COMMANDER'S REP			MINISTRATIVE	ACT	SUSPENSE DATE (YYYYMME
For use of this f		5; the proponent a	agency is ODCSOPS	2	2003/06/10
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PRINCIPAL PURPOSE: To prov ROUTINE USES: Your so	vide commanders a	; Title 5 USC Secti nd law enforcemer er is used as an ad	ion 2951; E.O. 9397 nt officials with mean Iditional/alternate mea	s by which infor	r 22, 1943 <i>(SSN)</i> . mation may be accurately ion to facilitate filing and retriev
1. THRU	2.	то		3. FROM	4th MP BN
CDR, 800th MP BDE Camp Arifjan, Kuwair		th MP DET (CID mp Bucca, Iraq	» 5 y z	Camp Bu	icca, Iraq
APO AE 09366	AF	PO AE 09375		APO AE	09375
4. USACRC CONTROL NUMBE		MP REPORT NUM	NBER 0519- (02140		ISTALLATION IDENTIFIER Camp Bucca, Iraq
Linelys Briefly syntain stroums	tances not covered the report, explain	i by blocks. For mu in block 15. Rema	ultiple offenses result arks, which offenses a	pply to blocks c	P/CID report. Check all applicab one type of action taken or act hecked and action taken for oth al action.
7. NAME OF SUBJECT (Last,	First, MI) 8.	GRADE E-3	9. SSN 67-5,	10. DATI	E OF BIRTH (YYYYMMDD)
	11a. OFFEN	ISE(s)			11b. DATE OF OFFENSE(s)
1. Failure to Obey Order (A	rt 34 UCMJ)				2003/05/12
2. Reckless Endangerment (Art 92 UCMJ)				2003/05/12
correction, or expungement	Ithough no action w	IAW AR 190-45 (ort would be retained (<i>MP Reports</i>) or AR 1 DATE REFERRED (<i>Y</i>	in Army records 95-2 <i>(CID Rep</i>	Explain in Remarks) and that requests for amendme orts). DATE RESPONDED (YYYYMN
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DEPARTMENT OF THE ARMY 10th MILITARY POLICE DETACHMENT (CID) (FWD) THIRD MILITARY POLICE GROUP (CID), USACIDC CAMP BUCCA, UM QASR APO, AE 09375

CIRC-AB

19 May 2003

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - INITIAL/FINAL(C) - 0033-03-CID519-62149-5Y2B5/5Y1D2

DATES/TIMES/LOCATIONS OF OCCURRENCES: 1. 12 May 2003/0500 - 12 May 2003/0600; Guard Tower 73, Camp Bucca, Um Qasr, Iraq, APO, AE 09367

67-(-1, 66-1, 62

DATE/TIME REPORTED: 14 May 2003, 1100Z

INVESTIGATED BY: SA

67C-5, 66-5 **:** M: SUBJECT: 1. BLACK; 822nd MP Company, Camp Bucca, Iraq; RC [RECKLESS ENDANGERMENT] [FAILURE TO OBEY ORDER OR REGULATON]

67-4,66-4 67C-4, 66-4 CIV; Internee Identification Number VICTIM: 1. ARABIC; (NFI) ZZ [RECKLESS ENGANGERMENT].

2. U.S. GOVERNMENT (Camp Bucca, Iraq) (FAILURE TO OBEY ORDER OR **REGULATION**]

INVESTIGATIVE SUMMARY:

This is an "Operation Iraqi Freedom" investigation. The delay in dispatching this report was due to the lack of secure communications capabilities for CID at Camp Bucca, Um Qasr, Iraq.

67-3, 66-3 Commander, This investigation was initiated based on information received from COL Camp Bucca, Iraq who notified this office of a possible fatal shooting of a civilian by a tower guard at the Camp Bucca Internment Facility, Iraq. COL where a tower guard observed an unidentified individual attempting to cross the south berm of the compound. A warning shot was fired and the individual was apprehended and appeared to have had an abrasion on his face. He was taken to the Battalion Aide Station for medical treatment where it was subsequently determined he suffered a gun shot wound to the face and was subsequently evacuated to an unknown location. COL explained he had heard information that suggested the individual had had bad so and the individual had be and the indit had be and the individual had be succumbed to his wounds and was deceased at the Medical Facility where he was treated.

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a. A. .

Investigation established probable cause to believe PFC committed the offenses of Failure to Obey Order or Regulation and Reckless Endangerment when he, while acting in his capacity as a Camp Bucca Perimeter Guard, failed to follow the prescribed Rules Of Engagement (ROE) orders detailing the use of warning shots to deter individuals from entering or exiting the camp. PFC committed him to observed Mr. Committee and English) when he failed to stop, PFC committee a warning shot, utilizing a 12 Gauge Shotgun. The warning shot was fired in the direction of Mr. Committee and feet instead of in a safe direction as ordered by the ROE and Camp Bucca Force Protection Order. Mr. Committee b7c-4, b6-4 Was struck in the face by one projectile and was treated for his injuries at a U.S. Army Medical Facility and then turned over to an Iraqi Civilian Hospital in Bagdahd, Iraq. Mr. Committee b7c-4, b6-4

STATUTES:

ARTICLE 92; UCMJ: FAILURE TO OBEY ORDER OR REGULATION ARTICLE 134; UCMJ: RECKLESS ENDANGERMENT

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigative Report (AIR) of SA **Control**, 19 May 03, detailing the initial notification, receipt of SIR from 800th TOC, coordination with Camp Bucca Medical Facility, shooting scene examination, command coordination, interview of SPC **Control**, interview of SSG **Control**, and **b7**-4, **b**-4 **Control**, receipt and review of statement of PFC **Control**, interview of CAPF **Control**, rights advisement of PFC **Control**, receipt of ROE for Camp Bucca, receipt of MAJ **Control**, statement, receipt of CPT **Control**, statement, receipt of SPC **Control**, statement, test fire of weapon and final SJA coordination.

2. Accident/Serious Incident Report, dated 12 May 03, detailing the initial information received by the 800nd MP BDE TOC pertaining to the shooting at the Internment Facility.

3. Crime Scene Sketch, prepared by SA on 15 May 03, depicting the shooting scene and surrounding area.

4. Hand Written statement of PFC dependence prepared immediately after the incident; 12 May 03.

5. Non-Waiver Certificate of PFC

6. Force Protection Plan for EPW Camp Bucca

7. Sworn Statement of MAJ 16 May 03, detailing the collecting of PFC 445 66-5 weapons.

71.bC

8. Sworn Statement of CPT **67-4,66-4** weapons and conducting the round count.

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9. Sworn statement of SPC $6 \cdot 5$, $17 \text{ May } 03_*$ detailing the function's check on PFC **examples** weapons. $67 \cdot 5$, $16 \cdot 5$

10. Compac disk 00330351962149, containing all images exposed during this investigation.

Not Attached:

None.

The originals of Exhibits 1 through 10 are forwarded to CRC with the final copy of this report.

STATUS: This is an Initial/Final (C) Report. This investigation was terminated in accordance with CID Regulation 195-1, paragraph 4-17a(6), in that the Special Agent in Charge has determined the furtherance of the investigation would be of little or no value or leads remaining to be developed are not significant.

LEADS REMAINING: Interview victim, collection of weapon, laboratory examination on weapon collection of medical records of victim.

REPORT PREPARED BY:

676-1, 66-1 pecial Agent,

REPORT APPROVED E	3Y:	
	570-1	66-1
		l t
CAN'D KAD		
CW2, MP Special Agent in Charge		
Special Agent in Charge		

DISTRIBUTION:

1 - (original) Director, U.S. Army Crime Records Center, ATTN: CICR-CR, 6010 6th St, Fort Belvoir, VA 22060

1 - CDR, 10th MP BN (CID) (FWD) (ATTN: Operations Officer), APO, AE 09304, (Email only/Less Exhibits) 1 - CDR, 3rd MP GRP, (FWD) (ATTN: Operations Officer), APO, AE 09366 1 - CDR, 800th Military Police Brigade (COL COL COL), Camp Bucca, APO AE 09367 (Email only/Less Exhibits) 1 - CDR, 800th Military Police Brigade, S-3, (ATTN: MAJ COLOR, 800th Military Police Brigade, S-3, (ATTN: MILITARY, 800th Military Police Brigade, S-3, (ATTN: MILITARY, 800th Military, 800th Military Police Brigade, S-3, (ATTN: 10th Military, 80th Military,

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01149

ROI NUMBER AGENT'S INVESTIGATION REPORT 0033-03-CID519-62149 CID Regulation 195-1 PAGE 1 OF 4 PAGES 676-3, 66-3 DETAILS , Commander, Camp Bucca, Iraq notified this Basis for Investigation: About 1100Z, 14 May 03, COL office of a possible fatal shooting of a civilian by a tower guard at the Camp Bucca Interment Facility, Iraq. COL reported on 12 May 03, there was an incident where a tower guard observed an unidentified individual attempting to cross the south berm of the compound. A warring shot was fired and the individual was apprehended and appeared to have had an abrasion on his face. He was taken to the Camp Medical Center where it was subsequently determined he suffered a gun shot wound to the face and was subsequently evacuated to an unknown location. COL l explained he had heard information that suggested the individual had succumbed to his wound and pasted away at the Medical Facility where he was treated. No further information as available at the time. 67-1.66-1 received and reviewed the Accident/Serious Incident Report (SIR) generated by About 1200Z, 14 May 03, SA the 822nd MP Company detailing the shooting. The SIR reported the guard in Watch Tower 73 fired a warning shot at an unidentified civilian male when he failed to respond to and order to stop in both Arabic and English. The warning shot was allegedly one round of 00 Buck Shot fired from a 12 Gauge Shot Gun. There was no mention of the victim being struck by the round and the report indicated the victim was taken into custody without incident. (See SIR for additional details) bac-4, bc-4 Generation, Camp Bucca Medical Facility, Camp Bucca, Iraq 676-1,66-1 coordinated with CPT About 1210Z, 14 May 03, SA explained the victim who initially treated the civilian victim when he was brought into the Medical Facility. CPT was brought to the tent with what appeared to be a laceration on his upper left cheek. After examining an X-Ray, it was determine there was a projectile consistent with the shape and size of a 9MM round lodged in his neck. CPT treated the wound and arranged to have the victim Medically Evacuated to Camp Viper, which is the nearest Field Surgical Hospital. About 00500Z, 12 May 03, the victim was transported by a U.S. Army Helicopter destined for Camp was not able to provide was unsure of the victim's current status or whereabouts. CPT Viper, CPT this office with any identification on the victim as the medical records had been transported with the victim. 676-1,66-1 SHOOTING CRIME SCENE EXAMINATION: About 0600Z, 15 May 03, SA traveled to the Camp Bucca Internment Facility, Camp Bucca, Iraq to conduct a shooting scene examination of the area where the alleged fatal shooting took place: Characteristics of Scene: The shooting scene was located in the southeast comer of the Camp Bucca Internment Facility (QU7839227814) and was identified as Guard Tower 73. The guard tower was a metal and wood tower, approximately 12 feet high (to the standing platform) by 12 feet deep by 7 feet wide. The tower was located approximately ten feet south of the inner perimeter (triple strand concertina wire) and about 62 feet north of the outer perimeter (berm). There was a 21 feet wide gravel road located 41 feet south of the tower, running east/west between the guard towers and the outer berm. Immediately north of Guard Tower 73 was the Internment Facility. To the south of the burn was open desert with approximately 15 miles of open visibility. The berm itself was constructed of loose sand and was approximately 10 feet tall and encircled the entire Internment Facility. The distance from the southwest corner of the guard tower where the shot was fired from to the top of the berm where the victim was standing was approximately 81 feet. The elevation of the tower and the burn placed both the shooter and the victim at generally the same height. Condition of Scene: The shooting scene itself was unremarkable as several days had past since the incident and the area was generally sterile. There were no signs of the shooting or even footprints remaining in the sand where the victim had approached the berm, as over the last several days, there had been strong winds and the sand had covered the entire area. There were no indications anyone had been walking outside the berm. ORGANIZATION TYPED AGENT'S NAME AND SEQUENCE NUMBER 733MP BN (CID), 6TH, MP Group, Camp Bucca, Um 66 -1 62 67C -1 Qasr, Iraq APO AE 09375 SA EXHIBIT DATE SIGNATURE 676-1 66-1 19 May 03

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AGENT'S INVESTIGATION REPO	ORT 0033-03-CID519-62149
CID Regulation 195-1	
	PAGE 2 OF 4 PAGES
DETAILS Factors Pertinent to Entry/Exit: Access to the shooting scene and west and access would be totally unobstructed. The area restricted in anyway.	around the internment facility is open desert and not
Environmental Condition: At the time of the shooting, it was a Visibility was approximately four or five miles. 67c-1,66-1 Scene Documentation: SACCONDExposed several photog area around the shooting scene utilizing a digital camera. SA the guard tower and location of the victim and the measureme	raphs of the guard tower, location of the victim and the
Collection of Evidence: No evidence was collected at the sce	ne.
Search for Latent Prints: A search for latent prints was not co investigation. A search for foot impression was conducted arc berm but due to the consistency of the sand the weather over discovered.	the previous several days, not foot impression were
Search Beyond the Scene: A search beyond the scene was c pertaining the shooting. Nothing remarkable was discovered to the perimeter berm as there are believed to be land mines	during the search. The search was influed to the area close
About 0650Z, 15 May 03, SA Coordinated with and Commander, 724 th MP Battalion, Camp Bucca, Iraq. SA Commander, 724 th And Pattalion, 724 th And Pa	A column and the second
About 0700Z, 15 May 03, SA the provided SPC Bucca, Iraq who was assigned to the guard tower immediately individual who subsequently apprehended the victim. SPC 0800 local (0500Z) he heard what he believed to be a gunsho 73). Due to the location of the generator and the noise it was When SPC Heard while around, he observed an individual of immediately drew his side arm and commanded the individual ist below SPC Heard guard tower and sat on the ground. A and took the individual into custody. SPC Heard reported se he did not appear to be seriously injured. The roving patrols for treatment. When asked if he witnessed any weapons in the individual was carrying a stick approximately two feet in lengt information pertaining to the incident on 12 May 03.	t coming from the Tower to the east of his position (Tower making, he was not immediately sure he heard a gun shot. unning outside the berm towards his position. He it to halt. The individual came over the berm and stopped At the same time, two roving patrols arrived on the scene eing blood coming from the individuals face and mouth but were then ordered to take the victim to the Medical Facility be victim's possession. SPC composition the believed the
	DRGANIZATION
by -1, bb -1, b2	733MP BN (CID), 6 TH , MP Group, Camp Bucca, Um
SA SIGNATURE	Qasr, Iraq APO AE 09375 DATE EXHIBIT 19 May 03
	Jui. "

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AGENT'S INVESTIGATION REP	ORT 0033-03-CID519-62149
CID Regulation 195-1	
hac-1, b6-1	PAGE 3 OF 4 PAGES 676-4, 66-4 676-4 and SGT
both from 822 nd MP Company, Campatrol around the Intermment Facility on 12 May 03. SSG May 03, they responded to a radio call of a shooting on the site observed an unidentified civilian sitting on the ground bit the individual into custody without incident and brought him two onds. bft-1, bfe-1 About 0900Z, 15 May 03, SA MP Company, Camp Bucca, Interviewed, 822 nd MP Company, Camp Bucca, Interviewed and reviewed, 822 nd MP Company, Camp Bucca, Interviewed on duty at Tower 73 and was the soldier who fired the May 03 as described by PFC In the statement, PF outer berm of the Interment Facility and he immediately caller refused to stop, he fired one warning short with a 12 gauge sindividual. The statement further explains, after the warning and headed west until he reached the next Guard Tower who the tower. (See hand written statement of PFC About 1000Z, 15 May 03, SA bft-1, bfe-1 About 1000Z, 15 May 03, SA bft-1, bfe-1 About 1200Z, 15 May 03, SA bft-1, bfe-1 bft-1, bft-1 bft-1, bft	p Bucca, Iraq who were both traveling together as the roving and SGT muthin both explained about 0500Z, 12 outh perimeter. Upon their arrival at SPC muthing position, leeding from the face and mouth. They immediately took to the Camp Bucca Medical Facility for treatment of his BCC5, bC-5 aq immediately following the incident. PFC muthing the ed a hand written statement prepared by PFC aq immediately following the incident. PFC muthing the ed out halt in both Arabic and English, when the individual shotgun, loaded with lethal ammunition, at the feet of the shot, the individual turned and ran back outside the burn, ere he re-crossed the berm and surrendered to the guard at letails) ca, Iraq traveling to the Camp Viper Medical Facility, Iraq to legedly shot at and wounded by PFC muthing the ed to the Baghdad Training Hospital, Baghdad, Iraq. No further forwarded to the Baghdad Training Hospital, Baghdad, Iraq. D-6) MC-3, MC-3 Director of Medical Services, U.S. mander of the field hospital. CAPT mexplained on 12 h a single gunshot wound to the right cheek. Upon further ed a projectile was lodged in his neck resting against an emoved without causing further injury so it was left in place. Was expected to make a full recovery. CAPT al records and X-Rays were forwarded to the civilian medical were no records available. CAPT muth assaud on his object in the victims neck was consistent with the shape and o four gunshot wounds a day come through the Field Hospital CAPT muth was not able to provide any additional oned about how Camp Bucca could have been incorrectly ed the communication from the hospital are sometimes destination and mix ups happen. CAPT massured SA al on 14 May 03, he was alive and well.
ACLÚ-ŔDI 134 p.8	01152

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AGENT'S INVESTIGATION REPORT 0033-03-CID519-62149 CID Regulation 195-1 PAGE 4 OF 4 PAGES NETALS 032-03-CID519-62149 Dout 0550Z, 16 May 03, SA Deceived and reviewed the Rules of Engagement for the Camp Bucca Internee actily. Rule 4(2) clearly states Waming Shots are authorized but must be fired in a safe direction away from all risoners, civilians and US/Coalition personnel. (See Force Protection Plan for EPW Camp Bucca for further details) bout 1200Z, 18 May 03, SA bout 1200Z, 18 May 03, SA Deceived and reviewed the sworn statements of MAJ bout 1200Z, 18 May 03, SA Deceived and reviewed the sworn statements of MAJ bout 1200Z, 18 May 03, SA Deceived and reviewed the statement of SPC bout 1200Z, 18 May 03, SA Deceived and reviewed the statement of SPC bout 1200Z, 18 May 03, SA Deceived and reviewed the statement of SPC bout 1200Z, 18 May 03, SA Deceived and reviewed the statement of SPC bout 1200Z, 18 May 03, SA Deceived and reviewed the statement of SPC bout 1200Z, 18 May 03, SA Deceived and reviewed the statement of SPC bout 1200Z, 18 May 03, SA Deceived and reviewed the statement of SPC bout 1200Z, 18 May 03, SA Deceived and reviewed the statement of SPC bout 1100Z, 19 May 03, SA Deceived and reviewed the statement of SPC bout 1100Z, 19 May 03, SA	AGENT'S INVESTIGATION		
PAGE 4 OF 4 PAGES PAGE 4 OF 4 PAGES bout 0650Z, 16 May 03, SA the processed and reviewed the Rules of Engagement for the Camp Bucca Internee acility. Rule 4(2) clearly states Warning Shots are authorized but must be fired in a safe direction away from all isoners, civilians and US/Coalition personnel. (See Force Protection Plan for EPW Camp Bucca for further details) b_1C-1 , b_0C-1 bout 1200Z, 18 May 03, SA the preceived and reviewed the sworn statements of MAJ b_1C-1 , b_0C-1 bout 1200Z, 18 May 03, SA the preceived and reviewed the sworn statements of MAJ b_1C-1 , b_0C-1 bout 1200Z, 18 May 03, SA the preceived and reviewed the statement of SPC b_1C-1 , b_0C-1 bout 1230Z, 18 May 03, SA b_1C-1 , b_0C-1 bout 1230Z, 18 May 03, SA b_1C-1 , b_0C-1 bout 1230Z, 18 May 03, SA b_1C-1 , b_0C-1 b_1C-1 , b_1C-3 , b_0C-3 bout 1230Z, 18 May 03, SA b_1C-1 , b_1C-3 , b_0C-3 bout 1100Z, 19 May 03, SA b_1C-1 , b_1C-3 , b_0C-3 bout 1100Z, 19 May 03, SA b_1C-1 , b_1C-3 , b_0C-3 bout 1100Z, 19 May 03, SA b_1C-1 , b_1C-3 , b_0C-3 b_1C-1 , b_1C-3 , b_0C-3 bout 1100Z, 19 May 03, SA b_1C-1 , b_1C-3 , b_0C-3 b_1C-1 , b_1C-3 , b_0C-3 bout 1100Z, 19 May 03, SA b_1C-1 , b_1C-3 , b_0C-3 b_1C-1 , b_1C-3 , b_0C-3 b_1C-1 , b_1C-3 , b_0C-3 b_1C-1 , b_1C-3 , b_0C-3 bout 1100Z, 19 May 03, SA b_1C-1 , b_1C-3 , b_0C-3 b_1C-1 , b_1C-3 , b_0C-3 b_1C-3 , b_0C-3 b_1C-1 , b_1C-3 , b_0C-3 b_1C-3 , b_0C-3 b_1C-3 , b_0C-3	AGENT 5 INVESTIGATION		0033-03-CID519-02149
BETALS bit-1, bt-1 bout 06502, 16 May 03, SA the preceived and reviewed the Rules of Engagement for the Camp Bucca Intermeter acility. Rule 4(2) clearly states Warning Shots are authorized but must be fired in a safe direction away from all isoners, civilians and US/Coalition personnel. (See Force Protection Plan for EPW Camp Bucca for further details) bout 12002, 18 May 03, SA the preceived and reviewed the sworn statements of MAJ bit-4, be-4 and preceived and reviewed the sworn statements of MAJ bit-4, be-4 and preceived and reviewed the sworn statements of MAJ bit-4, be-4 bout 12002, 18 May 03, SA the preceived and reviewed the statement of SPC bout 12302, 18 May 03, SA the preceived and reviewed the statement of SPC bout 12302, 18 May 03, SA the preceived and reviewed the statement of SPC bout 12302, 18 May 03, SA the preceived and reviewed the statement of SPC bout 12302, 18 May 03, SA the preceived and reviewed the statement of SPC bout 12302, 18 May 03, SA the preceived and reviewed the statement of SPC bout 12302, 18 May 03, SA the preceived and reviewed the statement of SPC bout 12302, 19 May 03, SA the preceived and reviewed the statement of SPC bout 11002, 19 May 03, SA the preceived and CPT bout 11002, 19 May 03, SA the preceived and carget to determine the actual spread of the 00 Buck Pellets at 81 tet to verify the validity of PFC bout 11002, 19 May 03, SA the preceived statement. The test, which was conducted by firing three shots from PFC the validity of PFC bout 11002, 19 May 03, SA the preceived wide. Based on the test fires, it is the opinion of CPT the validity of PFC bout 13002, 19 May 03, SA the preceived wide. Based on the test fires, it is the opinion of CPT bout 13002, 19 May 03, SA the preceived MAJ bout 13002, 19 May 03, SA the preceived wide. Based on the test fires, it is the opinion of CPT bout 13002, 19 May 03, SA the preceived MAJ bout 13002, 19 May 03, SA the preceived MAJ bout 13002, 19 May 03, SA the preceived MAJ bout 13002, 19 May 03, SA the pr	CID Regulation 195–1		
bout 0650Z, 16 May 03, SA Construction Perceived and reviewed the Rules of Engagement for the Camp Bucca internet acility. Rule 4(2) clearly states Warning Shots are authorized but must be fired in a safe direction away from all isoners, civilians and US/Coalition personnel. (See Force Protection Plan for EPW Camp Bucca for further details) $b7C^{-1}$, $b6^{-1}$ bout 1200Z, 18 May 03, SA Construction Plan (Camp Bucca, Iraq which detailed there actions when requested otain SPC Construction issued weapons and conduct a round count of his 9MM ammunition. (See Statements for details) $b7C^{-1}$, $b6^{-1}$ bout 1230Z, 18 May 03, SA Construction Plan (Camp Bucca, Iraq which detailed there actions when requested the statement of SPC Construction Plan (Camp Bucca, Iraq which detailed the Functions check conducted on all three of PFC Dout 1230Z, 18 May 03, SA Construction preported all three weapons (M-9, M-16 and 12 Gauge Shot Gun) were inctional and able to be fired. Construction and CPT Construction Plan (Camp Bucca) for PFC Construction and target located in the position the victim was standing, determine the average pattern (spread) at the warning shot would have had to be aimed somewhere between the chest and 12 to 14 inches above the head round to have struck the victim. Therefore, PFC Construction (Statement Construction) and CPT Construction CPT Construction C			PAGE 4 OF 4 PAGES
aq on the details of this investigation. MAJ Constitution opined there was probable cause to believe PFC Constitution ommitted the offenses of Reckless Endangerment and Failure to Obey Order or Regulation when he disregarded the amp Bucca Force Protection Rules of Engagement and fired a warning shot in the direction of an approaching civilia	bout 0650Z, 16 May 03, SA the second received and acility. Rule 4(2) clearly states Warning Shots are a isoners, civilians and US/Coalition personnel. (See $b\mathcal{J}\mathcal{L}^{-1}$, $b\mathcal{G}^{-1}$ bout 1200Z, 18 May 03, SA the second received and PT both from 724 th MP Bn both 1230Z, 18 May 03, SA the second conduct a $b\mathcal{H}\mathcal{L}^{-1}$, $b\mathcal{G}^{-1}$ bout 1230Z, 18 May 03, SA the second conduct a $b\mathcal{H}\mathcal{L}^{-1}$, $b\mathcal{G}^{-1}$ bout 1230Z, 18 May 03, SA the second conduct a $b\mathcal{H}\mathcal{L}^{-1}$, $b\mathcal{G}^{-1}$ bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a bout 1230Z, 18 May 03, SA the second conduct a second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct a bout 1230Z, 19 May 03, SA the second conduct 1230Z, 19 May 03, SA the second conduct 1230Z, 19	withonized but must be fired Force Protection Plan for E reviewed the swom statement, Camp Bucca, Iraq which d a round count of his 9MM ar reviewed the statement of s which detailed the Function orted all three weapons (M-6 -3, -6 , $-3(Firearms Instri-target to determine the actu-t. The test, which was condthe victim was standing, def$	In a sare direction away from an EPW Camp Bucca for further details) b7c -9, $b6 -9andletailed there actions when requestedinmunition. (See Statements for details)b7c -9$, $b6c -9SPCSPCSPCM-16 and 12 Gauge Shot Gun) wereuctor) conducted a test fire of PFCal spread of the 00 Buck Pellets at 81ucted by firing three shots from PFCtermined the average pattern (spread)$
	hat the warning shot would have had to be aimed so	mewhere between the ches	(and 12 to 14 incres above the near
	TYPED AGENT'S NAME AND SEQUENCE NUMBER	Torganization	Group, Legal Counsel, Camp Bucca, ble cause to believe PFC
SA Qasr, Iraq APO AE 09375 SIGNATURE 67C-(166-1 DATE EXHIBIT	TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION 733MP BN (CID) Qasr, Iraq APO A	A G TH , MP Group, Camp Bucca, Ur E 09375

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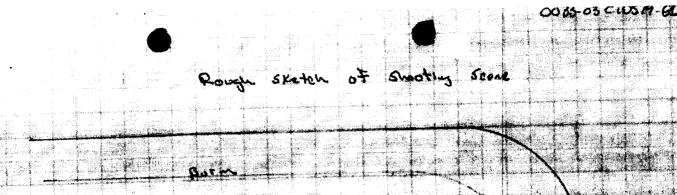
Referred to:

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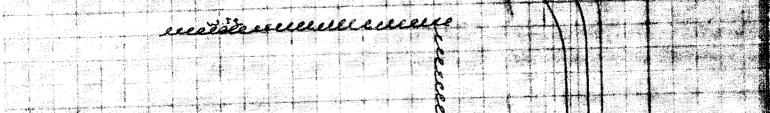
U.S. CENTRAL COMMAND 7115 SOUTH BOUNDARY BLVD ATTN: CCJ6-DM MACDILL AIR FORCE BASE FLORIDA 33621-5101

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

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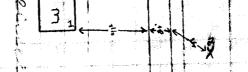


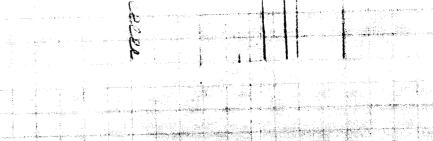


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U.S. CENTRAL COMMAND 7115 SOUTH BOUNDARY BLVD ATTN: CCJ6-DM MACDILL AIR FORCE BASE FLORIDA 33621-5101

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

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ACLU-RDI 134 p.12

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		PART I - RIGHTS WAIVER	NON-WAIVER CERTIFICATE	
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ivestigator whose name app	ears below told me that helshe is with the	a United States Army	(time	Notat of Regulation
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ACLU-RDI 134 p.13

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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

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ACLU-RDI 134 p.14

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRIVACY ACT STATEMENT To provide commanders and law enforcement officials with means by which information may be accurately identified. Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. AUTHORITY: PRINCIPAL PURPOSE: Disclosure of your social security number is voluntary. 4. FILE NUMBER ROUTINE USES: 2. DATE (YYYYMMDD) DISCLOSURE 20 20030516 7. GRADE/STATUS 1. LOCATION NODLE NAME DEC. March 5. LAST NAME, FIRST NAME, MIDDLE N JANA 8. ORGANIZATION OR ADDRESS BY CAMP BULLA WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 0 ON OSISO3 OT OPP BUT DE LOTO HES PETRE, UKD 676-5,66-5 Myselfand (PT TERRY WERPOILS FROM PFL Said WEAPONS WRAFE AN MIGAR, an M-9, and a posshere stargen. SERAT H'S Are AS Follows! a) MIGALZ157957 b) m.g. 13/7400 <) ≤ Lurgun. 98 0003. -7 2 gra moss beng FUD OR SATEMAT 676.3, 66-3 bicy, boy XU PAGES 11. INITIA PAGE 1 OF 10. EXHIBIT ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF_____ TAKEN AT ____ DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER USAPA V1.00 MUST BE BE INDICATED. DA FORM 2823, JUL 72, IS OBSOLETE DA FORM 2823, DEC 1998 Jui ... 19

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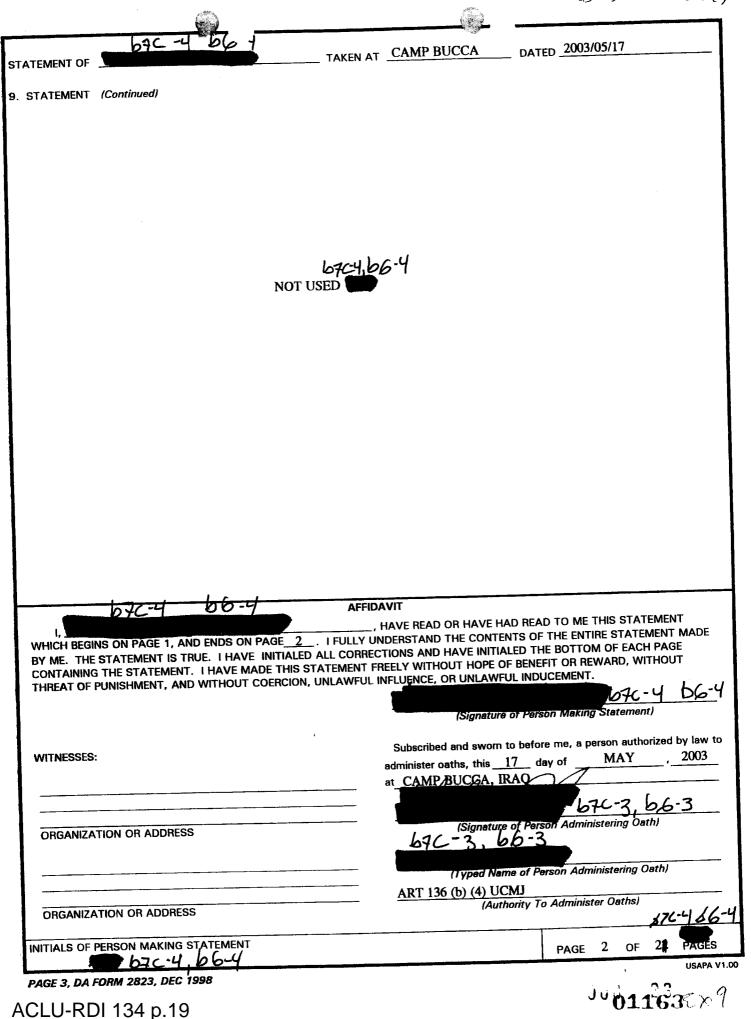
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	ee AR 190-45; the proponen	agency is ODCSOPS	>	
AUTHORITY: Title 10 USC Section 301; Title 5		397 dated November	22, 1943 <i>(SSN)</i> .	
PRINCIPAL PURPOSE: To provide commanders and law ROUTINE USES: Your social security number is us				
DISCLOSURE: Disclosure of your social security		670	-4,66.4	
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8. ORGANIZATION OR ADDRESS 724TH MP BN CAMP BUCCA, IRAQ APO A.E. 0	09375			
9. 67C-4,66-4	, <u>, , , , , , , , , , , , , , , , , , </u>	THE FOLLOWING ST		
and I went to the Company area and that the circumstance's surrounding the shootin went to the Platoon leader, 1LT and and h PFC the weapons and conduct a round count of which he was not carrying during the incident, his 9 his 1 9mm magazine that was issued to him and retu also produced one Winchester "00" buck she went to the scene of tower 73 and retrieved the r incident. SSG the stated she had custody of the Battalion Armor for further testing. The shotgur attached chain of custody and turned over to MSG located in the BN TOC.	his Sergeant, SSG f his 9mm handgun. MAJ mm handgun, and his Sho urned (15) 9mm rounds ba c round that had been disc round at the base of the to the round until she turned	and PFC took custo otgun. I spoke with took to her that indicas harged. She stated over were PFC the it over to me. The	and explained that tody of PFC and SSG and a full magazine that directly after to was occupying of weapon's were turn a brown envelope w	we needed M-16, d retrieved e. SSG he shooting huring the ned over to vith an
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ACLU-RDI 134 p.16

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STATEMENT (Commond)	
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K	JOT USC 676-4
676-4 66-4	AFFIDAVIT bjc-4, b c-4, have read or have had read to me this statement
AUTIOU DECINE ON PAGE 1 AND ENDS ON PAGE	THE PL, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT MADE
BY ME. THE STATEMENT IS TRUE. I HAVE INITIAL	22. TFOLLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT WADE
BY ME. THE STATEMENT IS TRUE. I HAVE INITIAL CONTAINING THE STATEMENT. I HAVE MADE THIS OF PUNISHMENT, AND WITHOUT COERCION, UNLAN	ED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT WFUL INFLUENCE, OR UNITABLE INDUDED FOR THE ENTIRE STATEMENT MADE (SIgnature of Person Making Statement)
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ACLU-RDI 134 p.20

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Exhibit

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AGENT ACTIVITY SUI (CID Regulation 195-1		CONTROL N	_BER 0033-03-CID519-62149
100Z, 14 May 03 67С-1 b G-1	Bucca, Iraq notified this Camp Bucca Internment incident where a tower gu burm of the compound. A appeared to have had an a was subsequently determine	Facility (IF), Iraq. COLUMN and observed an unidentified in A warring shot was fired and the brasion on his face. He was tal ined he suffered a gun shot wou	ng of a civilian by a tower guard at the preported on 12 May 03, there was an dividual attempting to cross the south e individual was apprehended and ken to the Camp Medical Tent where it and to the face and was subsequently at the had heard information that
	suggested the individual h	ad succumbed to his wound an further information as availabl	e at the time.
1200Z, 14 May 03	About 1200Z, 14 May 03 Report (SIR) generated by	y the 822 ^{ed} MP Company detail	viewed the Accident/Serious Incident ing the shooting.
1210Z, 14 May 03	Facility, Camp Bucca, Ira Medical Facility	iq who initially treated the civin	th CPT Camp Bucca Medica ian victim when he was brought into th
1400Z, 14 May 03	Briefed Mr.	on information received from e status of victim.	67C-3, 66-3 COL Advised to initiate 67C-1, 66-1
0600Z, 15 May 04	traveled to the Camp Buc	where the alleged fatal shooting	0600Z, 15 May 03, SA Contraction Succa, Iraq to conduct a shooting scene took place.
0650Z, 15 May 03		Commander, 724" MP Battal	th and interviewed LTC ion, Camp Bucca, Iraq. b7C-3, b6-3
9700Z, 15 May 03	822 nd MP Company, Can		cd to the guard tower immediately wes
0800Z, 15 May 03	who were both traveling	together as the roving patrol are	ound the Internment Facility on 12 Ma
0900Z, 15 May 03	prepared by PFC under the prepared by PFC under the prevent of the	ne incident.	viewed a hand written statement 2 nd MP Company, Camp Bucca, Iraq
1000Z, 15 May 03	Medical Facility, Iraq to	bocate and determine the status	b Bucca, Iraq traveling to Camp Viper of the individual who was alledgedly 676-4
1200Z, 15 May 03	Medical Services, U.S. N		riper, mail and mas are commented as
0612Z, 16 May 03	offenses of Reckless End and requested legal coun	isel.	Older of Regulator which he involte
0650Z, 16 May 03	About 0650Z, 16 May 0 the Camp Bucca Interne	3. SA second and r	reviewed the Rules of Engagement for
CID FORM 28			ISED UNTIL EXHAUSTED 0 0 0 0 01166

CID FORM 28 ACLU-RDI 134 p.22

AGENT ACTIVITY SUMMARY (CID Regulation 195-1) b4Cr1, b(b-1 received and reviewed the sworn statements of MAJ About 1200Z, 18 May 03, SA 1200Z, 18 May 03 6704, 66-4 and CPT About 1230Z, 18 May 03, SA 6704, bo received and reviewed the statement of SPC 1230Z, 18 May 03 About 1100Z, 19 May 03, SA and CPT (Firearms Instructor) conducted a test fire of PFC (Firearms Instructor) 2 Gauge Shot Gun utilizing a cardboard target to 1100Z, 19 May 03 determine the actual spread of the 00 Buck Pellets at 81 feet to verify the validity of PFC blo-3 3rd MP Group, b3C-1, b6-1 About 0900Z, 16 May 03, SA 67C-3 1300Z, 19 May 03 Legal Counsel, Camp Bucca, Iraq on the details of this investigation. Updated case file, drafted and prepared final report, forwarded case to SAC for review 1400Z, 19 May 03 KEULLED THE/FINAL ONE MINDAL CORRECTION TO TET, Church # 1. Dare of AIR 15 9NOT 16 Dhoro copred TET, Church # 1. Dare of AIR 15 9NOT 16 Dhoro copred TET AND All Exhibits (Iset of Photos) File Delivered TO COR 800^{3M} MP BDIE, CAMP BUCCA (COL **3. 56.3** TO BE FILLED OUT BY CASE AgeNT. STANET HOS NOT BEEN UP SINCE 18 MAY 03 4NO SAC HAS NOT BEEN ASLE TO SEND IFT TO BN FOR DISTRO W/CA. CMAIL & 800^{3h} copres W/BE Done By SAC ONCE SIDNET Comes BOCK up. FILVE NEEDS WPC/ Case Assembly the Film @ (434 mp Det polops Received, remained + connected find polops port, then were no offense coeles. Disjon that IFI to prosp. file Ausin 03 -1 66 to admin for distro. FP ierds which to be guild out. 4833 and to be prepared + supericed clarel.

CID FORM 28 ACLU-RDI 134 p.23 PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED 360000

CONTROL NUM AGENT ACTIVITY SUMM 7033-23-CIDS19-62149 (CID Regulation 195-1) FILLED OUT FP CARDS. 30 MAY 03 672-1,66-1 02JUN03 Distre: to: CMDR = 4833 AND ORIGINA oter, 66 TE CRC. RECEIVED 4833, FORWARD ORIGINAL AND FD-249 23 JUNE 03 1676-1,661 to CRC. KEEP COPY FOR File. Buttalion Ors Review. FILE TO ADMIN. 4 JUL 03 1694-1,6601 CID FORM 28

1 OCT 80 ACLU-RDI 134 p.24

DEPARTMENT OF THE ARMY 44TH MILITARY POLICE DETACHMENT (CID) (FWD) UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND CAMP ARIFJAN, KUWAIT APO AE 09366

S: 30 June 03

30 May 03 Mity

CIMPL-FL-FWD (195-2b)

MEMORANDUM FOR Commander, 800th Military Police Brigade, Camp Bucca, APO AE 09367 (ATTN: COL **1990) 67-3,66-3**

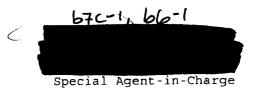
SUBJECT: Report of Investigation 0033-03-CID519-62149

1. The enclosed CID report pertaining to a member(s) of your organization is forwarded for information and action deemed appropriate.

2. AR 195-2, paragraph 1-5e requires that commanders/supervisors receiving CID reports for action must reply to the CID unit initiating the report indicating the judicial, nonjudicial, or administrative action, or lack thereof, taken against persons listed in the subject section of the report. Changes resulting from appellate action must also be reported.

3. Commanders/supervisors must also notify all persons against whom no action is taken, that their name will remain in the title section of the report, and that the report will be indexed and retrievable by their name. These persons will also be informed of the purposes for which the reports are used (e.g., other criminal investigations, security clearances, and other purposes as authorized by the Privacy Act and AR 340-21) and the fact that such use may have an impact upon their military careers.

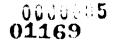
4. Request that you use the enclosed DA Form 4833 to provide the required information as soon as disciplinary or administrative action is <u>completed</u>.



2 Encls

CID FL 23-R (Previous editions of this form letter are obsolete) 1 Jan 81

FOR OFFICIAL USE ONLY



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ACLU-RDI 134 p.25

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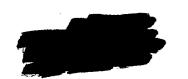
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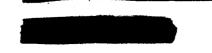
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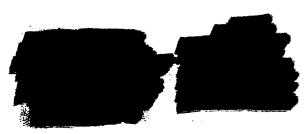
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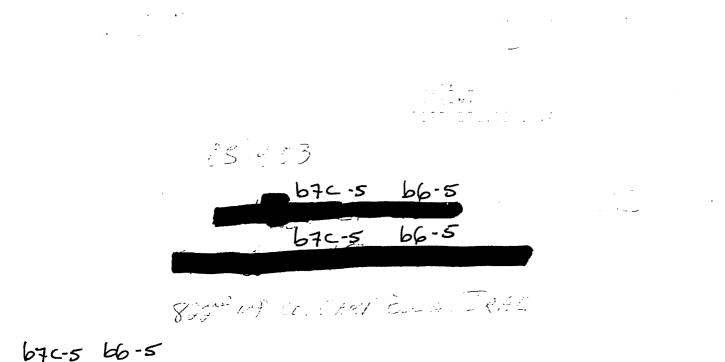






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Treschy May 13,2003 - Aprox - Time 0815

676-4,66-9 I spe herd what sounded like a gun shot. I into sure due to the noise the generator makes behind my position. I Looked at the welking rover who had stopped. I thought she may have herd the same thing. I turned to my right and I seen a man running along side the burm. The man was bleeding from the fine and matth. The man crossed over the burm coming toward my position. I drew my weapon and told him to get clown on the ground. I told the welking rover to get help. I tasked the man some watter and worked for assistance.

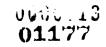
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56 DIFENSE CODE 6 5 TELETHONE / PLACE OF INTERMEN START VEHICLE DATA 74 CONTRACTOR NUMBER 77 CORP ADDRESS	EJ SPO 11 57 UFC 68 OFFENSE COOCE 1 ETS DATE INTERV END 75 FED SERV/PROD /	2 2 2 0 0F 60 0FC 7 8 1 ADMINIST PCS/207C2 TIME INTERV ENO CORPOR 75 CORPOR	RATIVE DATA RATIVE DATA DATE STAF PLACE OF INTER END DESTOSITION ATHON DATA	9 5 אנדואו 1	1 TIME INT START 79 CORP 57		5 PH0T0	1
56 DIFFENSE CODE 6 5 TELETHONE / PLACE OF INTERVIEW 5TART VEHICLE DATA 74 CONTRACTOR NUMBER	EI SPO	2 2 2 0 0F 60 0FC 7 8 1 ADMINIST PCS/207C2 TIME INTERV ENO CORPOR 75 CORPOR	RATIVE DATA RATIVE DATA DATE STAF PLACE OF INTER END DESTOSITION ATHON DATA	ץ ג געדאי אדי אונא	1 TIME INT START 79 CORP 57		5 PH0T0	1
56 DIFENSE CODE 5 TELETHONE / PLACE OF INTERMEW STAT VEHICLE DATA 74 CONTRACTOR NUMBER 77 CORP ADDRESS 82 CONTRACT NUMBER	E3 SPO 	2 2 2 0 0F 60 0FC 7 8 1 ADMINIST PCS/207C2 TIME INTERV ENO CORPOR 75 CORPOR	RATIVE DATA RATIVE DATA DATE STAF PLACE OF INTER END DESTOSITION ATHON DATA	ץ ג געדאי אדי אונא	1 TIME INT START 79 CORP 57		5 PH0T0	1
56 DIFENSE CODE 6 5 TELETHONE / PLACE OF INTERMEN START VEHICLE DATA 74 CONTRACTOR NUMBER 77 CORP ADDRESS	EI SPO	2 2 2 0 0F 60 0FC 7 8 1 ADMINIST PCS/207C2 TIME INTERV ENO CORPOR 75 CORPOR	RATIVE DATA RATIVE DATA DATE STAF PLACE OF INTER END DESTOSITION ATHON DATA	ץ ג געדאי אדי אונא	1 TIME INT START 79 CORP 57		5 PH0T0	1
56 DIFENSE CODE 5 TELETHONE / PLACE OF INTERMEW STAT VEHICLE DATA 74 CONTRACTOR NUMBER 77 CORP ADDRESS 82 CONTRACT NUMBER	EI SPO	2 2 2 0 0F 60 0FC 7 8 1 ADMINIST PCS/207C2 TIME INTERV ENO CORPOR 75 CORPOR	RATIVE DATA RATIVE DATA DATE STAF PLACE OF INTER END DESTOSITION ATHON DATA	ץ ג געדאי אדי אונא	1 TIME INT START 79 CORP 57		5 PH0T0	1
56 DIFENSE CODE 5 TELETHONE / PLACE OF INTERMEW STAT VEHICLE DATA 74 CONTRACTOR NUMBER 77 CORP ADDRESS 82 CONTRACT NUMBER	EI SPO	2 2 2 0 0F 60 0FC 7 8 1 ADMINIST PCS/207C2 TIME INTERV ENO CORPOR 75 CORPOR	RATIVE DATA RATIVE DATA DATE STAF PLACE OF INTER END DESTOSITION ATHON DATA	ץ ג געדאי אדי אונא	1 TIME INT START 79 CORP ST		5 PH0T0	1
56 DIFENSE CODE 5 TELETHONE / PLACE OF INTERMEW STAT VEHICLE DATA 74 CONTRACTOR NUMBER 77 CORP ADDRESS 82 CONTRACT NUMBER	EI SPO	2 2 2 0 0F 60 0FC 7 8 1 ADMINIST PCS/207C2 TIME INTERV ENO CORPOR 75 CORPOR	RATIVE DATA RATIVE DATA DATE STAF PLACE OF INTER END DESTOSITION ATHON DATA	ץ ג געדאי אדי אונא	1 TIME INT START 79 CORP ST		5 PHOTO 1 S1 COMP 21P	1

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While an duty as a roving patrol we got a CAIL over (is may co) the vadio of a prisoner outside of the wire NEAN Compound "7. We drove on the outside of the IF to the area of the tower guard. Upon arrival At tower, PFC stated he had shot at a prisoner near his tower. He then stated the prisoner was Near the tower to the west of his we Went to the Next tower to see where he was At. as we got nearer we saw Spc in his tower pointing his weapon at a prisoner on the ground. We jumped out and secured the prisoner. We noticed that he WAS bleeding ON his Cheek. We called TMC + brought the prisoner to the medics. The medics treated the prisoner As best they could. We were then told by the Cpt. of the medics to trake him to the Spanish Hospital in the Frt of the CIAMP. We took him their + Left him with the spanish.

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