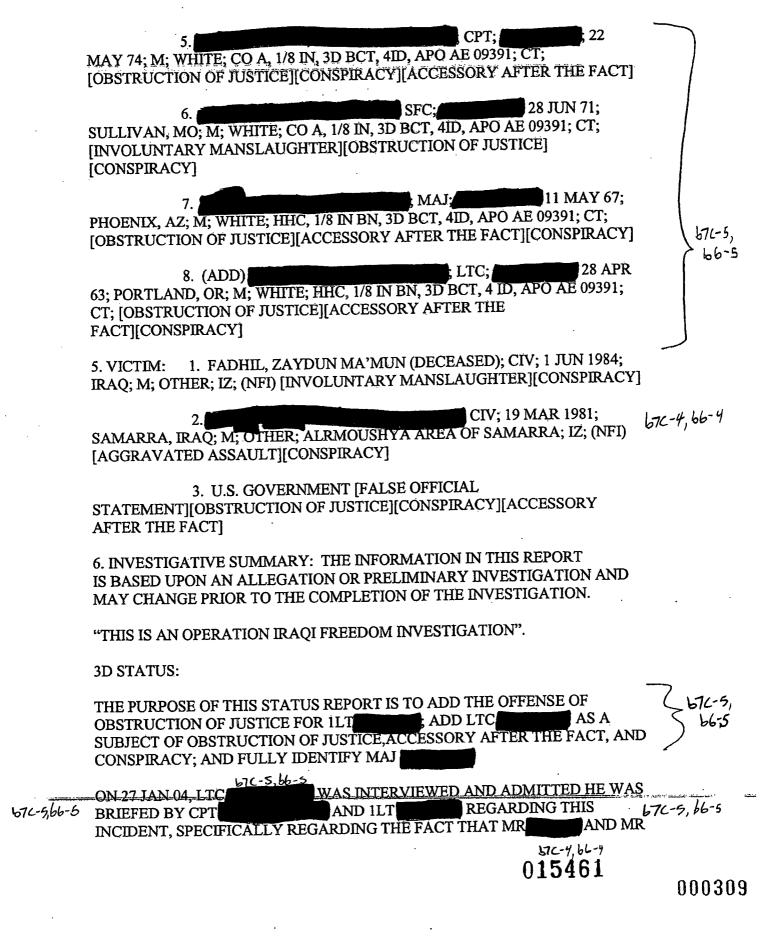
M, WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY]

CDC.

M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY]

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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 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 67C-5 INSTEAD BELIEVED THE STORY WAS BEING PROPOGATED BY THE VICTIM'S FAMILY TO CREATE NEGATIVE PROPAGANDA AGAINST 66-5 FURTHER RELATED BY THE TIME HE COALITION FORCES. LTC 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 676-5,66-5 ALL 676-5,66-5 AND SPC OF CO A, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391, WERE INTERVIEWED. ALL RELATED 1LT 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 DID THIS IN SPITE OF A VERBAL ORDER GIVEN TO 676-5,66-5 OFFICE. 1LT 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: 676-5,66-5 FURTHER INVESTIGATION DISCLOSED SGT AND SPC PUSHED MR FADHIL AND ON THE INSTRUCTIONS OF 1LT 1576-4 PROMPTED MR TO JUMP INTO A BODY OF WATER ADJACENT THE BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY 676-5,66-5 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 6764,66-4 OR MR FADHIL MURDER MR WAS INTERVIEWED AND ADMITTED HE 676-5,66-5 ON 21 JAN 04, SPC PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. AS BEING AND SPC FURTHER, HE IDENTIFIED SGT

67C-5, 66-5

000310

67c-5, 16-5 015462

676-4,66-4 RESPONSIBLE FOR PUTTING MR FADHIL AND MR INTO THE WATER AS INITIALLY ALLEGED. HE DENIED DIRECT PARTICIPATION AND CHOSE TO REMAIN WITH THE VEHICLES, BUT RELATED HEARING A SPLASH AND SPC SPOKE WITH SGT AFTER 1LT FURTHER RELATED THE PLATOON AS ABOUT THE DETAINEES. SPO A WHOLE DISCUSSED THROWING DETAINEES CAUGHT OUT AFTER CURFEW IN THE RIVER ON A FEW OCCASIONS, BUT THE EVENING OF THIS REMARKED THAT INCIDENT, THE PLATOON SERGEANT, SFC "SOMEBODY'S GOING TO GET WET TONIGHT!" OVER THE PLATOON FREQUENCY.

SPC FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT SPC SPC N, 1LT SFC AND CPT WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC 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 1LT AND SFC ACCORDING TO SPC

ON 22 JAN 04, 1LT WAS INTERVIEWED, BUT DECLINED TO ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND DENIED ANY WRONGDOING.

ON 22 JAN 04, SPC WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SPC ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AFTER INSTRUCTIONS FROM 1LT AND SEEING SGT PROMPT THE OTHER DETAINEE TO GO INTO THE WATER. SPC FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC AND INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SPC IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM CPT SFC AND 1LT

ON 23 JAN 04, SGT WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT 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 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 RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED.

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07C-5 106-5 67C-5 66-5 FURTHER, SGT FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPO AND SPC AND THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM MAJES (BATTALION EXECUTIVE OFFICER), CPT SFC AND 1LT

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 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 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. 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.
 - WAS INTERVIEWED AND STATED HE AND HIS ON 16 JAN 04, MR. 67C-4 COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD 66-4 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 SOLDIERS MR CONTINUED THAT THEY WERE DRIVEN TO THE

67C-9, 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

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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.

ON 16 JAN 04, SGT ON 16 JAN 04

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

67C-5,66-5 GIVEN AN ORDER BY LT PLATOON LEADER, TO RELEASE

THEM. HE STATED HE WITNESSED SPORT AND SPORT 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

HAVING ANY INVOLVEMENT WITH PUSHING MR AND MR. FADHIL OFF A BRIDGE. HE STATED MR. WAS MAKING THE STORY UP.

PLATOON LEADER, 1ST
PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND

672-4, 66-4
STATED HE WITNESSED HIS SOLDIERS SEARCH MR. MR. FADHIL
AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND

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676-5,66-5

676-4,66.4

676-4, 66-4

ACLU-RDI 1557 p.234

676-4,66-4

DOD-024549

67C-4.

66-4

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 AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

ON 16 JAN 04, SPC 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS

PRESENT WHEN MR. AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC

AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE
STATED NO US SOLDIERS HARMED MR. OR MR. FADHIL IN ANY
WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. AND MR. 676-9, 66-9
FADHIL OFF THE BRIDGE.

ON 16 JAN 04, SPC COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE

WAS PRESENT WHEN MR. AND MR. FADHIL WERE DETAINED, AND

LATER RELEASED. HE STATED HE CUT BOTH MR. AND MR.

FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE

IN SAMARRA. HE STATED NO ONE HARMED MR. OR MR. FADHIL.

HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE

FURTHER STATED HE WITNESSED MR. AND MR. FADHIL STANDING

ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON

THEIR BFV WHILE DEPARTING THE AREA.

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 REPORTED \$76-4,66-4 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.

EFFORTS ARE ONGOING TO POSITIVELY IDENTIFY THE REMAINS OF MR. FADHIL.

INVESTIGATION CONTINUES BY THE USACIDC.

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67C-4,66-4

***REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT SPC SPC AND LT

66-5, 67C-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 OFFICIAL USE 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// CDR, 1/8TH INF BN //4ID// CDR, 3RD BDE//4ID// CHIEF OF STAFF //4ID// SUBJECT: CID REPORT - INJUNAL/SSI - 0011-04-CID469-79630-5H1/5H7/5H3L/5P2/5X1/5X5 66-1, b7C-1 DRAFTER: RELEASER: 66-1, 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 661,67C-1,62 3. INVESTIGATED BY: SA 66-1, b1c-1, 62-1 SUBJECT: 1. M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY]

66-5 5€ 67€-5 3. M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;

OFFICIAL STATEMENT [CONSPIRACY]

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

[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE

SGT;

M; OTHER; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;

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27 JUL 79; LIMA, OH; M; SPC; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY] 22 MAY CPT: 676-5 74; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [OBSTRUCTION b6-5 OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT] 28 JUN 71; SFC; SULLIVAN, MO; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE] [CONSPIRACY] MAJ; M; HHC, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391; CT; (NFI); [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT| [CONSPIRACY] 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 1984; 5. VICTIM: IRAQ; M; OTHER; IZ; (NFI) [INVOLUNTARY MANSLAUGHTER][FALSE OFFICIAL STATEMENT][[CONSPIRACY][OBSTRUCTION OF JUSTICE] 676-466-4 ; 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: 576-5,56-5 676-5,66-5 AND SPO FURTHER INVESTIGATION DISCLOSED SGT PUSHED MR FADHIL AND ON THE INSTRUCTIONS OF 1LT TO JUMP INTO A BODY OF WATER ADJACENT THE 67K-4,66-4 PROMPTED MR BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY 67C-5,66-5 AFTER BEING TAKEN INTO CUSTODY FOR CURFEW VIOLATION. REFUSED TO PARTICIPATE, BUT PROVIDED FALSE INFORMATION TO INVESTIGATORS IN COLLUSION WITH THE OTHERS. NO EVIDENCE WAS <u> UNCOVERED THERE WAS EVER ANY INTENTION ON THEIR PART TO</u> MURDER MR OR MR FADHIL 67C-4, 66-4

ACLU-RDI 1557 p.238

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676-5 66-5

FREQUENCY.

1

WAS INTERVIEWED AND ADMITTED HE ON 21 JAN 04, SPC PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. AS BEING 67C-5, 66-5 FURTHER, HE IDENTIFIED SGT AND SPC 676-5,66-5 NTO THE WATER 676-4,66-4 RESPONSIBLE FOR PUTTING MR FADHIL AND MR AS INITIALLY ALLEGED. HE DENIED DIRECT PARTICIPATION AND CHOSE TO REMAIN WITH THE VEHICLES, BUT RELATED HEARING A SPLASH AND SPC SPOKE WITH SGT AFTER 1LT ABOUT THE DETAINEES. SPC FURTHER RELATED THE PLATOON AS 676-5,66-5 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 "SOMEBODY'S GOING TO GET WET TONIGHT!" OVER THE PLATOON

> FURTHER RELATED HE WAS PARTY TO A GATHERING 1LT AFTERWARD OF SGT SPC WHERE THEY DISCUSSED WHAT STORY TO TELL AND CPT REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPO 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 AND SFC ACCORDING TO SPC

ON 22 JAN 04, 1LT WAS INTERVIEWED, BUT DECLINED TO ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND DENIED ANY WRONGDOING.

ON 22 JAN 04, SPC WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SPC ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO AND SEEING SGT THE WATER AFTER INSTRUCTIONS FROM 1LT PROMPT THE OTHER DETAINEE TO GO INTO THE WATER. SPC FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AND INSTRUCTED ON WHAT TO SAY AND AS DESCRIBED BY SPC WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SPC IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM CPT AND 1LT , SFC

WAS INTERVIEWED AND ADMITTED HE ON 23 JAN 04, SGT PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT 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 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

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b6-5

RELATED THEY THEN WALKED BACK AND SCREAMING. SGT TO THE VEHICLES, MOUNTED AND DEPARTED. FURTHER RELATED HE WAS LATER A PARTY TO 676-5 FURTHER, SGT AND SPO 665 A GATHERING AS DESCRIBED BY SPO THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT IDENTIFIED (BATTALION THOSE INSTRUCTIONS AS COMING FROM MAJ AND ILT EXECUTIVE OFFICER), CPT 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. 676-3,66-3 HHC, 1/66 THIS OFFICE WAS NOTIFIED BY CPT ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL. 676-4,66-4 PRELIMINARY INVESTIGATION DISCLOSED MR 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. 676-4,66-4 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. 676-4-66-4 WAS INTERVIEWED AND STATED HE AND HIS ON 16 JAN 04, MR COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT 676-4,66-4 STATED ICDC PERSONNEL APPROXIMATELY 2230 HOURS. MR. 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

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CONTINUED THAT THEY WERE DRIVEN TO THE SOLDIERS. MR 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. 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.

676-4 66-4

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. 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.

1ST PLATOON, A ON 16 JAN 04, SGT COMPANY, 1/8TH INFANTRY BN, 3^{TO} 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 676-4.66-4 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 676-5,66-5 676-9,66-5 THEM. HE STATED HE WITNESSED SPC AND SPO 67C-5, 66-5

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.

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676-4,66-4

ON 16 JAN 04, LT
PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND
STATED HE WITNESSED HIS SOLDIERS SEARCH MR
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.
AND MR. FADHIL STANDING ON THE SIDE OF THE
ROAD AS THE CONVOY WAS DEPARTING THE AREA.

ON 16 JAN 04, SPC 18TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS

1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS

1/8TH PRESENT WHEN MR. AND MR. FADHIL WERE RELEASED ON THE

NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC

AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE
STATED NO US SOLDIERS HARMED MR. OR MR. FADHIL IN ANY
WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. AND MR. 676-4, 66-4
FADHIL OFF THE BRIDGE.

ON 16 JAN 04, SPC

COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE
WAS PRESENT WHEN MR. AND MR. FADHIL WERE DETAINED, AND
LATER RELEASED. HE STATED HE CUT BOTH MR. AND MR. 67C-4,66-4
FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE
IN SAMARRA. HE STATED NO ONE HARMED MR. OR MR. FADHIL. 67C-4,66-4
HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE
FURTHER STATED HE WITNESSED MR. AND MR. FADHIL STANDING
ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON
THEIR BFV WHILE DEPARTING THE AREA.

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 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.

EFFORTS ARE ONGOING TO POSITIVELY IDENTIFY THE REMAINS OF MR. FADHIL.

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676-4,66.4

67C-4,66.4

INVESTIGATION CONTINUES BY THE USACIDC.

16-5,676-5

***REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT SPC AND LT

- 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: 17 JAN 2004

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

OFFICIAL USE

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, 1/8TH INF BN //4ID//

CDR, 3RD BDE//4ID//

CHIEF OF STAFF //4ID//

SUBJECT: CID REPORT - INITIAL/SSI - 0011-04-CID469-79630- 5H1/5H7

DRAFTER: RELEASER:

676-1,66.1

671-1,66-1

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

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

SA

67C-1,66 62-1

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. 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".

orribly live

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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 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
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
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.

676-4,66-4 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 676-4,66-4 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 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. 676-4,66-4 ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. 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

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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.

67C-4, 66-4

> 676-5,66-5 1ST PLATOON, A ON 16 JAN 04, SGT COMPANY, 1/8TH INFANTRY BN, 3RD 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 67C-4, 66-4 VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A STATED THEY WERE PICKED UP FALSE IDENTIFICATION CARD. 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

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.

676-4,66-4

676-4,66-4

ON 16 JAN 04, LT
PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND
STATED HE WITNESSED HIS SOLDIERS SEARCH MR
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. AND MR. FADHIL STANDING ON THE SIDE OF THE
ROAD AS THE CONVOY WAS DEPARTING THE AREA.

676-4,66

ON 16 JAN 04, SPC (MAIN DE LA COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS

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676-4,66-4

₀7C-5,66-5

PRESENT WHEN MR AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. AND MR. 67c-4, 66-4 FADHIL OFF THE BRIDGE.

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ON 18 JAN 04,

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 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.

EFFORTS ARE ONGOING TO POSITIVELY IDENTIFY THE REMAINS OF MR. FADHIL.

INVESTIGATION CONTINUES BY THE USACIDC.

***REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT 5/6-5

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

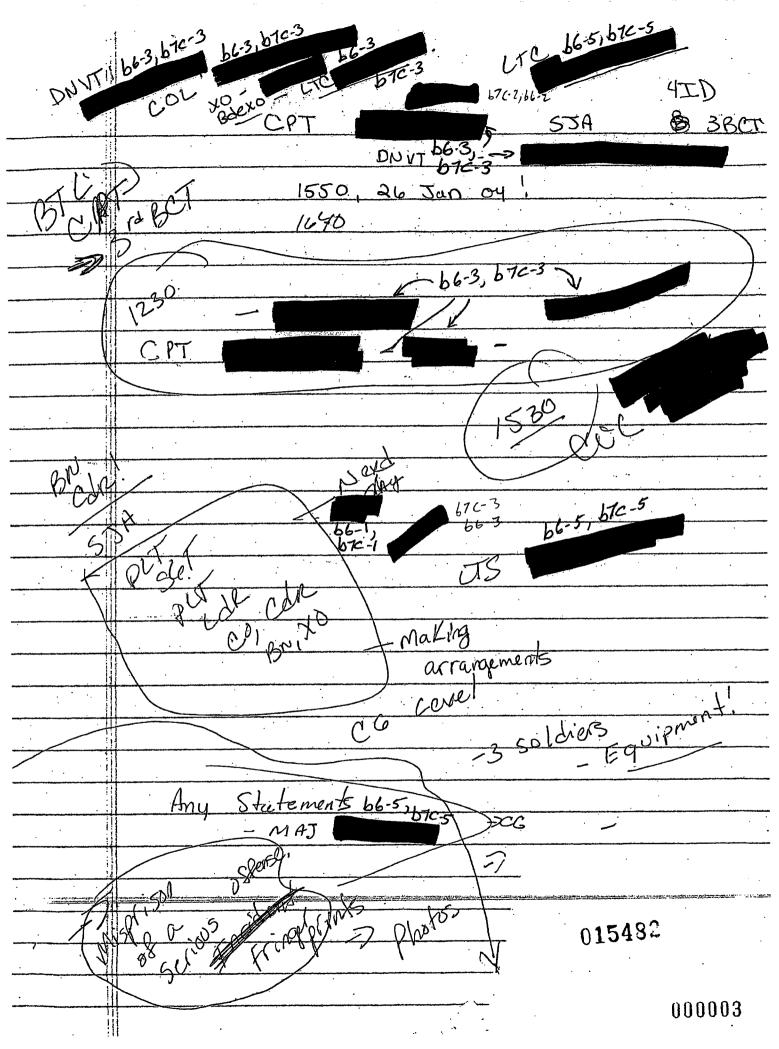
8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

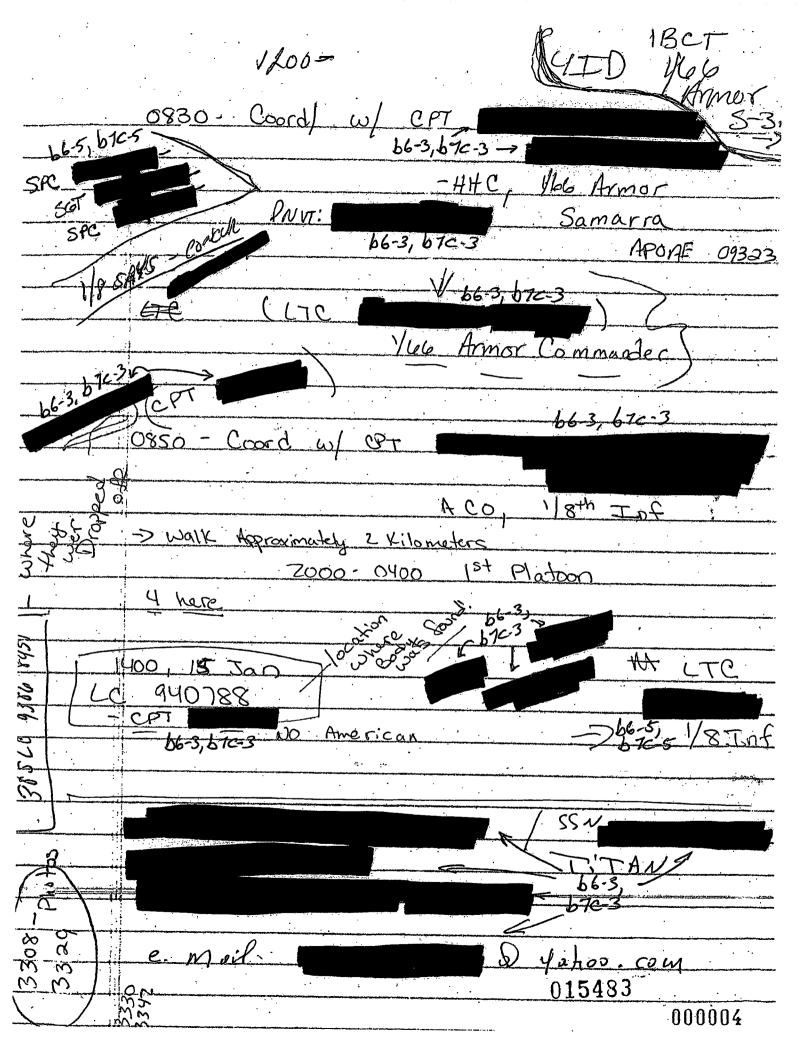
FOR OFFICIAL USE ONLY

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7	b6-3, b1c-3
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66-3, 67c-3	
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	Pictures were A	raken of	vehicle	next day	. after
	incident Famil	y ment	pers took	- pictures	66-3,
	Alive Victims	brother:) /E-3
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	Deceased has no	medical	records	NO X-rays,	never
	Deen fingerprinted				
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ı	Where is vehicle??	Vehrcle	is in	ASEINAIEH	SAMARRA
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1130-1140 Is gan 04 - publis the bet don't know What hopen, didn't hear what horsened heard This a.m., 0700, was tald coming to CID. dedit here anothing, don't know about, dedit know heard numers, some magis I dead, dealet hear haw - no one confided they were involves didn't hear of anyme who was gary to be about what - Mar 03 Ahr unit, oraps 03 came to luge, never heard about past incidents involving ha - no one in chain told to be about hage a weedent - don't know who was involved minly rumors about what happened, 1140-1150 dream, in unit gun 03, July 03 in Diag stopped aufer moletin (2); put in a hadley, drove out A city stopped by a budge 1-2 min; drove off. a couple day later, unit said somene gut Miden of pedge, dedet hea names, heard "someon have been more Than I ow one came up to say they were envolved no one came up to say Thing knew what happened or who 61.676-1 heard about this before PLT SOT admiller noun told to 015484 000005

43nd mp DitCOD 66-1, 676-1, 62 1/10, 29 JAN 04 ACO 1/8, Dalas, FACCE FOR. - nut present - first heard when investigation started haven't heard, 187 heard when cas no me said They were invalue for saw what hopped dedn't hear about making up stay nothers heard unrestigation was about nogis (2) diging in - dedit hear specific names of person's involved no one tred by chain to not say anything set sq leader, told squarl Thuis was an The rever invistegatio patilles + 0 p's, guard; 3 days on 3 days obb-Cook of track, debit see, debit here anything couple day later, head a few dragio, I suded up in water deart hear about what papelued after incident - no names - dist hear about anyone cour up: - arrived, 5 weeks to cent, didn't hear about anything - heard in passing about what hopsened.
- were told by unit that everyme was coming to C is To talk.
- when hopsened. trum The past about hoppened. men tild lig chain of command to not talk or lie about mothing to add.

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	b6-3, b7c-3
11:12	SG Int was not real
***** "	1) If he fresh de market de A(4) - wise sik of chy
	1) for the sear of source of
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	16-3,67C-3
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1/3/.	SPC SPC 16-5, 018-5
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b63, 67c-3

0945

0110 904 on american convoy, and stoped on bridge 10 minutes after convoy styled they sow a person coming towards the check point about 500 meters. vehicles were thre for 5 minutes they hard a lot of screaming in english. Temp way cold in fig

663,616-3

one sow some three anerican traks going towards Tihort. worked by on bridge for 5 minutes. About 10 walking towards ICAC min later he saw a person

Where the vehicles were styred 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 weeker flowing loudly.

16-3, b1c-3

When person arrived at duckpoint he Hated an American Follier threw my cousin hate the water. He did not appear angry, themerson was very wet + dirty. Never asked for help. The ICAC took him to the guy in charge them. He is an leave now. Within 5 minutes TEAC sent some people (5) to search the bridge. Fuy appeared to be in shock. It now elaged when the guy stowed - up to a search was conducted, buy told him the was with his cousts and they were coming from Anghad with construction equipment. He verified the purchased. Guy was walked 015487 and speaked very cold 000008 194 now pearls the two guys care through town in there touch which was suspected by It oc. They deported towards foundarion, He does not know it any us forces were notified. How heard talk a few days later about Americans throwing Englis is the viver.

NOTES - CEDY-4-79630

015433

	- How old is picture on e-mail - Photos of him before death
	- Photos of him before death
	- where is cometary - How far from 15A Anaconda
.	- Plot grid where body was pushed t
·	grid where body was bond -their full ID-
	- Did parents ID Body after death + location
	Plot grid where body was found their full ID - Did parents ID Body after death + location - Set time for Monday - exume body - Set time for Monday - exume body
	- Ask Victim any additional questions
	- Any previous medical Records - X-RAYS
	> Did he know = - clarify who found body
	1 48 F 70 100
	Re-ASK ICOC Personnel - Could they ID
	-Where's Vehicle Son
:	
	- Cemetary - LC 9856282510 - New Cemetary
	From LSA Anaconda 48.2 Kilometers - straight line
	-> CPT 1120 - obtained MAP to reflect
	Both where body was pished
	4 found
	- Pirture 2-3 months old from e-mail
	h6-3, b7c-3
ر المعاون المع	Victims uncle id'd body
	- 15 Jan 04 Thursday 1130 - He was not the
	one to pul 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 500
	- who took the tideo (decrased brother took video victim)
	- Victim took pictures of Vehicle
	b6-3, b7c-3
•	015439 000010

Copy 2- Ida Card 3- Fichurs

Hart post.

- Dam-

Other people to ID Body

about Engineer

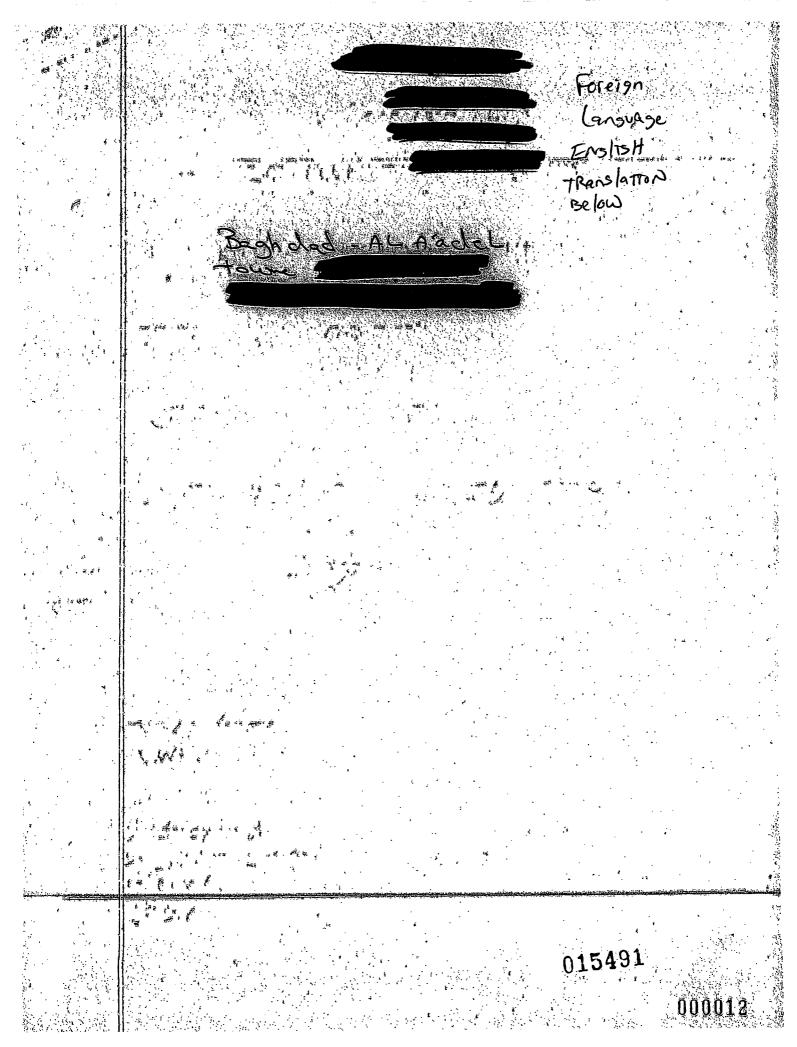
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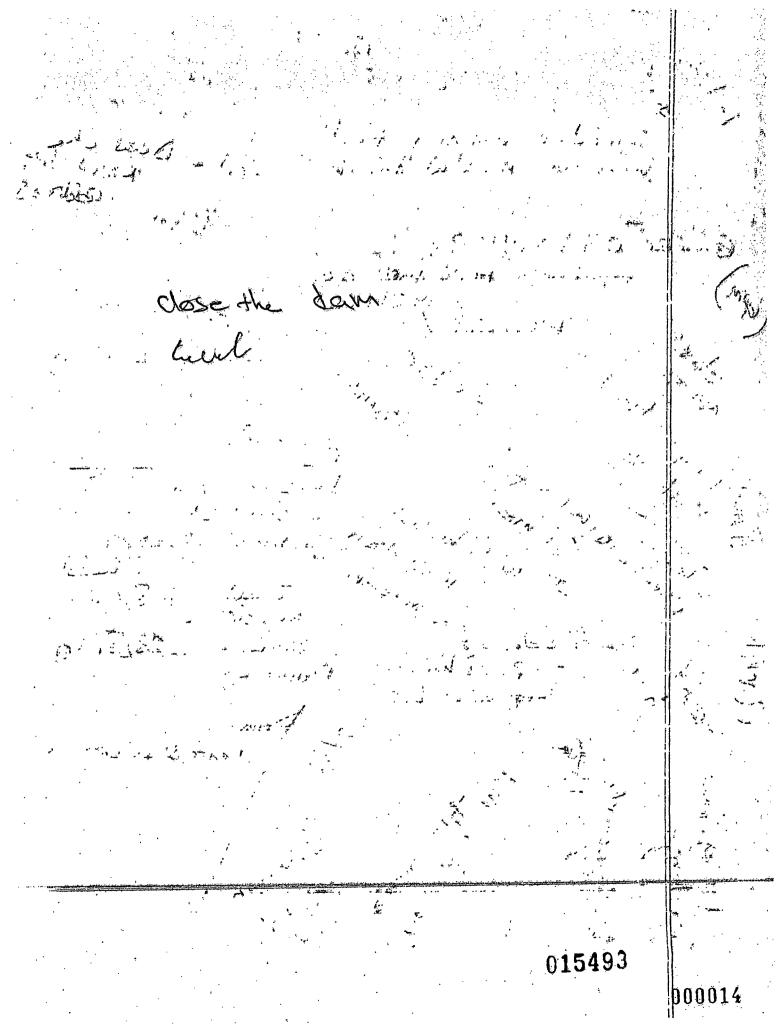
SEC \$ \$ \$ LT 665, 670-5

Received >

015490



2145 66-1, b7C-1 676-4,66-4 Does sh Know ashess b6-3, b7c-3 66-3, 67c-3 Convoy 50 - 80 blue Frand, short skows 18,000 TheAtside of vehicle. Load tip of his nore Flowers " 015492 000013



Page(s)

15-17

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