

FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE
DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
PRISONER INTERROGATION TEAM (PIT)(CID)
75TH MILITARY POLICE DETACHMENT (-)
BAGHDAD CORRECTIONAL CONFINEMENT FACILITY
ABU GRAIB, IRAQ APO AE 09342

CIRB-PIT

24 AUG 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 3D FINAL SUPPLEMENTAL -0013-04-
CID789-83982-5H6 / 5Y3

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 10 APRIL 2004/1930 HRS - 10 APRIL 2004/2130
HRS, HARDSITE, BAGHDAD CENTRAL CONFINEMENT FACILITY (BCCF), ABU
GHRAIB, IZ, GRID 38S MB130840
2. 11 APRIL 2004/0500 HRS - 11 APRIL 2004/0540 HRS, HARDSITE, BCCF

2. DATE/TIME REPORTED: 10 APRIL 2004, 2200

3. INVESTIGATED BY: SA 7C-1, b6-1 b2 SA 7C-1, b6-1 SA
7C-1 b6-1 b2; SA 7C-1 b6-1 b2

4. SUBJECT: 1. [CORRECTED] MAHMOOD, KHALID ABBAS (DECEASED); CIVILIAN;
PRISONER IDENTIFICATION NUMBER (PIN), TAS00012; UNKNOWN, IZ; M; WHITE;
DETAINEE; BCCF, ABU GHRAIB, IZ; (NFI); [RIOTING]

2. [CORRECTED] FARHAN, MUSA ABBAS (DECEASED); CIVILIAN; PIN
3153; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF; (NFI); [RIOTING]

3. NONE. (NFI); [JUSTIFIABLE HOMICIDE]

5. VICTIM: 1. U.S. GOVERNMENT; (301ST MILITARY POLICE COMPANY) [RIOTING]

2. U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINE) [RIOTING]

3. [CORRECTED] MAHMOOD, KHALID ABBAS (DECEASED); CIVILIAN;
PIN TAS00012; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF; (NFI); [JUSTIFIABLE
HOMICIDE]

4. [CORRECTED] FARHAN, MUSA ABBAS (DECEASED); CIVILIAN; PIN
3153; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF; (NFI); [JUSTIFIABLE HOMICIDE]

THIS IS AN "OPERATION IRAQI FREEDOM" INVESTIGATION.

FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE

INVESTIGATIVE SUMMARY:

On 10 Mar 04, this office was notified by the 391st Military Police (MP) Battalion (Bn), Abu Ghryeb Prison, Abu Ghryeb, Iraq that Detainee HAMED, was shot and killed by MP guards and Detainee APOSS, was shot and killed by Marines when they escaped after rioting in tiers 5a and 5b of the Abu Ghryeb Prison Hardsite.

Investigation revealed between 10 Apr 04 and 11 Apr 04, Detainees MAHMOOD and FARHAN were killed while attempting to escape, during a riot at the Hardsite, BCCF.

STATUTES:

18 USC, SEC 1792: Rioting
Article 118, UCMJ: Murder (Justifiable Homicide)

EXHIBITS/SUBSTANTIATION:

ADDED ATTACHED:

8. AIR of SA 7C-1, 10 Aug 04, detailing a review of Detainee not in camp roster, administrative review of this investigation, and coordination with Arabic Linguist.
9. Database printout.
10. Handwritten Translation.
11. AIR of SA 7C-1, 23 Aug 04, detailing coordination with Coalition Provisional Authority, Hardsite, BCCF, Ministry of Justice, Hardsite, BCCF, Prison Health Unit, Hardsite, BCCF, 391st MP Bn, 301st MP CO, Magistrate Cell and BCCF Hospital.
12. CPA Database printout.
13. Ledger Entry, Iraqi Corrections Services, Ministry of Justice.
14. Significant Incident Report, 10 Apr 04.
15. Ledger Translation.
16. Packet containing incident reports, 301st MP CO.
17. Compact Disc, 001304.789.

ADDED NOT ATTACHED:

None.

The originals of Exhibits 8 and 10 are maintained in the files of the Detainee Assessment Task Force (DATF), USACIDC. The original of Exhibit 9 is maintained in the files of Detainee Operations, MNC-I. The originals of Exhibit 11, 15 and 17 are attached to the USACRC copy of this report. The original of Exhibit 12 is maintained in the files of CPA, BCCF. The original of Exhibit 13 is maintained in the files of Legal Services, Ministry of Justice, BCCF. The original of Exhibit 14 is maintained in the files of the 391st MP Bn, Abu Ghraib, IZ. The original of Exhibit 16 is maintained in the files of the 301st MP CO, Abu Ghraib, IZ.

Status: This is a Final Supplemental Report. Commander's Report of Disciplinary Action (DA Form 4833) is not needed.

Report Approved By: 

7C-1, 66-1

CW2, MP

Special Agent in Charge

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DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
PRISONER INTERROGATION TEAM (PIT)(CID)
75TH MILITARY POLICE DETACHMENT (-)
BAGHDAD CENTRAL CONFINEMENT FACILITY
APO AE 09342

CIRD-PIT

21 JUN 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 2D FINAL SUPPLEMENTAL-
0013-04-CID789-83982-5H6-5Y3

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 10 APR 04/1930 - 11 APR 04/0540, BAGHDAD CENTRAL
CONFINEMENT FACILITY (BCCF), ABU GHRUYEB, IRAQ

DATE/TIME REPORTED: 11 APR 2004, 0600

INVESTIGATED BY: SA *7C-1, bb-1, b2* SA *7C-1, bb-1 b2*
SA

SUBJECT: 1. HAMED, ABBAS KHALID (DECEASED); CIVILIAN; INTERNMENT
SERIAL NUMBER (ISN) 26162; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF,
ABU GHRUYEB, IZ; ZZ (NFI)[RIOTING]

2. APOSS, KNALED (DECEASED); CIVILIAN; PRISONER
IDENTIFICATION NUMBER (PIN) 000012; UNKNOWN, IZ; M; WHITE,
DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING]

3. NONE. (NFI) [JUSTIFIABLE HOMICIDE]

5. VICTIM: 1. U.S. GOVERNMENT; (301ST MILITARY POLICE COMPANY
(USAR). BCCF, ABU GHRUYEB, IZ) (SAN JUAN, PR) [RIOTING]

2. U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINES, BCCF,
ABU GHRUYEB, IZ) (CAMP PENDLETON, CA) [RIOTING]

3. HAMED, ABBAS KHALID (DECEASED); CIVILIAN; ISN 26162;
UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI)
[JUSTIFIABLE HOMICIDE]

4. APOSS, KNALED (DECEASED); CIVILIAN; PIN 000012;
UNKNOWN, IZ; M; WHITE, DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI)
[JUSTIFIABLE HOMICIDE]

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

INVESTIGATIVE SUMMARY:

THIS IS AN "OPERATION IRAQI FREEDOM" INVESTIGATION.

This investigation was initiated upon notification by the 391st MP BBN, BCCF that a riot took place in Tiers 5A and 5B of the BCCF. During the riot, Detainee HAMED was shot and killed by SPC 7C-4, 66-4 301st MP Company, BCCF, Abu Ghryeb and Detainee APOSS was shot and killed by LCPL 7C-4, 66-4 7C-4, 66-4 Company, 3/24th Marines, BCCF, Abu Ghryeb.

Investigation established probable cause to believe Detainee APOSS and HAMED committed the offense of Rioting when they caused a commotion in the BCCF. The shooting of both detainees was justifiable and no criminal offenses were committed by either SPC 7C-4 or LCPL 7C, 66-4

STATUTES:

18 USC, SEC 1792: RIOTING
Article 118, UCMJ: MURDER (JUSTIFIABLE HOMICIDE)

EXHIBITS/SUBSTANTIATION:

ADDED ATTACHED:

6. AIR of SA 7C1, 66-4 7 Jun 04, detailing coordination and attempts to obtain death certificates pertaining to both detainees.

7. Certificate of Death, unsigned, pertaining to Detainee HAMED.

ADDED NOT ATTACHED:

None

The originals of Exhibits 6 and 7 are attached to the USACRC copy of this report.

STATUS: This is a Final Supplemental Report. This investigation was being terminated IAW CIDR 195-1, para 4-17 (a)(6) in that the Special Agent in Charge determined that furtherance of the investigation would be of little or no value and leads remaining are insignificant. Commander's Report of Disciplinary Action Taken (DA Form 4833) is not required.

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Report Prepared/Approved By:

7C-1, 66-1

Special Agent in Charge

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FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
PRISONER INTERROGATION TEAM (PIT)(CID)
75TH MILITARY POLICE DETACHMENT (-)
BAGHDAD CORRECTIONAL CONFINEMENT FACILITY
APO AE 09342

CIRD-PIT

26 APR 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL SUPPLEMENTAL -0013-
04-CID789-83982-5H6-5Y3

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 10 APR 04/1930 - 11 APR 04/0540, BAGHDAD CORRECTIONAL
CONFINEMENT FACILITY (BCCF), ABU GHRUYEB, IRAQ

DATE/TIME REPORTED: 11 APR 2004, 0600

INVESTIGATED BY: SA *7C-1, 06-1* *or* SA *7C-1, 06-1*
SA *7C-1, 06-1* *b2*

SUBJECT: 1. HAMED, ABBAS KHALID (DECEASED); CIV; INTERNMENT
SERIAL NUMBER (ISN) 26162; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF.
ABU GHRUYEB, IZ; ZZ (NFI)[RIOTING]

2. APOSS, KNALED (DECEASED); CIV; PRISONER
IDENTIFICATION NUMBER (PIN) 000012; UNKNOWN, IZ; M; WHITE.
DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING]

3. NONE. (NFI) [JUSTIFIABLE HOMICIDE]

VICTIM: 1. U.S. GOVERNMENT; (301ST MILITARY POLICE COMPANY
(USAR), BCCF, ABU GHRUYEB, IZ) (SAN JUAN, PR) [RIOTING]

2. U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINES, BCCF,
ABU GHRUYEB, IZ) (CAMP PENDLETON, CA) [RIOTING]

3. HAMED, ABBAS KHALID (DECEASED); CIV; INTERNMENT
SERIAL NUMBER (ISN) 26162; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF.
ABU GHRUYEB, IZ; ZZ (NFI) [JUSTIFIABLE HOMICIDE]

4. APOSS, KNALED (DECEASED); CIV; PRISONER
IDENTIFICATION NUMBER (PIN) 000012; UNKNOWN, IZ; M; WHITE.
DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [JUSTIFIABLE HOMICIDE]

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"

This investigation was initiated upon notification by the 391st Military Police (MP) Battalion (BN), BCCF, Abu Ghryeb, Iraq that a riot took place in Tiers 5A and 5B of the BCCF. During the riot, Detainee HAMED, was shot and killed by SPC ~~7C-4, 66-4~~ *7C-4, 66-4* 01ST MP Company, BCCF, Abu Ghryeb, Iraq and Detainee APOSS was shot and killed by LCPL ~~7C-4, 66-4~~ *7C-4, 66-4* K Company, 3/24TH Marines, Abu Ghryeb, Iraq.

Investigation established probable cause to believe Detainees APOSS and HAMED committed the offense of Rioting when they caused a commotion in the BCCF resulting in the use of force by responding Military Police. The shooting of both detainees' was justifiable and no criminal offenses were committed by either SPC ~~7C-4, 66-4~~ *7C-4, 66-4* or LCPL

STATUTES:

18 USC, SEC 1792: RIOTING
Article 118, UCMJ: MURDER (JUSTIFIABLE HOMICIDE)

EXHIBITS/SUBSTANTIATION:

ADDED ATTACHED:

None.

ADDED NOT ATTACHED:

None.

STATUS: This is a Final Supplemental Report. Commander's Report of Disciplinary Action Taken (DA Form 4833) is not required.

Report Prepared By:

Report Approved By:

7C-1, 66-1

7C-1, 66-1

02

Special Agent in Charge

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- 1 - LNO, CID, CJTF-7 (For further distribution) (email only)
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- 1 - CDR, 16th Military Police Brigade (ATTN: COL 7C3, 663), Victory Camp, APO AE 09342
- 1 - CDR, K Company, 3/24th Marines, BCCF
- 1 - CDR, 391st MP BN (ATTN: LTC 7C3, 663 BCCF
- 1 - File

DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
PRISONER INTERROGATION TEAM (PIT)(CID)
75TH MILITARY POLICE DETACHMENT (-)
BAGHDAD CORRECTIONAL CONFINEMENT FACILITY
APO AE 09342

CIRD-PIT

22 APR 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 1ST SUPPLEMENTAL -SSI-0013-04-CID789-83982-5H6-5Y3

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 20 APR 04/1930 - 11 APR 04/0540, BAGHDAD CORRECTIONAL CONFINEMENT FACILITY (BCCF), ABU GHRUYEB, IRAQ

2. DATE/TIME REPORTED: 11 APR 2004, 0600

3. INVESTIGATED BY: SA *7C-1, 66-1* *02 SA* *7C-1, 66-1*
62 SA

4. SUBJECT: 1. [CORRECTED] HAMED, ABBAS KHALID (DECEASED);
INTERNMENT SERIAL NUMBER (ISN) 26162; UNKNOWN, IZ; M; WHITE;
DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI)[RIOTING]

2. [CORRECTED] APOSS, KNALED (DECEASED); PRISONER
IDENTIFICATION NUMBER (PIN) 000012; UNKNOWN, IZ; M; WHITE,
DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING]

3. [CORRECTED] UNKNOWN. (NFI) [JUSTIFIABLE HOMICIDE]

5. VICTIM: 1. [CORRECTED] U.S. GOVERNMENT; (301ST MILITARY POLICE
COMPANY (USAR), BCCF, ABU GHRUYEB, IZ) (SAN JUAN, PR) [RIOTING]

2. [CORRECTED] U.S. GOVERNMENT; (K COMPANY, 3/24TH
MARINES, BCCF, ABU GHRUYEB, IZ) (CAMP PENDLETON, CA) [RIOTING]

3. [CORRECTED] HAMED, ABBAS KHALID (DECEASED);
INTERNMENT SERIAL NUMBER (ISN) 26162; UNKNOWN, IZ; M; WHITE;
DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [JUSTIFIABLE HOMICIDE]

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4. [CORRECTED] APOSS, KNALED (DECEASED); PRISONER IDENTIFICATION NUMBER (PIN) 000012; UNKNOWN, IZ; M; WHITE, DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [JUSTIFIABLE HOMICIDE]

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"

ON 11 APR 04, THIS OFFICE WAS NOTIFIED BY THE 391ST MILITARY POLICE (MP) BATTALION (BN), ABU GHRUYEB PRISON, ABU GHRUYEB, IRAQ THAT DETAINEE HAMED, WAS SHOT AND KILLED BY MP GUARDS AND DETAINEE APOSS, WAS SHOT AND KILLED BY MARINES WHEN THEY ESCAPED AFTER RIOTING IN TIERS 5A AND 5B OF THE ABU GHRUYEB PRISON HARDSITE.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING GENERATED TO ADD HAMED AND APOSS AS VICTIMS, ADD AN UNKNOWN SUBJECT FOR THE OFFENSE OF JUSTIFIABLE HOMICIDE AND CLARIFY OFFENSES.

ON 21 APR 04, AN ADMINISTRATIVE REVIEW REVEALED HAMED AND APOSS SHOULD HAVE BEEN LISTED AS A VICTIM FOR THE OFFENSE OF JUSTIFIABLE HOMICIDE.

INITIAL REPORT:

PRELIMINARY INVESTIGATION REVEALED A RIOT BEGAN IN TIER 5B OF THE ABU GHRUYEB PRISON HARDSITE AND MP GUARDS SET UP A PERIMETER ON THE OUTSIDE OF TIER 5B. WITHIN TIER 5B THE PRISONERS HAD BROKEN THEIR THE LOCKS TO THEIR CELLS AND WERE THROWING ROCKS AND METAL PIPES AT THE MILITARY POLICE GUARDS. ALL MEMEBERS IF THE GUARD FORCE WERE BRIEFED ON THE RULES OF ENGAGEMENT (ROE) AUTHORIZING THE USE OF DEADLY FORCE. MULTIPLE ATTEMPTS WERE MADE TO STOP THE RIOT UTILIZING VERBAL PERSUASION AND WITH LESS THEN LETHAL MUNITIONS. DETAINEE HAMED THEN JUMPED THROUGH A WINDOW AND WAS ORDERED TO HALT THREE TIMES BY MILITARY POLICE PERSONNEL. DETAINEE THEN ATTEMPTED TO RUN AND SPC 7C-4 , 56-4 301ST MP COMPANY. ABU GHRUYEB, IRAQ. ENGAGED DETAINEE HAMED WITH ONE ROUND OF BUCKSHOT STRIKING HIM IN THE BACK.

LATER THAT EVENING, IN TIER 5A OF THE ABU GHRUYEB PRISON HARDSITE, FIFTEEN DETAINEES ESCAPED OUTSIDE OF THE TEIR. DURING

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THE ESCAPE. U.S. MARINES RE-CAPTUREED FOURTEEN OF THE DETAINEES. WHILE THE MARINES WERE COLLECTING THE ESCAPED DETAINEE'S, A GUN SHOT WAS HEARD. DETAINEE APOSS WAS ATTEMPTING TO FLEE THE PRISON BY CRAWLING ON THE GROUND TOWARD AN EXIT. LCPL 7C-4, 100-4 K COMPANY, 3/24TH MARINE, ABU GHURYEB, IRAQ, IDENTIFIED DETAINEE APOSS CRAWLING ON THE GROUND AND ENGAGED HIM WITH ONE ROUND OF 5.56MM IN ACCORDANCE WITH THE ROE, STRIKING HIM IN THE UPPER SHOULDER.

AT THE WRITING OF THIS REPORT, THE EXACT TIMES OF DEATH WERE UNKNOWN OR IF AUTOPSY'S WILL BE CONDUCTED ON THE DECEASED DETAINEES.

SA 7C-1, 100-1 ADVISED SPC 7C-4, 100-4 OF HIS LEGAL RIGHTS, WHICH HE WAIVED AND PROVIDED A WRITTEN STATEMENT WHICH DETAILED THE EVENTS SURROUNDING AND HIS ACTIONS DURING THE SHOOTING OF THE DETAINEE. SPC 7C-4, 100-4 STATED HE SHOT THE DETAINEE (HAMED) TO PROTECT THE OTHER MP PERSONNEL AND TO PREVENT DETAINEE (HAMED) FROM ESCAPING.

SA 7C-1, 100-1 ADVISED LCPL 7C-4, 100-4 OF HIS LEGAL RIGHTS, WHICH HE WAIVED AND RENDERED A SWORN STATEMENT WHICH HE DETAILED THE EVENTS SURROUNDING AND HIS ACTIONS DURING THE SHOOTING OF THE DETAINEE. LCPL 7C-4, 100-4 STATED HE SHOT THE DETAINEE (APOSS) TO PROTECT FELLOW MARINES AND TO PREVENT DETAINEE (APOSS) FROM ESCAPING.

THE OCONUS CID CASUALTY LIASON OFFICER (CLO) IS SA 7C-1, 100-1 15TH MP DETACHMENT (CID), PRISON INTERROGATION TEAM (PIT), ABU GHURYEB PRISON, ABU GHURYEB, IRAQ, AT DNV 318-550-

INVESTIGATION CONTINUES BY USACIDC.

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

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DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
PRISONER INTERROGATION TEAM (PIT)(CID)
75TH MILITARY POLICE DETACHMENT (-)
BAGHDAD CORRECTIONAL CONFINEMENT FACILITY
APO AE 09342

CIRD-PIT

16 APR 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C) - SSI-0013-04-CID789-83982-5H6-5Y3

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 10 APRIL 04/1930 - 11 APRIL 04/0540, BAGHDAD CORRECTIONAL AND CONFINEMENT FACILITY (BCCF), ABU GHRUYEB, IZ

DATE/TIME REPORTED: 11 APRIL 04, 0600

INVESTIGATED BY: SA *7C-1, 106-1 by SA 7C-1, 106-1 b2*
SA *7C-1, 106-1 b2*

SUBJECT: 1. HAMED, ABBAS KHALID (DECEASED); INTERNMENT SERIAL NUMBER (ISN) 26162; 01 JAN 1986; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING][JUSTIFIABLE HOMICIDE]

2. APOSS, KNALED (DECEASED); PRISONER IDENTIFIACATION NUMBER (PIN 000012); UNKNOWN, IZ; M; WHITE, DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING] [JUSTIFIABLE HOMICIDE]

VICTIM: 1. U.S. GOVERNMENT; (301ST MILITARY POLICE COMPANY, (USAR), BCCF, ABU GHRUYEB, IZ) (FORT BUCHANAN, PR) [RIOTING] [JUSTIFABLE HOMICIDE]

2. U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINES, BCCF, ABU GHRUYEB, IZ) (CAMP PENDLETON, CA) [RIOTING] [JUSTIFABLE HOMICIDE]

INVESTIGATIVE SUMMARY:

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION"

This investigation was initiated upon notification by the 391st Military Police Battalion, BCCF, Abu Ghrueyb, IZ that a riot took place in Tiers 5A and 5B of the BCCF. During the riot, detainee HAMED was shot and killed by SPC *7C-4, 106-4*

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301st MP CO, BCCF and detainee APOSS was shot by LCPL ~~TC 4, b6~~
~~TC 4, b6~~ - 4 X Company, 3/24th Marines, BCCF.

Investigation established probable cause to believe the shootings of both detainees was justifiable and neither SPC ~~TC 4, b6~~ nor LCPL ~~TC 4, b6~~ committed any criminal offenses.

STATUTES:

18 USC, SEC 1792: RIOTING
Article 118, UCMJ: MURDER (JUSTIFIABLE HOMICIDE)

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigation Report (AIR) of SA ~~TC 1, b6~~ 12 Apr 04, detailing initial notification; interviews; and command coordination.
2. Waiver Certificate and Sworn Statement of LCPL ~~TC 4, b6~~ 11 Apr 04, wherein he details the shooting of the detainee.
3. Waiver Certificate and Sworn Statement of SPC ~~TC 4, b6~~ 10 Apr 04, wherein he details the shooting of the detainee.
4. AIR of SA ~~TC 1, b6~~ 13 Apr 04, detailing interviews; command and SJA coordination.
5. Compact Disc 040013.789, containing images of both deceased detainees. (USACRC and File copies only)

NOT ATTACHED:

None.

The originals of Exhibits 1 through 5 were attached to the USACRC copy of this report.

STATUS: This is a Final (C) Report. This investigation is being terminated IAW CIDR 195-1, Chapter 4-17(a)(6) in that the Special Agent-in-Charge determined that furtherance of the investigation would be of little or no value and leads remaining are insignificant. Commander's Report of Disciplinary Action Taken (DA Form 4833) is not required.

LEADS REMAINING: Interview of remaining MP's who were involved in quelling the riot.

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Report Prepared By:

Report Approved By:

7C-1
bb-1

7C-1
bb-1

b2

Special Agent in Charge

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- 1 - SJA, 504th MI Brigade (ATTN: CPT 7C-3, bb-3, BCCF)
- 1 - CDR, 16th Military Police Brigade (ATTN: COL 7C-3 bb-3), Victory Camp, APO AE 09342
- 1 - CDR, 391st MP BN (ATTN: LTC 7C-3, bb-3 BCCF)
- 1 - CDR, K Company, 3/24th Marines, BCCF
- 1 - File

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- 3 -

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789- 83982

PAGE 1 OF 1 PAGES

Details

BASIS FOR INVESTIGATION: About 0600, 11 Apr 04, this office was notified by the 391st Military Police (MP) Battalion, Abu Ghryeb, Iraq (AGI) that another detainee was shot and killed while trying to escape.

About 0703, 11 Apr 04, SA 7C-1, 66-1 interviewed LCPL 7C-4, 66-4 K Company 3/24 Marines, AGI. 7C-4 was advised of his legal rights, which he waived and provided a sworn statement detailing his actions. 7C-4 66-4 stated that he shot the detainee to protect his position and to keep the detainee from escaping in accordance with the Rules of Engagement (ROE) that he was briefed. (See Waiver and Sworn Statement of 7C-4, 66-4)

About 0810, 11 Apr 04, SA 7C-1, 66-1 interviewed SGT 7C-4, 66-4 K Company 3/24 Marines, AGI, who provided a verbal statement regarding the incident. 7C-4, 66-4 stated he was the Sergeant of the Guard (SOG) for the midnight shift. 7C-4, 66-4 stated he had to post the shift early as there was a report of escaped detainees loose inside the compound. While posting the shift, they encountered and detained 13 detainees who had escaped. 7C-4, 66-4 stated he briefed his personnel on the use of deadly force. 7C-4, 66-4 stated he told the Marines use of deadly force was authorized if Marines or Coalition Forces were threatened or in fear of grievous bodily harm. 7C-4, 66-4 stated the Marines were also briefed by an Army sergeant (NFI) that deadly force was authorized to capture detainees who had escaped from the hardsite. 7C-4, 66-4 stated after posting his Marines, there was a shot(s) fired from an undetermined location inside the compound, and there was still one escaped detainee unaccounted for inside the compound. 7C-4, 66-4 stated everyone was at a heightened state of alert.

About 0830, 11 Apr 04, SA 7C-1, 66-1 briefed CPT 7C-4 Executive Officer, K Company 3/24 Marines, AGI, on the status of this investigation. 66-4 stated his Marines are trained and empowered to make decision regarding use of force on the spot. 7C-4, 66-4 stated the Marines are not expect or required to call requesting permission to use deadly force.

About 1000, 11 Apr 04, SA 7C-1, 66-1 coordinated with SSG 7C-4 66-4 301st MP Company, AGI, who was the Hard site Shift NCOIC. SSG 7C-4 66-4 stated a review of the pass-on book disclosed the deceased detainee was Khaled APOSS, #TAS00012, Tier 5A Cell 227, (NFI). SSG 7C-4, 66-4 stated the Coalition Provisional Authority (CPA) maintained all of the prisoner files, and there were no additional information available at the hardsite.

About 1030, 11 Apr 04, SA 7C-1, 66-1 interviewed LCPL 7C-4, 66-4 K Company 3/24 Marines, AGI, who provided a verbal statement regarding the incident. 7C-4, 66-4 stated about 0400, 11 Apr 04, they were notified that there were escaped detainees loose in the compound. 7C-4, 66-4 stated they captured 13 of the 14 detainees prior to taking their post at Tower 3. 7C-4, 66-4 stated they heard a report from Tower 4 of activity in the vicinity of the tower, then heard a report of shot(s) fired. 7C-4, 66-4 stated they (he and 7C-4) believed the reports were related, and they feared the escaped detainee may have taken a weapon. 7C-4 stated 7C-4, 66-4 saw the detainee low crawling towards their position. 7C-4, 66-4 stated fired at the detainee once, believing the detainee was a threat. // LAST ENTRY //

TV

S.

Si

7C-1

66-1

66-1

ORGANIZATION

22ND MP BN (CID), FORT LEWIS, WA 98433

DATE

DATE 12 APR 04

EXHIBIT

1

CID 195-1

1 FEB 77

FOR OFFICIAL USE ONLY

PROTECTIVE MARKINGS IS EXCLUDED FROM
AUTOMATIC TERMINATION (Para 13, AR 340-16)
(When Data is Entered)

PREVIOUS EDITIONS OF THIS FORM
WILL BE USED UNTIL EXHAUSTED

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1 LOCATION Abu Ghryeb Prison, Abu Ghryeb, Iraq	2 DATE 7/12-4 11 Apr 04	3 TIME 0710	4 FILE NUMBER 7C-4
5 Name (Last First MI) 7C-4, b6-4	8 ORGANIZATION OR ADDRESS K, 3/24 Marines, Abu Ghryeb, Iraq		
6 SSN 7C-4, b6-4	7 GRADE/STATUS LCPL		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command
7C-4 and wanted to question me about the following offense(s) of which I am
 suspected/accused Murder 7C-4

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

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

-or-

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

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

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

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

WITNESSES (if available)

SIGNATURE OF INTERVIEWEE

7C-4, b6-4

7C-4, b6-4

6 ORGANIZATION OR ADDRESS AND PHONE

K 3/24 Marines

7C-1, b6-1

7 NAME (Type or Print)

8 ORGANIZATION OR ADDRESS AND PHONE

Prison Interrogation Team
Abu Ghryeb, Iraq

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 (AUTOMATED)

EDITION OF NOV 84 IS OBSOLETE

STATEMENT OF: LCPL

7C-4, b6-4

DATED: 11 Apr 04

CASE #:

7C-4
Q: Were you briefed on the Rules of Engagement (ROE) prior to assuming your duties on 11 Apr 04?

A: Yes. I was told that I was allowed to protect myself or a member of the Coalition Forces if threatened with deadly force, which I believed I was. Also I was told that if the detainees were on the fence or outside the fence (around the hard site) that deadly force was authorized, which the detainee was outside that area and quite a distance from that fence. Additionally, the Army Sergeant who was responsible for getting the detainees also told me during my shift that deadly force was authorized to stop the escaped detainees.

Q: Who gave you the ROE briefing?

A: The Sergeant of the Guard, SGT. 7C-4, b6-4 K 3/24 Marines.

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

A: No. ///END OF STATEMENT// 7C-4, b6-4

7C-4, b6-4
I, 7C-4, b6-4 AFFIDAVIT
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.

7C-4, b6-4
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of April 2004 at Abu Ghraib, Iraq

7C-4, b6-4
(Signature of Person Administering Oath)

Special Agent 7C-1, b6-1 b2
(Typed Name of Person Administering Oath)

Article 136(b)(4), UCMJ
(Authority to Administer Oath)

INITIALS 7C-4

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Page 2 of 2

EXHIBIT 2

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1 LOCATION Abu Ghryeb Prison, Abu Ghryeb, Iraq		2 DATE 10 Apr 04	3 TIME 2350	4 FILE NUMBER 7C-4, 66-4
5 NAME (Type or Print) 7C-4 66-4		6 ORGANIZATION OR ADDRESS 301 st Military Police Company, Abu Ghryeb, Iraq		
7 GRADE/STATUS SPC				

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The invs 7C-4 whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Murder

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

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

-or-

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

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

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me 7C-4

WITNESSES (if available) 4	
1a NAME 1LT 7C-4, 66-4	7C-1, 66-1 62
1b ORGANIZATION OR ADDRESS AND PHONE 302 nd MP CO	
2a NAME (Type or Print)	
2b ORGANIZATION OR ADDRESS AND PHONE Prison Interrogation Team Abu Ghryeb, Iraq	

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 (AUTOMATED)

EDITION OF NOV 84 IS OBSOLETE

CY 3

2013-04-CID789-001

SWORN STATEMENT

File Number: 0013-04-CID789

Location: Abu Ghryeb Prison. Abu Ghryeb. Iraq

Date: 10 Apr 04

Time: 0600 *7:00*

Statement of: *TC-4, 116-4*

SSN:

Grade/Status: SPC

Org/Address: 301st Military Police Company. Abu Ghryeb, Iraq

TC-4, 116-4 want to make the following statement under oath: I am a Military Police reservist, assigned to work corrections at the hard site, Abu Ghuryeb Prison, Abu Ghryeb, Iraq. About 1700, 10 Apr 04, I went on shift at the hard site. I was assigned to patrol outside the hard site to prevent the escape of any detainees. When I came on shift, the detainees were being loud. As the shift went on, the detainees proceeded to start breaking out the concrete windows with such things as metal pipes and bars. The detainees were also throwing rocks, chunks of concrete, and trash at the patrols. One of the detainees was shooting rocks at us with a homemade sling-shot. About 1900, the MP XO came to our location and saw the detainees busting out the windows and throwing things at the patrols. The MP XO told us to use less than lethal rounds to prevent them from causing injury to the patrols and to keep them from escaping through the windows. I fired about five less than lethal rounds. The less than lethal rounds did not seem to have any effect, what so ever, on the detainees. About 1930, 10 Apr 04, the MAJ *TC, 116-4* and the MP Battalion CDR, showed up to assess the situation. By then there were breaking a hole in the wall at the back of the tier, Tier 5B. The MP Battalion CDR told us, the MPs outside the tier, the Rules of Engagement (ROE) were to be if any of the detainees escaped and actually got physically outside of the tier deadly force was to be used. After a while, the MP Battalion CDR, the MP Battalion XO, and MAJ *TC, 116-4* left. We continued patrolling outside the tier. I sat down with CPL *TC-4, 116-4* and PV2 *TC, 116-4* to watch the south side (wall) of the tier, Tier 5B. About 2130, 10 Apr 04, one of the detainees jumped out of the tier through a window. The detainee then started walking towards us. The three of us (me, *TC, 116-4* and *TC, 116-4*) stood up, shouted to stop at the detainee, I held out my hand, then I chambered a round in the shotgun. The detainee kept moving. I shot at the detainee, aiming center mass with one round of 12 gauge 00 Buckshot. The detainee staggered and fell down. I rushed to give medical assistance, but other detainees in the tier above began throwing chunks of concrete at me. I retreated for my safety. Then the other members of the shift and the medics came. They used shields to protect the medics who removed the detainee. I shot him because those were my orders from the Battalion CDR. I was afraid that the detainee would attack us or that he would try to escape.

Q: What kind of shotgun did you use?

A: I had a Mosburg 590 Shotgun 12 gauge with serial number 771353.

Q: When you shot him could you see/tell if he was moving towards you or if he had turned to run away?

A: No, I could not tell which way he was going because it was dark and there wasn't too much light.

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

A: No. END OF STATEMENT *TC, 116-4*

INITIALS: *TC, 116-4*

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Page 1 of 2

EXHIBIT *3*

STATEMENT OF: SPC

7C-4, 1b6-4

DATED: 10 Apr 04

CASE #: 0013-04-CID789

-----AFFIDAVIT-----

7C-4, 1b6-4
 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.

7C-4, 1b6-4
 (Sign: _____ g Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of April 2004 at
 Abn Ghruveh Iran

7C-4, 1b6-4
 (Sign: _____ Person Administering Oath)

Special Agent

7C-1, 1b6-1 b2

(Typed Name of Person Administering Oath)

Art 136(b)(4) ~~Article 136 UCMJ~~
 (Authority to Administer Oath)

INITIALS _____

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Page 2 of 2

EXHIBIT 3

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-83982

PAGE 1 OF 2 PAGES

DETAILS

BASIS FOR INVESTIGATION: At 2200, 10 Apr 04, this office was notified by the 391st Military Police (MP) Battalion (BN), Baghdad Correctional Confinement Facility (BCCF), Abu Ghryeb, Iraq, that one Detainee (HAMED) was shot and killed when he tried to escape from 5B of the hardsite.

About 2220, 10 Apr 04, SA *7C-1, b6-1* this office, coordinated with SFC *7C-4, b6-4* *7C-4, b6-4* 391st Military Police (MP) Battalion (BN), Prisoner In-Processing Section, Abu Ghryeb, Iraq (AGI), who stated he could not identify the deceased detainee using a retinal scan. SFC *7C-4, b6-4* id the detainee was not in the system.

At 2230, 10 Apr 04, SA *7C-1, b6-1* interviewed PVT *7C-4, b6-4* 301st Military Police (MP) Company, Baghdad Correctional Confinement Facility (BCCF), Abu Ghryeb, Iraq. PVT *7C-4, b6-4* stated he was one of three MP's who were guarding the outside of Tier 5B. PVT *7C-4, b6-4* stated a Detainee (HAMED) crawled through a burned out window. The military police directed the detainee to halt three times, but the detainee ignored the command and started to run. SPC *7C-4, b6-4* 301st MP Company, BCCF, Abu Ghryeb, Iraq, fired one round of buckshot which struck Detainee HAMED in the back, fatally wounding him.

About 2235, 10 Apr 04, SA *7C-1, b6-1* xposed photographs of the detainee and his injuries using a Kodak digital camera.

At 2245, 10 Apr 04, SA *7C-1, b6-1* interviewed CPL *7C-4, b6-4* , 301st MP Company, BCCF, Abu Ghryeb, Iraq. CPL *7C-4, b6-4* stated she noticed a Detainee crawling through a window on the bottom floor. She told the detainee to halt three times, but the detainee started to run. SPC *7C-4, b6-4* hen fired one round of buckshot at the detainee. CPL *7C-4, b6-4* related, SPC *7C-4, b6-4* and PVT *7C-4, b6-4* attempted to administer first aid to the detainee, but were forced back by other detainees who were throwing rocks and pipes at them.

At 2300, 10 Apr 04, SA *7C-1, b6-1* oordinated with CPT *7C-4, b6-4* Commander, 301st MP Company, BCCF, Abu Ghryeb, Iraq and briefed him on the status of this investigation.

AGENT'S COMMENT: A Crime Scene Examination was not conducted due to officer safety concerns. As MP and CID personnel were approaching the crime scene, detainees began throwing rocks and pipes.

About 2330, 10 Apr 04, SA *7C-1, b6-1* oordinated with LTC *7C-4, b6-4* Commander, 391st MP BN, Abu Ghryeb Prison, Iraq and briefed him on the status of this case.

INDEXED AGENT'S NAME AND ORGANIZATION NUMBER

7C-1- b6-1 *mv*

ORGANIZATION

Prisoner Interrogation Team (PIT) (CID) (FWD)
Baghdad Correctional Facility, Abu Ghryeb, Iraq

DATE

13 Apr 04

EXHIBIT

2-1

CID FORM 94
1 FEB 77

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-83982

PAGE 2 OF 2 PAGES

DETAILS

About 2350, 10 Apr 04, SA 7C-1, b6-7's office, advised SPC 7C-4 of his legal rights, which he waived and provided a sworn statement detailing the incident. (See waiver Certificate and Sworn Statement)

About 0906, 11 Apr 04, SA 7C-1, b6-7 coordinated with SFC 7C-4 and obtained a copy of the death certificate pertaining to Detainee HAMED.

About 0930, 12 Apr 04, SA 7C-1, b6-7 coordinated with CPT 7C, b6-4 Command Judge Advocate, 504th Military Intelligence Brigade and Abu Ghruyeb Prison, Abu Ghruyeb, Iraq. CPT 7C, b6-4 joined that no crime was committed and the shooting was Justifiable Homicide.

About 1230, 13 Apr 04, SA 7C-1, b6-7 interviewed LTC 7C, b6-4 who stated he briefed all military police working at the prison the rules of engagement, which included the use of deadly force if a detainee attempted to escape.///LAST ENTRY///

TYI	7C-1	ORGANIZATION	Prisoner Interrogation Team (PIT) (CID) (FWD)
SA	b6-1	DATE	13 Apr 04
SIG	b2	EXHIBIT	4
		Baghdad Correctional Facility, Abu Ghruyeb, Iraq	

CID FORM 94

1 FEB 77

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PHOTOGRAPHIC PACKET

NUMBERDESCRIPTION OF PHOTOGRAPHS

1. Photograph depicting the full body (Side) of HAMED
2. Photograph depicting the face of HAMED
3. Photograph depicting the entry wound to the back of HAMED
4. Photograph depicting the second entry wound to the back of HAMED
5. Photograph depicting the window where HAMED escaped
6. Photograph depicting where HAMED fell after being shot
7. Photograph depicting a overall view of tier 5B
8. Photograph depicting the building number
9. Photograph depicting the face of APOSS
10. Photograph depicting the full body (Side) of APOSS
11. Photograph depicting the full body (Front) of APOSS
12. Photograph depicting the full body (Back) of APOSS
13. Photograph depicting the entry wound to shoulder of APOSS

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USE ONLY

EXHIBIT _____

---25

26

Ex 5

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-83982

PAGE 1 OF 1 PAGES

DETAILS

About 1650, 15 Jun 04, this office was notified by the 22nd MP BN that this investigation was to be re-opened to obtain the death certificate pertaining to both detainees.

About 1100, 16 Jun 04, INV 7C-1 b67 this office, coordinated with SFC 7C-4, b6-4 7C-4, b6-4 VCOIC, Detainee In-Processing Section, BCCF who stated there was not a copy of either detainees death certificate on file.

About 1130, 16 Jun 04, INV 7C-1 b67 coordinated with SPC 7C-4, b6-4 Administration Clerk, Task Force Oasis, 67th Combat Support Hospital, BCCF who stated there was not a death certificate on file for either detainee.

About 1230, 16 Jun 04, INV 7C-1 b67 coordinated with CW4 7C-4, b6-4 Senior Interrogator, JIDC, BCCF who related all records pertaining to both detainees were located at CJTF-7. CW4 7C-4, b6-4 added his organization does not obtain death certificates to place in their files.

About 1000, 17 Jun 04, SA 7C-1 b67 coordinated with 7C-4, b6-4 VCOIC, Battalion Aid Station, 391st MP BN, BCCF who provided an unsigned death certificate for Detainee HAMED. (See Death Certificate for details)

About 1300, 17 Jun 04, SA 7C-1 b67 coordinated with Mortuary Affairs, Baghdad International Airport (BIAP) who related they had no information concerning the death of Detainee AMIR.

////////////////////LAST ENTRY////////////////////////////////////

REPORT AGENT'S NAME AND SEQUENCE NUMBER

SA

SIGNATURE

7C-1, b6-1

b2

ORGANIZATION

Prisoner Interrogation Team (PIT) (CID) (FWD)
Baghdad Correctional Facility, Abu Ghruveb, Iraq

DATE

17 Jun 04

EXHIBIT

CID FORM 94

1 FEB 77

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Page(s)

28-29

Referred to:

U.S. ARMY MEDICAL COMMAND
FREEDOM OF INFORMATION/
PRIVACY ACT OFFICE
ATTENTION: MCFP
2050 WORTH ROAD, SUITE 13
FORT SAM HOUSTON, TEXAS
78234-6013

MR. JOHN PETERSON
John.Peterson1@cen.amedd.army.mil
(210) 221-7826

AGENT'S INVESTIGATION REPORT <i>CID Regulation 195-1</i>		ROI NUMBER 0013-04-CID789-83982									
DETAILS:		PAGE 1	OF 1								
<p>About 1030, 4 Aug 04, SA <i>7C-1 - b6-1</i> <i>b2</i> Detainee Assessment Task Force (DATF), USACIDC, Fort Belvoir, VA 22060, reviewed the Provost Marshal's Office, Detainee Not In Camp Roster, using query for "dead" and identified entries pertaining to detainee Abbas Khalid HAMED, Detainee 26162, a victim in 0013-04-CID789-83982. According to the roster, HAMED was entered into the database as deceased; however, he was re-entered into the database upon determination he was not dead and issued a new ISN (USIZ-159991CI). HAMED's previously assigned ISN was US9IZ-157073CI. The roster indicated he was released from custody on 4 May 04 (see database printouts for details).</p> <p>AGENT'S COMMENT: After discussion with CW5 <i>7C-1 - b6-1</i> <i>b2</i> Operations, DATF, there is a possibility <i>7C-1 - b6-1</i> <i>b2</i> the victim listed in 0120-04-CID789, may have been the person who died during this riot. Abbas FARHAN's, reported he had obtained a death certificate which reflected his son <i>7C-1 - b6-1</i> <i>b2</i> died at Abu Ghraib on 14 Apr 04, from a gunshot wound. To date, attempts to locate <i>7C-1 - b6-1</i> <i>b2</i> on any databases within this office have met with negative results.</p> <p>About 1500, 6 Aug 04, SA <i>7C-1 - b6-1</i> <i>b2</i> coordinated with SA <i>7C-1 - b6-1</i> <i>b2</i> Operations, USACIDC and arranged for an Arabic linguist to view the digital images exposed of the deceased individual previously identified as HAMED, based upon the tattoo's of potential Arabic writing on the chest of HAMED.</p> <p>AGENT'S COMMENT: SA <i>7C-1 - b6-1</i> <i>b2</i> stated she would attempt to arrange for an Arabic linguist to examine the questioned writing in the images contained on Exhibit 5, Compact Disc 040013.789.</p> <p>About 0900, 10 Aug 04, SA <i>7C-1 - b6-1</i> <i>b2</i> coordinated with an Arabic Linguist who examined the images in question (DCP_0196 and DCP_0197). According to the Linguist, the questioned writing on the chest of the individual started with "My brother"; however, the remainder of the writing was partially obscured by scar tissue and could not be positively identified. The Linguist did provide the following possible wording, either "Fahim" or "Qaasim" (see Linguist's handwritten notes for details).</p> <p>/////////////////////////////////Last Entry/////////////////////////////////</p>											
TYP SIG <i>7C-1</i> <i>b6-1</i>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">ORGANIZATION</td> </tr> <tr> <td colspan="2" style="text-align: center;">DATE, USACIDC</td> </tr> <tr> <td style="text-align: center;">DATE</td> <td style="text-align: center;">EXHIBIT</td> </tr> <tr> <td style="text-align: center;">10 Aug 04</td> <td style="text-align: center;">3</td> </tr> </table>		ORGANIZATION		DATE, USACIDC		DATE	EXHIBIT	10 Aug 04	3
ORGANIZATION											
DATE, USACIDC											
DATE	EXHIBIT										
10 Aug 04	3										

CLASSIFICATION
(Automated)

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Protective Marking is Excluded From Automatic Termination (Para 13, AR 34-16)

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

MS. JACQUELINE SCOTT
scottj@centcom.smil.mil
(813) 827-5341/2830

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-82982

PAGE 1 OF 3 PAGES

DETAILS

About 1500, 18 Aug 04, this office received an email from the Assistant Operations Officer (AOPS), 22nd MP Bn, Camp Victory, Baghdad, Iraq, with an attachment which contained a Request for Correction, 0434-04-CID001, from USACIDC, requesting a corrected final for this investigation, and an attachment which contained a Transmittal of Information, USACIDC, in which an administrative review revealed one of the decedents of this investigation may have been misidentified.

About 1300, 19 Aug 04, SA 7C-12-1 coordinated with 7C-8, 12-8, GS-14, Coalition Provisional Authority (CPA), Correctional Advisor, Department of Justice (DOJ), and Mr. 7C-4, 12-4, 7C-4, 12-4, GS-15E, CPA, Correctional Advisor, DOJ, who queried their database for information pertaining to Abbas Khalid HAMED, Internment Serial Number (ISN) 26162, National Detainee Reporting System (NDRS) US9IZ-157073CI and NDRS US9IZ-159991CI, and Knaled APOSS, Prisoner Identification Number (PIN) 000012 and any information pertaining to detainees on or about 10 Apr 04. Mr. 7C-8, 12-8 query revealed no information pertaining to HAMED or APOSS, however, did reveal two deceased Internees, Kalib Abas MAHMUED, TAS 00012, killed by Military Police and Musa Abas FARHAN, 3153, killed by Military Police/Marines. The date associated with these entries reflected 9 May 04. Another entry in the database listed Internee 3153 was killed by Marines, but listed no name and was dated 13 Apr 04. 7C-8, 12-8 provided a copy of the spreadsheet. 7C-8, 12-8 stated the records kept during the time period in question was not done well (See Spreadsheet for details).

About 1430, 19 Aug 04, SA 7C-12-1 and 7C-8, 12-8, with the assistance of linguist 7C-4, 12-4, Badge # Titan Corporation, coordinated with 7C-4, 12-4, Badge # 7C-4, 12-4 Legal Department, Iraqi Corrections Services, Ministry of Justice, who conducted a search of record ledgers pertaining to Internees, Hardsite, Abu Ghraib Prison, which revealed two entries dated 12 Apr 04, which reflected Kalid Abas MAHMUED, 00012 and Musa Abas FARHAN, 3153, had been killed. The ledger entry did not reflect the specific date or means of death of the two individuals (See Ledger Record for details).

About 1510, 19 Aug 04, SA 7C-12-1 coordinated with Mr. 7C-8, 12-8, S-14, CPA, Warden Advisor, DOJ, who stated he and his staff arrived at the Hardsite on 11 Apr 04 to take over operations. Mr. 7C-8, 12-8 stated he was given custody of the remains of two unknown deceased Internees, who had been killed the previous day or two during a riot/escape attempt. Mr. 7C-8, 12-8 stated the two decedents were identified by other Internees as there was no way to obtain a positive identification. Mr. 7C-8, 12-8 stated he would not be surprised if the two deceased individuals from the riot/escape attempted had been misidentified. Mr. 7C-8, 12-8 referenced the difficulties tracking the Internees and the poor record keeping. Mr. 7C-8, 12-8 stated the situation for tracking Internees has not improved under Iraqi control.

About 1536, 19 Aug 04, SA 7C-12-1 coordinated with 2LT 7C-4, 12-4, 428th MP CO, Abu Ghraib, Iraq (USAR, South Bend, IN), who provided a copy of the 391st MP Bn, Significant Incident Report (SIR), dated 10 Apr 04, which listed the decedent as Khalid Apass HEMAD, TAS 00012 (See SIR for details).

7C-1
12-1

12-2

ORGANIZATION PRISONER INTERROGATION TEAM (PIT)(CID) Baghdad Central Confinement Facility, Abu Ghraib 09342	
DATE 23 Aug 04	EXHIBIT 11

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-82982

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DETAILS

About 1600, 19 Aug 04, SA 7C-1, 66-1 coordinated with CPT 7C-8 66-8, 301st MP CO, Abu Ghraib, Iraq (USAR, Fort Buchanan, Puerto Rico), who stated his unit controlled the Hardsite when two Internees were killed in Apr 04. CPT 7C-8 66-8 stated he remembered the incident, but would have to see if his unit retained any records pertaining to the incident.

About 2000, 19 Aug 04, Linguist 7C, 66-8 and Linguist 7C, 66-8 translated the information obtained from the Ledger (See Translation of Ledger for details).

About 1120, 20 Aug 04, SA 7C-1 66-1 coordinated with 1LT 7C-8 66-8, 301st MP CO (USAR, Fort Buchanan, Puerto Rico), provided a packet containing indecent reports from numerous unit members detailing their actions pertaining to events that occurred between 10 Apr 04 and 11 Apr 04 (See Packet for details).

About 1210, 20 Aug 04, SA 7C-1 66-1 coordinated with SGT 7C-8 66-8 and SPC 7C, 66-8 HHC, 391st MP CO, Abu Ghraib, IZ, who conducted a search of their Biometrics Automated Toolset (BATS) and NDRS databases for information pertaining to Internee numbers 00012 and 3153, which met with negative results. SGT 7C, 66-8 conducted a search of his databases for information pertaining to MAHMUED and FARHAN, which met with negative results. SGT 7-8-66-8 stated the 391st MP CO, Inprocessing Center, stopped inprocessing Iraqi Internees in BATS around early Mar 04. SGT 7C, 66-8 stated Internees processed prior to Mar 04 should have been entered into BATS and assigned a 5 or 6 digit number.

AGENT'S COMMENT: SPC 7C, 66-8 located a capture tag number pertaining to an Internee SPC 7C, 66-8 stated 7C, 66-8 was transferred from the Hardsite on 3 Feb 04. SPC 7C, 66-8 stated Internees/Detainee can have the same capture tag number since they come from many different units and areas.

About 1320, 20 Aug 04, SA 7C-1, 66-1 created a photo comparison of the two decedents and HAMED utilizing photos from death scene and from BATS (See CD for Photo Comparison).

About 1340, 21 Aug 04, SA 7C-1, 66-1 coordinated with SPC 7C-3 66-3, HHC, III Corps, Detention Operations, SJA, Abu Ghraib, IZ, who stated a search of his database met with negative results for information pertaining to FARHAN, MAHMUED, 3153 and TAS 00012.

About 2000, 22 Aug 04, SA 7C-1, 66-1 coordinated with SGT 7C-3 66-3 Patient Administration Specialist, BCCF Hospital, AGI, who stated no records existed for either detainee. She stated according to her records, neither of the detainees were brought to the hospital after the incidents.

About 1200, 23 Aug 04, SA 7C-1, 66-1 J Mr. 7C-8 66-8 GS-12, CPA, Corrections Advisor, DOJ, BCCF, Abu Ghraib, IZ with the assistance of Linguist Badge # Titan

ORGANIZATION
PRISONER INTERROGATION TEAM (PIT)(CID)
Baghdad Central Confinement Facility, Abu Ghraib 09342

DATE 23 Aug 04 EXHIBIT 11

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-82982

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DETAILS

Corp, Abu Gharaib, IZ, coordinated with Dr. 7C-4, b6-4 Judge BCCF b2 Prison Health Unit, BCCF, Abu Gharaib, IZ, who conducted a search for information pertaining to Detainee FARHAN and MAHMUED, which met with negative results.

AGENT'S COMMENT: Based upon the records obtained from CPA and MOJ it appears the individuals killed on 10 Apr 04 and 11 Apr 04 were Internees MAHMOUD and FARHAN. Internee HAMED was originally listed as one of the decedents, however, on 20 Apr 04, the error was identified and annotated in BATS. HAMED was assigned a new NDRS number then released on 4 May 04. There was no information found on Internee APOSS or the PIN 000012, as originally listed. Based upon the information found, MAHMOUD's PIN was TAS00012, which indicated he was transferred from Tas Farrat Prison, and FARHAN's PIN was 3153. However, a search of numerous databases listed no information for either of the PIN's. Coordination with CPA disclosed the record keeping for the Hardsite Internees was poor at best. Further, since the responsibility of the Hardsite has been turned over to the Iraqi Government, there has been no improvement in record keeping to track Internees.

////////////////////////////////////LAST ENTRY////////////////////////////////////

T S SK	K-1 b6-1	b2	ORGANIZATION PRISONER INTERROGATION TEAM (PIT)(CID) Baghdad Central Confinement Facility, Abu Ghraib 09342	
			DATE 28 Aug 04	EXHIBIT 11

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0013-04-CID789-83982

Exhibit:7

01

DATE: 11 APR 04

FROM: SAC, ABU GHRUYEB PRISON COMPLEX (CID)
TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, HQUSACIDC //CIOP-ZA//
CDR, 22ND MP BN (CID) (FWD) //OPS//
CDR, 3D MP GROUP (CID) //OPS//
SJA, 16TH MP BDE
LNO CID, CJTF-7 (FOR FURTHER DISTRIBUTION)
CDR, 16TH MP BDE
CDR, 391ST MP BN

SUBJECT: CID REPORT -INITIAL/SSI-0013-04-CID789-83982-5H6-5Y3

DRAFTER: SA
RELEASER: SA 7C-1, 66-1

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
 1. 10 APRIL 2004/1930 HRS - 10 APRIL 2004/2130 HRS, ABU GHRUYEB PRISON, ABU GHRUYEB, BAGHDAD, IRAQ
 2. 11 APRIL 2004/0500 HRS - 11 APRIL 2004/0540 HRS, ABU GHRUYEB PRISON, ABU GHRUYEB, BAGHDAD, IRAQ
2. DATE/TIME REPORTED: 10 APRIL 2004, 2200
3. INVESTIGATED BY: SA 7C-1 66-1 62 SA 7C-1
66-1 62 SA 7C-1 66-1 62
4. SUBJECT: 1. HAMED, ABBAS KHALID (DECEASED); INTERNMENT SERIAL NUMBER (ISN 26162); 01 JANUARY 1986; UNKNOWN, IZ; M; WHITE; DETAINEE; BAGHDAD CORRECTIONAL CONFINEMENT FACILITY (BCCF), ABU GHRUYEB, IZ; ZZ [RIOTING] [JUSTIFIABLE HOMICIDE]

2. APOSS, KNALED (DECEASED); PRISONER IDENTIFIACATION NUMBER (PIN 000012); UNKNOWN, IZ; M; WHITE, DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING] [JUSTIFIABLE HOMICIDE]
5. VICTIM: 1. U.S. GOVERNMENT; (301TH MILITARY POLICE COMPANY) [RIOTING] [JUSTIFABLE HOMICIDE]

2. U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINE) [RIOTING] [JUSTIFABLE HOMICIDE]

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"

ON 10 MAR 04, THIS OFFICE WAS NOTIFIED BY THE 391ST MILITARY POLICE (MP) BATTALION (BN), ABU GHRUYEB PRISON, ABU GHRUYEB, IRAQ THAT DETAINEE HAMED, WAS SHOT AND KILLED BY MP GUARDS AND DETAINEE APOSS, WAS SHOT AND KILLED BY MARINES WHEN THEY ESCAPED AFTER RIOTING IN TIERS 5A AND 5B OF THE ABU GHRUYEB PRISON HARDSITE.

PRELIMINARY INVESTIGATION REVEALED A RIOT BEGAN IN TIER 5B OF THE ABU GHRUYEB PRISON HARDSITE AND MP GUARDS SET UP A PERIMETER ON THE OUTSIDE OF TIER 5B. WITHIN TIER 5B THE PRISONERS HAD BROKEN THEIR THE LOCKS TO THEIR CELLS AND WERE THROWING ROCKS AND METAL PIPES AT THE MILITARY POLICE GUARDS. ALL MEMEBERS IF THE GUARD FORCE WERE BRIEFED ON THE RULES OF ENGAGEMENT (ROE) AUTHORIZING THE USE OF DEADLY FORCE. MULTIPLE ATTEMPTS WERE MADE TO STOP THE RIOT UTILIZING VERBAL PERSUATION AND WITH LESS THEN LETHAL MUNITIONS. DETAINEE HAMED THEN JUMPED THROUGH A WINDOW AND WAS ORDERED TO HALT THREE TIMES BY MILITARY POLICE PERSONNEL. DETAINEE THEN ATTEMPTED TO RUN AND SPC *7C-4*
7C, b6-4 301ST MP COMPANY, ABU GHRUYEB, IRAQ, ENGAGED DETAINEE HAMED WITH ONE ROUND OF BUCKSHOT STRIKING HIM IN THE BACK.

LATER THAT EVENING, IN TIER 5A OF THE ABU GHRUYEB PRISON HARDSITE, FIFTEEN DETAINEES ESCAPED OUTSIDE OF THE TEIR. DURING THE ESCAPE, U.S. MARINES RE-CAPTUREED FOURTEEN OF THE DETAINEES. WHILE THE MARINES WERE COLLECTING THE ESCAPED DETAINEE'S, A GUN SHOT WAS HEARD. DETAINEE APOSS WAS ATTMPTING TO FLEE THE PRISON BY CRAWLING ON THE GROUND TOWARD AN EXIT. LCPL *7C, b6-4*, K COMPANY, 3/24TH MARINE, ABU GHRUYEB, IRAQ, IDENTIFIED DETAINEE APOSS CRAWLING ON THE GROUND AND ENGAGED HIM WITH ONE ROUND OF 5.56MM IN ACCORDANCE WITH THE ROE, STRIKING HIM IN THE UPPER SHOULDER.

AT THE WRITING OF THIS REPORT, THE EXACT TIMES OF DEATH WERE UNKNOWN OR IF AUTOPSY'S WILL BE CONDUCTED ON THE DECEADED DETAINEES.

AT 2350, 10 APR 04, SA 7C166-1 ADVISED SPC OF HIS LEGAL RIGHTS, WHICH HE WAIVED AND PROVIDED A WRITTEN STATEMENT WHICH DETAILED THE EVENTS SURROUNDING AND HIS ACTIONS DURING THE SHOOTING OF THE DETAINEE. SPC 7C166-4 STATED HE SHOT THE DETAINEE (HAMED) TO PROTECT THE OTHER MP PERSONNEL AND TO PREVENT DETAINEE (HAMED) FROM ESCAPING.

AT 0703, 11 APR 04, SA 7C166-1 ADVISED LCPL 7C166-4 OF HIS LEGAL RIGHTS, WHICH HE WAIVED AND RENDERED A SWORN STATEMENT WHICH HE DETAILED THE EVENTS SURROUNDING AND HIS ACTIONS DURING THE SHOOTING OF THE DETAINEE. LCPL 7C166-4 STATED HE SHOT THE DETAINEE (APOSS) TO PROTECT FELLOW MARINES AND TO PREVENT DETAINEE (APOSS) FROM ESCAPING.

THE OCONUS CID CASUALTY LIASON OFFICER (CLO) IS SA 7C166-1 7C166-1 75TH MP DETACHMENT (CID), PRISON INTERROGATION TEAM (PIT), ABU GHUYEB PRISON, ABU GHUYEB, IRAQ, AT DNVN 318-550-

INVESTIGATION CONTINUES BY USACIDC.

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

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SAC:

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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0013-04-CID789-83982
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
2200, 10 Apr 04 7C-1, 66-1 I: 10, T: 0	BASIS FOR INVESTIGATION: At 2200, 10 Apr 04, this office was notified by the 391st Military Police (MP) Battalion (BN), Baghdad Correctional Confinement Facility (BCCF), Abu Ghryeb, Iraq, that one Detainee (HAMED) was shot and killed when he tried to escape from 5B of the hardsite.	
2220, 10 Apr 04 7C-1, 66-1 I: 20, T: 10	About 2220, 10 Apr 04, SA 7C-1, 66-1 this office, coordinated with SFC 7C-3, 66-3 391st Military Police (MP) Battalion (BN), Prisoner In-Processing Section, Abu Ghryeb, Iraq (AGI), who stated he could not identify the deceased detainee using a retinal scan. SFC 7C-3, 66-3 stated the detainee was not in the system.	
2230, 10 Apr 04 7C-1, 66-1 I: 20, T: 10	At 2230, 10 Apr 04, SA 7C-1, 66-1 interviewed PVT. 7C-6, 66-6 301st Military Police (MP) Company, Baghdad Correctional Confinement Facility (BCCF), Abu Ghryeb, Iraq. PVT 7C-6, 66-6 stated he was one of three MP's who were guarding the outside of Tier 5B. PVT 7C, 66-6 stated a Detainee (HAMED) crawled through a burned out window. The MP's present announced three times for Detainee HAMED to halt and he began to run. SPC 7C-6, 66-6 301st MP Company, BCCF, Abu Ghryeb, Iraq, fired one round buckshot which struck Detainee HAMED in the back which killed him.	
2235, 10 Apr 04 7C-1, 66-1 I: 10, T: 0	About 2235, 10 Apr 04, SA 7C-1, 66-1 exposed photographs of the detainee and his injuries using a Kodak digital camera. (See Photo Log)	
2245, 10 Apr 04 7C-1, 66-1 I: 20, T: 10	At 2245, 10 Apr 04, SA 7C-1, 66-1 interviewed CPL 7C-4, 66-4 301st MP Company, BCCF, Abu Ghryeb, Iraq. CPL 7C-3, 66-3 stated she noticed a Detainee crawling through a window on the bottom floor. Detainee HAMED was told three times to stop, then Detainee HAMED started to run. SPC 7C, 66-3 then fired one round of buckshot which killed him. CPL 7C-3, 66-3 related, SPC 7C, 66-3 and PVT 7C, 66-6 attempted to administer first aid to the Detainee, but were forced back by other Detainee's throwing rocks and pipes at them.	
2300, 10 Apr 04 7C-1, 66-1 I: 20, T: 0	At 2300, 10 Apr 04, SA 7C-1, 66-1 coordinated with CPT 7C, 3, 66-3 Commander, 301st MP Company, BCCF, Abu Ghryeb, Iraq and briefed him on the status of this investigation. AGENT'S COMMENT: A Crime Scene Examination was not conducted due to officer safety concerns. As MP and CID personnel were approaching the crime scene, Detainees began throwing rocks and pipes.	
2230 10 Apr 04 7C-1, 66-1 I: 20, T: 0	About 2330, 10 Apr 04, SA 7C-1, 66-1 coordinated with LTC 7C-3, 66-3 391st MP BN, Abu Ghryeb Prison, Iraq and briefed him on the status of this case.	
2350, 10 Apr 04 7C-1, 66-1	About 2350, 10 Apr 04, SA 7C-1, 66-1 office, advised SPC 7C, 66-3 his legal rights, which he waived and provided a sworn statement detailing the	

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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0013-04-CID789-83982
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
I: 40, T: 0	incident. (See Sworn Statement)	
0600, 11 Apr 04 7C-1, 66-1 I: 10, T: 0	BASIS FOR INVESTIGATION: About 0600, 11 Apr 04, this office was notified by the 391st Military Police (MP) Battalion, Abu Ghryeb, Iraq (AGI) that another detainee was shot and killed while trying to escape.	
0703, 11 Apr 04 7C-1, 66-1 I: 40, T: 0	About 0703, 11 Apr 04, SA 7C-1, 66-1 interviewed LCPL 7C-3, 66-3 K Company 3/24 Marines, AGI. 7C-3, 66-3 was advised of his legal rights, which he waived and provided a sworn statement detailing his actions. 7C-3, 66-3 stated that he shot the detainee to protect his position and to keep the detainee from escaping in accordance with the Rules of Engagement (ROE) that he was briefed. (See Waiver and Sworn Statement of 7C-3, 66-3)	
0810, 11 Apr 04 7C-1, 66-1 I: 30, T: 0	About 0810, 11 Apr 04, SA 7C-1, 66-1 interviewed SGT 7C-3, 66-3, K Company 3/24 Marines, AGI, who provided a verbal statement regarding the incident. 7C-3 stated he was the Sergeant of the Guard (SOG) for the midnight shift. 7C-3 stated he had to post the shift early as there was a report of escaped detainees loose inside the compound. While posting the shift, they encountered and detained 13 detainees who had escaped. 7C-3, 66-3 stated he briefed his personnel on the use of deadly force. 7C-3, 66-3 stated he told the Marines use of deadly force was authorized if Marines or Coalition Forces were threatened or in fear of grievous bodily harm. 7C-3, 66-3 stated the Marines were also briefed by an Army sergeant (NFI) that deadly force was authorized to capture detainees who had escaped from the hardsite. 7C-3, 66-3 stated after posting his Marines, there was a shot(s) fired from an undetermined location inside the compound, and there was still one escaped detainee unaccounted for inside the compound. 7C-3, 66-3 stated everyone was at a heightened state of alert.	
0830, 11 Apr 04 7C-1, 66-1 I: 20, T: 0	About 0830, 11 Apr 04, SA 7C-1, 66-1 briefed CPT 7C-3, 66-3 Executive Officer, K Company 3/24 Marines, AGI, on the status of this investigation. 7C-3, 66-3 stated his Marines are trained and empowered to make decision regarding use of force on the spot. 7C-3, 66-3 stated the Marines are not expect or required to call requesting permission to use deadly force.	
0906, 11 Apr 04 7C-1, 66-1 I: 10, T: 0	At 0906, 11 Apr 04, SA 7C-1, 66-1 coordinated with SFC 7C-3, 66-3 and obtained a copy of the death certificate pertaining to Detainee HAMED.	
1000, 11 Apr 04 7C-1, 66-1 I: 20, T: 0	About 1000, 11 Apr 04, SA 7C-1, 66-1 coordinated with SSG 7C-4, 66-4 301st MP Company, AGI, who was the Hard site Shift NCOIC. SSG 7C-4, 66-4 stated a review of the pass-on book disclosed the deceased detainee was Khaled APOSS, #TAS00012, Tier 5A Cell 227, (NFI). SSG 7C-4, 66-4 stated the Coalition Provisional Authority (CPA) maintained all of the prisoner files, and there were no additional information available at the hardsite.	
1030, 11 Apr 04 7C-1, 66-1 I: 20, T: 0	About 1030, 11 Apr 04, SA 7C-1, 66-1 interviewed LCPL 7C-3, 66-3 7C-3, 66-3 K Company 3/24 Marines, AGI, who provided a verbal statement regarding the incident. 7C-3, 66-3 stated about 0400, 11 Apr 04, they were notified that there were escaped detainees loose in the compound. 7C-3, 66-3 stated they captured 13 of the 14 detainees prior to taking their post at Tower 3. 7C-3, 66-3	

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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0013-04-CID789-83982
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
0930, 12 Apr 04 7C-1, 66-1 I: 20, T: 0	<p>stated they heard a report from Tower 4 of activity in the vicinity of the tower, then heard a report of shot(s) fired. 7C, 66-3 stated they (he and 7C, 66-3) believed the reports were related, and they feared the escaped detainee may have taken a weapon. 7C, 66-3 stated 7C, 66-3 saw the detainee low crawling towards their position. 7C, 66-3 stated 7C, 66-3 fired at the detainee once, believing the detainee was a threat.</p> <p>At 0930, 12 Apr 04, SA 7C-1, 66-1 coordinated with CPT 7C, 66-3 Command Judge Advocate, 504th Military Intelligence Brigade and Abu Ghryeb Prison, Abu Ghryeb, Iraq. CPT 7C, 66-3 opined that no crime was committed and the shootings were Justifiable Homicide.</p> <p>Pending interviews of MAJ 7C, 66-3 and LTC 7C, 66-3</p> <p>File to SAC for review:</p>	
1230, 13 APR 7C-1, 66-1	<p>INT. OF LTC 7C, 66-3 WHO RELATED HE PROVIDED ROE, AUTHORIZING DEADLY FORCE IF ANY DETAINEE EXITED THE HARD-SITE.</p>	
15 Apr 04 7C-1, 66-1	<p>SAC Reviewed We'll shut this case down Final (C).</p>	
18 Apr 04 7C-1, 66-1	<p>Prepared Final. To distro. Closed</p>	
25 Apr 04 7C-1, 66-1	<p>Sent report via SIPR. To admin for closure</p>	

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1 OCT 80

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0000005

AGENTS ACTIVITY SUMMARY <small>(CID Regulation 195-1)</small>		CONTROL NUMBER 0013-04-CID789-83982
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
25 May 2004 7C-1, 126-1	To OPS for review:	

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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0013-04-CID789-83982
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1600, 15 Jun 04 <i>Kibb-1</i> I: 30	Directed by CW3 <i>Kibb-3</i> AOPS, 22nd MP BN that this investigation needed to be reopened to document the receipt of death certificates or lack thereof. (See email #1)	
1100, 16 Jun 04 <i>Kibb-1</i> I: 30	Coordinated with detainee in-processing who did not have a copy of either detainees death certificate. (See AIR)	
1130, 16 Jun 04 <i>Kibb-1</i> I: 30	Coordinated with Aid Station who only had a copy of HAMED's death certificate. (See AIR)	
1230, 16 Jun 04 <i>Kibb-1</i> I: 30	Coordinated with MI. (See AIR)	
1930, 16 Jun 04 <i>Kibb-1</i> I: 30	Coordinated with CW3 <i>Kibb-3</i> 22nd MP BN to obtain death certificate from Mortuary affairs.	
0900, 17 Jun 04 <i>Kibb-1</i> I: 30	Received information from CW3 <i>Kibb-3</i> at Mortuary Affairs did not have a copy of either detainees death certificate. (See AIR)	
1500, 21 Jun 04 <i>Kibb-1</i> I: 90	Prepared Supplemental and distro via SIPR. Case closed.	

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1 OCT 80

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FLORIDA 33621-5101

MS. JACQUELINE SCOTT
scottj@centcom.smil.mil
(813) 827-5341/2830

INVESTIGATIVE WORKSHEET

DATA REQUIRED BY THE PRIVACY ACT
 AUTHORITY: Title 10, United States Code, Section 3012(g). ROUTINE USES: Your social security number and other personal information are used as an administrative/immune means of identification to facilitate filing and retrieval.

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. DISCLOSURE: Disclosure of your social security number is voluntary.

1 REC CODE	2 ACTION CODE	3 DATE SUBMITTED	4 SEQ NUMBER	5 YEAR	6 UNIT	7 ROL NUMBER	8 REL TO CASE	9 CONTR. #
A4	21	1	8	4	2	3	5	1

INDIVIDUAL DATA

10	11	12	13	14	15	16	17	18	19	20
7C-4	66-4	7C-4, 66-4	7C-4-1264	SPC	US					
21	22	23	24	25	26	27	28	29	30	31
M	C		6'4"	220	BPN	BLU	US	12	N	S
31	32	33	34	35	36	37	38	39	40	41
31B				SEC	TATTOO (x5)					
42	43	44	45	46	47	48	49	50	51	52
301ST MP CO	(PR)	RESERVIST								
53	54	55	56	57	58	59	60	61	62	63
ABU GARWYER										

FAMILY MEMBER DATA

64	65	66	67	68	69	70	71	72	73
74	75	76	77	78	79	80	81	82	83

OFFENSE

84	85	86	87	88	89	90	91	92	93

ADMINISTRATIVE DATA

94	95	96	97	98	99	100	101	102	103
104	105	106	107	108	109	110	111	112	113

CORPORATION DATA

114	115	116	117	118	119	120	121	122	123
124	125	126	127	128	129	130	131	132	133

NOTES

CID FORM 44-R

EDITION OF 1 AUG 87 WILL BE USED UNTIL EXHAUSTED

1 DEC 87

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INVESTIGATIVE WORKSHEET									
<div style="display: flex; justify-content: space-between;"> <div> <p>AUTHORITY: Title 10, United States Code, Section 3012(g).</p> <p>PRINCIPAL PURPOSE: To provide compensation and law enforcement officials with means by which information may be accurately identified.</p> </div> <div> <p>ROUTINE USES: Your social security number and other personal information are used as an additional/alternate means of identification to facilitate filing and retrieval.</p> <p>DISCLOSURE: Disclosure of your social security number is voluntary.</p> </div> </div>									
1 REC CODE	2 ACTION CODE	3 DATE SUBMITTED	4 SEQ NUMBER	5 YEAR	6 UNIT	7 ROL NUMBER	8 REL TO CASE	9 CONTROL #	
A4									
INDIVIDUAL DATA									
10-11 7C-4, 126-4		12 7C-4, 126-4		13 7C-4, 126-4		14 GRADE		15	
16 OTHER ID NUMBER		17 7C-4, 126-4		18 7C-4, 126-4		19		20	
21 SEX	22 RACE	23 ETHNIC	24 HEIGHT	25 WEIGHT	26 HAIR COLOR	27 EYE COLOR	28 SKIN	29 BIRTH	30
M	C		5'8"	155	BRO	BRN	US	12	
31 MOS	32 MCAC	33 POSITION	34 INDUSTRY	35 SECURITY	36 PHYSICAL MARKS				
37 ALIAS-NICKNAME(S)			38 ALIAS-NICKNAME			39 ALIAS-NICKNAME			
40 ORGANIZATION						41 IF CONTRACTOR, CONTRACT #			
K 3/24 MARINE (RESERVE)									
42 MILITARY SVC		43 SUBUNIT		44 FORT/CITY		45 STATE			
FAMILY MEMBER DATA									
46 SPOUSE LAST NAME		47 SPOUSE FIRST NAME		48 SPOUSE MIDDLE NAME					
49 SOCIAL SECURITY NUMBER		50 SPOUSE GRADE		51 SPOUSE MCAC		52 SPOUSE UNIT ADDRESS			
53 SPOUSE CITY		54 SPOUSE ST		55 SPOUSE CT		56 SPOUSE ZIP CODE/APD			
OFFENSE									
57 OFFENSE CODE		58 UIC		59 OFFENSE CODE		60 UIC		61 OFFENSE CODE	
ADMINISTRATIVE DATA									
62 TELEPHONE #		63 ETS		64 PCS/STPC		65 DATE INTERVIEW		66 TIME INTERVIEW	
						START		START	
67 PLACE OF INTERVIEW		68 DATE INTERVIEW		69 TIME INTERVIEW		70 PLACE OF INTERVIEW		71 FINGERPRINT	
START		END		END		END		PHOTO	
72 VEHICLE DATA				73 DISPOSITION					
CORPORATION DATA									
74 CONTRACTOR NUMBER		75 FED SERV/PROD #		76 CORPORATION NAME					
77 CORP ADDRESS		78 CORP CITY		79 CORP ST		80 CORP CTY		81 CORP ZIP CODE	
82 CONTRACT NUMBER									
<p>NOTES:</p> <p>CLCO NOTIFIED BY SEC(?) 7C-4, 126-4 re FATAL SHOOTING BY ONE OF TOWER GUARDS</p>									

CID FORM 44-R
1 DEC 87

EDITION OF 1 AUG 87 WILL BE USED UNTIL EXHAUSTED

JUNE 10

@ 1000, 11 APR 04
COORD, 121 SSC 7C-4, 126-4
7C-4, 126-4, HARD SITE MP NCIC, FT
301st MP Co.

TAS 00012 (NFI) Khaled APOSS
THIR SA, CEU 22~~7~~
-NEED TO COORD w/ CPA

(7C-4, 126-4,

JUN 11

DATA REQUIRED BY PRIVACY ACT													
AUTHORITY			Title 10, United States Code Section 3012 (g)			ROUTINE USES			Your social security number and other personal information are used as an additional/alternate means of identification to facilitate and retrieval				
PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified						DISCLOSURE: Disclosure of your social security # is voluntary							
1 Code	2 Action Code	3 Date	4 Rel to Case	5 Control	6 Sequence #	7 Year	8. Office - CID	9 ROI #	Offense				
7C-4, 166-4		7C-4, 166-4		7C-4, 166-4		13. Grade/Rank SGT		19 POB Zip US					
21 Race W		22 Ethnic C		23 Height 5'9"		24 Weight 175		25 Hair BRN		26 Eye Color BLU		27 US 12	
32 Job Description/Location		33 MC		34 Security Clr		35 Physical Marks/ Tattoos		36 Spouse Military Yes <input type="checkbox"/> No <input type="checkbox"/>		37 Branch			
38 Alias/Nicknames				39 Alias/Nicknames									
40 Organization 3/24 K MARINES				41 Unit Phone Number				Home Cell/Pager					
43 Sub Unit				44 Fort/City				45 State 7C-4, 166-4					
46 Zip Code/PO				7C-4, 166-4									
54 Family Rel		55 Last Name		56 First Name		57 Middle Name							
59 Grade/Rank		60 MC		61 Unit									
63 State		64 ZIP/APO		65 Phone Wk Hm									
67 UFC		68. Offense Code:		69. UFC:		70. Offense Code:		71. UFC:		72. Offense Code:		73. UFC	
ETS		PCS/DEROS		Date / Time Interview START: Date Time									
Date / Time Interview END: Date Time													
Category													
75 Type		76. Recovered Yes <input type="checkbox"/> No <input type="checkbox"/>		77. Value:		78. Insurer:		Policy:		Year/Date Exp			
80 Make		81 Model		82 Vehicle Style		83 # of Doors		84 Color		85 Size			
87 License Plate		88 State		89 DOD Decal Number									

ES: @ 0810, 11 APR 04. INT. OF 7C-4, 166-4 SOL for midnights shift. Briefed ROE. TOLD LCP 7C-4, 166-4 HAD TO EMPLOY SHIFT EARLY TO CAPTURE ESCAPEES. AFTER HAD CAPTURED MAJORITY, HAD OPPORTUNITY TO BRIEF. THIV TEST: TOLD IF THREATENED THEN DEADLY FORCE AUTHORIZED. ALSO BRIEFED BY ARMY SGT, WHO IN CHARGE OF TAKING CONTROL OF DETAINEES, THAT WE WERE AUTHORIZED DEADLY FORCE TO CAPTURE THE ESCAPEES. DON'T RECALL NAME.

JUN 12

THAT NIGHT WAS INTENSE. AFTER SHOT FIRED,
THERE WERE STILL ONE DETAINEE NOT ACCOUNTED
FOR. EVERYONE WAS ON ~~EDGE~~ AT A HIGHER
ALERT.

000013

PRINCIPAL PURPOSE To provide commanders and law enforcement officials with means by which information may be accurately identified DISCLOSURE Disclosure of your social security # is voluntary

1 Code	2 Action Code	3 Date	4 Ref to Case	5 Control	6 Sequence #	7 Year	8 Office CID	9 ROI #	Offense
10 as 11 R-4, 136-4 12 or ID Number 13 Grade/Rank 14 LEPL 15 7C-4, 136-4 16 19 POB Zip 17 21 Race 18 Ethnic 19 Height 20 Weight 21 150 22 PRO 23 BIL 24 115 25 12 26 Record 27 30 Marital 28 3 29 32 Job Description/Location 30 MC 31 Security Clr 32 Physical Marks/ Tattoos 33 Spouse Military 34 Yes <input type="checkbox"/> No <input type="checkbox"/> 35 Branch 36 Alias/Nicknames 37 Alias/Nicknames 38 Alias/Nicknames 39 Unit Organization 40 3/24 MARINE 41 Unit Phone Number 42 Home 43 Cell/Pager 44 Military Service 45 Sub Unit 46 For/City 47 State 48 46 49 7C-4, 136-4 50 V 51 54 Family Rel 52 55 Last Name 53 56 First Name 54 57 Middle Name 55 Social Security 56 59 Grade/Rank 57 60 MC 58 61 Unit 59 62 State 60 64 ZIP/APO 61 65 Phone 62 Wk 63 Hm 64 Offense Code 65 67 UFC 66 68 Offense Code 67 69 UFC 68 70 Offense Code 69 71 UFC 70 72 Offense Code 71 73 UFC 72 none 73 ETS 74 PCS/DEROS 75 Date / Time Interview START 76 Date 77 Time 78 Date / Time Interview END 79 Date 80 Time 81 Situation 82 Category 83 75 Type 84 76 Recovered 85 Yes <input type="checkbox"/> No <input type="checkbox"/> 86 77 Value 87 78 Insurer 88 Policy 89 Year/Date Exp 90 80 Make 91 81 Model 92 82 Vehicle Style 93 83 # of Doors 94 84 Color 95 85 Size 96 87 License Plate 97 88 State 98 89 DOD Decal Number									

ES: @ 1030, 11 APR. INT. @ 0400 notified of detainees
 detained 13 of 14. TOOK POSITION on TOWER 3.
 Heard report of from TOWER 4 of Activity in area
 then heard report of gun shot. BELIEVED individuals

THIV TEST

ORM 44-R...Online version

FHTX, 1999

noticed & maybe detainees had gotten weapons.
 MARSHALL saw detainees (was crawling to my
 location. Believed it a threat & fired
 one round. Then called it in

1000-12

Initially.
Had been briefed on RDE. Is a
deadly force for anyone outside
hard site.

Also briefed ~~defend~~ ^{during} shift by Sgt.
after obtained 13 escapes.

Jy 00015

INVESTIGATIVE WORKSHEET

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g).

ROUTINE USES: Your social security number and other personal information are used as an additional/alternate means of identification to facilitate filing and retrieval.

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. DISCLOSURE: Disclosure of your social security number is voluntary.

1 REC CODE A4	2 ACTION CODE 2	3 DATE SUBMITTED 1	4 SEQ NUMBER 6	5 YEAR 4	6 UNIT 2	7 FBI NUMBER 3	8 REL TO CASE 5	9 CONTR. # 1	10 3
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INDIVIDUAL DATA

11 7C-4, 66-4	12 7C-4, 66-4	13 GRADE CPT
14 SOCIAL SECURITY NUMBER	15 UNIT ID NUMBER	16 DOB
17 SEX	18 RACE	19 ETHNIC
20 HEIGHT	21 WEIGHT	22 HAIR COLOR
23 EYE COLOR	24 CITIZEN	25 EDUC
26 PRON RECORD	27 MARITAL	
28 MOS	29 MCAC	30 POSITION
31 INDUSTRY	32 SECURITY	33 PHYSICAL MARKS
34 ALIAS-NICKNAME(S)	35 ALIAS-NICKNAME	36 ALIAS-NICKNAME
37 ORGANIZATION 3/24 K MARINES	38 IF CONTRACTOR CONTRACT #	
39 MILITARY SVC	40 SUBUNIT	41 FORT/CITY
42 STATE	43 COUNTRY	44 ZIP CODE/ARO
45 ADDRESS	46 CITY	47 STATE
48 COUNTRY	49 ZIP CODE/ARO	

FAMILY MEMBER DATA

50 SPO	51 FAMILY REL	52 SPONSOR LAST NAME	53 SPONSOR FIRST NAME	54 SPONSOR MIDDLE NAME
55 SOCIAL SECURITY NUMBER	56 SPOH GRADE	57 SPOH MCAC	58 SPOH UNIT ADDRESS	
59 SPOH CITY	60 SPOH ST	61 SPOH CTY	62 SPOH ZIP CODE/ARO	

OFFENSE

63 OFFENSE CODE	64 UIC	65 OFFENSE CODE	66 UIC	67 OFFENSE CODE	68 UIC	69 OFFENSE CODE	70 UIC
-----------------	--------	-----------------	--------	-----------------	--------	-----------------	--------

ADMINISTRATIVE DATA

TELEPHONE #	ETS	PCS/OPIC	DATE INTERV	TIME INTERV
PLACE OF INTERVIEW	DATE INTERV	TIME INTERV	PLACE OF INTERVIEW	FINGERPRINT
START	END	END	END	PHOTO
VEHICLE DATA	DISPOSITION			

CORPORATION DATA

71 CONTRACTOR NUMBER	72 FED SERV/PROD #	73 CORPORATION NAME
74 CORP ADDRESS	75 CORP CITY	76 CORP ST
77 CORP CTY	78 CORP ZIP CODE	

79 CONTRACT NUMBER	80
NOTES Empower them to make timely decisions Company XO 0833 Briefed 7C-4, 66-4 STATED His MARINES TRAINED & EXPECTED TO MAKE DECISION THE	

CID FORM 44-R

EDITION OF 1 AUG 87 WILL BE USED UNTIL DISCONTINUED

DO NOT USE FORCE UP-NOT. ON OWN. NOT EXPECTED
TO CALL FOR PERMISSION.

JUG 1987



DEPARTMENT OF THE ARMY
22nd Military Police Battalion (CID)
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
CAMP VICTORY, IRAQ, APO AE 09342

REPLY TO
ATTENTION OF:

CIMPL-ZA

26 May 04

MEMORANDUM FOR Commander, USACIDC, Attn: CIOP-COP-OP, 6010 6th St., Fort Belvoir, VA

SUBJECT: Request for Information (RFI 0212-04-CID001)

1. A review of CID Report of Investigation (ROI) 0013-04-CID789-83982 disclosed the investigation was weak in the areas of thoroughness and documentation but strong in timely reporting and timeliness of investigation. Several report writing errors were noted but none that warrant mentioning. Most were corrected through supplemental reports.

2. From a thoroughness perspective, the photographs of the victims and crime scene were not taken consistent with the requirements or protocols of a homicide investigation. An autopsy was not requested based on guidance provided by the Battalion Forensic Science Officer, however, this decision should be explained somewhere in the written report. At a minimum, agents should have conducted a thorough examination of the detainees' remains, and described them in the report. A crime scene examination should have been conducted when hostilities stopped to document the two shooting scenes in the report. An explanation of the lighting conditions, at the time of the shootings and locations, should have been provided in the report. Death certificates for the deceased persons should have been obtained, and included with the report. Lastly, the "shooters" were not titled as subjects, which is inconsistent with Department of Defense guidelines. However, this action was discussed and authorized by battalion supervisory staff.

3. The point of contact is the undersigned at 7C-1, b6-1 s armv mil

7C-1, b6-1

Criminal Intelligence Coordinator

JUN 01 17

85982

From: "7C-3, 10-3" CW3 MNC-1 22ND MP BN/FSO" <7C-3, 10-3@iraq.centcom.smil.mil>
Add Sender

Sent: Tuesday, June 15, 2004 3:44 pm

To: 7C-3, 10-3@us.army.smil.mil

Subject: RE: RE: 0016-04-CID789

Leave it undetermined. If all the leads are complete, close and publish the final supplemental. Did you get a death cert from the doc who declared him? That's something CID CMD is bouncing cases back for. I've got a list of them that are going to be sent back to the field to do exactly that. You've got two of them, 0013-04 and 0040-04, both of them are from riots where detainees were justifiably shot. You'll need to get DC's if they're available, then republish the finals. If not available, publish a final with an AIR documenting the effort to locate them.

Know this is a pain, appreciate the work.

Later,

7C-3, 10-3
CW3, MP
AOPS/FSO
22nd MP BN (CID)
APO AE 09342
DNVT 302.550

-----Original Message-----

From: 7C-3, 10-3@us.army.smil.mil [mailto:7C-3, 10-3@us.army.smil.mil]
Sent: Tuesday, June 15, 2004 3:28 PM
To: 7C-3, 10-3 CW3 CJTF7-22ND MP BN/FSO
Subject: Re: RE: 0016-04-CID789

Mr 7C-3, 10-3

Here is the email traffic on the case in question about the Undetermined Death.

All the activity has been completed and now I'm wondering what I should do? Change it back to Natural? Leave it as Undetermined? I figure you're the best expert on this one. This occurred right before "they" decided we were going to do autopsies.

This case has one interesting fact it occurred on the day when all of Abu (CID) was getting the new CIF stuff on Camp Victory. I remember this day because 7C-3, 10-3 asked me if I knew anything about this death as we were going to get our CIF.

When looking at all the information I think the US military did this guy a great disservice in not treating him properly...then again...I think the US has the means to protect this guy...
Everyone out here in Abu is short-changed in some capacity...
...these cases need to not be handled with respect to receive

JUN 18

Compact
Disc

June 19









